



AGENDA

ORDINARY COUNCIL MEETING

28 July 2020

NOTICE OF ORDINARY MEETING OF COUNCIL

Dear Elected Member & Community Members

Pursuant to resolution 1219.010 of the meeting held 18 December 2019, an Ordinary Meeting of the Shire of Narrogin will be held on Tuesday, 28 July 2020, in the Shire of Narrogin Council Chambers, 89 Earl Street, Narrogin, commencing at 7:00 pm.

A handwritten signature in black ink, appearing to read "Dale Stewart".

Dale Stewart
Chief Executive Officer

Acknowledgement of Noongar People

The Shire of Narrogin acknowledges the Noongar people as traditional custodians of this land and their continuing connection to land and community. We pay our respect to them, to their culture and to their Elders past and present.

Naatj ngiyen Birdiya Gnarojin kep unna nidja Noongar Moort ngaala maya nidja boodjera baarlap djoowak karlerl koolark. Ngalak niny ngullang karnan balang Bibolman baalap borong koora wer boorda.

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Alternative formats are also available upon request, including large print, electronic format (disk or emailed), audio or Braille



Shire of
Narrogin
Love the life

STRATEGIC COMMUNITY

SNAPSHOT

PLAN
2017-27

VISION

A leading regional economic driver and a socially interactive and inclusive community.

MISSION

Provide leadership, direction and opportunities for the community.

KEY PRINCIPLES

In achieving the Vision and Mission, we will set achievable goals and work with the community to maintain a reputation of openness, honesty and accountability. In doing so we will:

- Respect the points of view of individuals and groups;
- Build on existing community involvement;
- Encourage community leadership;
- Promote self-reliance and initiative;
- Recognise and celebrate achievement;
- Support the principles of social justice; and
- Acknowledge the value of staff and volunteers.

OUR VALUES

Care with Trust & Teamwork

Caring - We display kindness and concern for one another and our community

Accountability - We accept responsibility for our actions and outcomes

Respect - We treat everyone how we would like to be treated

Excellence - We go the extra mile to deliver outstanding services

Trust - We share without fear of consequences

Team Work - We work together for a common goal

ECONOMIC



Support growth and progress, locally and regionally...

Growth in revenue opportunities

- Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business
- Promote Narrogin and the Region
- Promote Narrogin's health and aged services including aged housing

Increased Tourism

- Promote, develop tourism and maintain local attractions

An effective well maintained transport network

- Maintain and improve road network in line with resource capacity
- Review and implement the Airport Master Plan

Agriculture opportunities maintained and developed

- Support development of agricultural services

SOCIAL



Provide community facilities and promote social interaction...

Provision of youth services

- Develop and implement a youth strategy

Build a healthier and safer community

- Support the provision of community security services and facilities
- Advocate for mental health and social support services
- Continue and improve provision of in-home care services

Existing strong community spirit and pride is fostered, promoted and encouraged

- Develop and activate Sport and Recreation Master Plan
- Engage and support community groups and volunteers
- Facilitate and support community events
- Provide improved community facilities (eg library/recreation)
- Encourage and support continued development of arts and culture

Cultural and heritage diversity is recognised

- Maintain and enhance heritage assets
- Support our Narrogin cultural and indigenous community

A broad range of quality education services and facilities servicing the region

- Advocate for increased education facilities for the region
- Advocate for and support increased education services

ENVIRONMENT



Conserve, protect and enhance our natural and built environment...

A preserved natural environment

- Conserve, enhance, promote and rehabilitate the natural environment

Effective waste services

- Support the provision of waste services

Efficient use of resources

- Increase resource usage efficiency

A well maintained built environment

- Improve and maintain built environment

CIVIC



Continually enhance the Shire's organisational capacity to service the needs of a growing community...

An efficient and effective organisation

- Continually improve operational efficiencies and provide effective services
- Continue to enhance communication and transparency

An employer of choice

- Provide a positive, desirable workplace

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Please note that meetings may be recorded for minute taking purposes.

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ORDINARY COUNCIL MEETING

28 JULY 2020

1. OFFICIAL OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, President Ballard, declared the meeting open at 7:00 pm.

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

Elected Members (Voting)

Mr L Ballard – Shire President (Presiding Member)

Cr T Wiese – Deputy Shire President

Cr S Lushey

Cr M Fisher

Cr C Bartron

Cr J Early

Cr B Seale

Cr G Ballard

Staff

Mr D Stewart – Chief Executive Officer

Mr A Awang – Executive Manager Development & Regulatory Services

Mr T Evans – Executive Manager Technical & Rural Services

Mr F Ludovico – Executive Manager Corporate & Community Services

Ms C Thompson – Executive Assistant

Leave of Absence

Cr G Broad

Apologies

Absent

Visitors

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

Name	Item No	Interest	Nature
Mr L Ballard	10.3.8	Financial & Proximity	Part owner of a residential lot on Havelock Street (corner of Homer Street), Narrogin, where the Shire is proposing to perform bitumen reseal in the 20/21 Budget worth \$7,969.50.
Cr G Ballard	10.3.8	Financial & Proximity	Part owner of a farm abutting Wagin-Wickepin Road, Narrogin, where the Shire is proposing to perform stabilisation works and extension of bitumen seal as approved by the Regional Road Group in the 20/21 Budget worth \$787,500.00.

Cr Early	10.3.8	Financial & Proximity	Part owner of a rural residential lot at 54 Narrakine Road, Narrogin, where the Shire is proposing to perform bitumen reseal in the 20/21 Budget worth \$52,829.70.
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4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

5.1 Mr Max Werner – Narrogin Railway Station

The questions below were received from Mr Max Werner 15 July 2020.

“The Narrogin Station Buildings have been part of my study in architectural (heritage) conservation. The study aims to explore the visual properties of spatial configuration, to identify what informs us of spatial configuration properties of space. How heritage is received, perceived and read in contemporary intercultural context, and thereby conservation and adaptive re-use of the historical building a possible.

With great delight did we notice that the timber facing to the east side of the station platform has been replaced as part of the Shire’s ongoing ‘renovation’ work to the heritage listed building complex. Alas, we also noticed newly developed cracking and wall separation in the outer wall space (masonry) of the Station Buildings (Station House), previously not identified in the analysis of integrity.

Our inquiry is whether a more recent analysis of integrity has been conducted in view of safe keeping and future ‘renovation’ work on the building.

What it will do? When it will do? And to whose purpose?

I was told by senior Shire employee that information on structural integrity of the building is not available to the public. This seems rather strange when dealing with a heritage listed building (HCSA 03521). To our understanding the building (heritage asset) is held in trust for the wider community. Shouldn’t it therefore also be appropriately documented and accountable to the public?”

The Shire of Narrogin has provided the following comments to Mr Werner and as follows in a letter dated 23 July 2019 and provided a copy of the Wood and Grieve engineering inspection report.

“Thank you for your letter via email dated 14 July 2020, in regards to the Narrogin Railway Station Buildings. In response to your query below, we provide the following comments:

“Our inquiry is whether a more recent analysis of integrity has been conducted in view of safe keeping and future “renovation” work on building.

What it will do?

When it will do?

And to whose purpose?"

We wish to advise that in August 2017, the Shire had commissioned Wood and Grieve Engineering to prepare a Structural Inspection report of the Old Railway Station Buildings in Narrogin, including the footbridge, the toilet block and the Platforms. Please find attached a copy of the Inspection Report.

The report provides an assessment on the observed conditions of the buildings, areas of structural deterioration highlighting the areas of concerns and the recommended actions on each of the buildings and infrastructure which is detailed in the attached report.

The report highlighted the footbridge as a priority for remedial works as this is currently in use and the general state of the platforms which is in very poor conditions and requires the removal and replacement of the existing timber edge beams and timber retaining planks. Both these areas have been undertaken and completed as per the recommendations of the report.

As the buildings and structures are listed in the State Heritage Register as having significant heritage value, prior to undertaking these works, the Shire has sought written approval from the Department of Planning, Lands and Heritage which was subsequently granted.

The Shire is of the opinion that the Railway Station Buildings is much loved by the Community and have agreed to prioritise this project as our "Flag Ship" project.

In meeting its commitment to this project, the Shire has also appointed Laura Gray of Heritage Intelligence (WA) to prepare a Conservation Management Plan and Adaptive Reuse Strategy of the Railway Station Buildings and the Goods Shed.

The first phase of the project is to undertake a Community Consultation, which included an Open House inviting the Community to attend that were held on Friday 17 July and Monday 20 July 2020. This was well attended by the public. The Community consultation also included a Project Briefing/Walking tour to be held on Thursday 23 July 2020. It is anticipated that these reports will be completed in December 2020 for Council's consideration.

The report is for the benefit of the Shire to preserve, conserve and to protect the structural integrity and heritage of the buildings. Through this process we will ensure that the ultimate beneficiary is the Community and its future generations.

I hope that we have answered your queries and in the event that the response is not to your satisfaction, you are welcome to attend the Council meeting on Tuesday 28 July commencing at 7pm (Public question time is at the start of the meeting) and ask any remaining questions that you may have.

Should you have any queries, please do not hesitate to contact Azhar Awang, Executive Manager Development Regulatory Services or myself, via email, enquiries@narrogin.wa.gov.au...

6. APPLICATIONS FOR LEAVE OF ABSENCE

The next meeting is scheduled for 25 August 2020.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting

OFFICER'S RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 23 June 2020 be confirmed as an accurate record of the proceedings.

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

9. PETITIONS, DEPUTATIONS, PRESENTATIONS OR SUBMISSIONS

9.1 Mr Lawrence Riley – representing Koorminning Aboriginal Corporation

Mr Riley will address the Elected Members, prior to the matter being considered in this agenda, item 10.3.5 - Request for Rates Exemption - Koorminning Aboriginal Corporation (2-4 Hansard Street and 7 Hartoge Street, Narrogin).

10. MATTERS WHICH REQUIRE DECISIONS

10.1 DEVELOPMENT AND REGULATORY SERVICES

10.1.1 FINAL ADOPTION – COLOUR PALETTE AND SIGN GUIDE (CENTRAL BUSINESS PRECINCT) POLICY

File Reference	18.6.5
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	Item 10.1.2 – 28 April 2020 Res. 0420.004
Date	July 2020
Author	Azhar Awang – Executive Manager Development and Regulatory Services
Authorising Officer	Dale Stewart – Chief Executive Officer
Attachments	<ol style="list-style-type: none">1. Policy - Colour Palette and Sign Guide (Central Business Precinct)2. H+H Architects Town Centre Colour Palette Guide & Signage Guide3. Schedule of Submissions

Summary

Council is requested to consider the Shire of Narrogin Colour Palette and Sign Guide Policy for final adoption. The Draft Policy was advertised for public comment and following the closing of the advertising period it was referred to the Narrogin Townscape Advisory Committee for review.

Background

H+H Architects was appointed by the Shire of Narrogin to prepare the Shire of Narrogin Town Centre Colour Palette Guide & Signage Guide, which was identified in the 2016 Narrogin Townscape Study Review to be developed in order to improve and preserve the physical and aesthetic quality of the Central Business District.

The Draft Policy was previously considered by the Narrogin Townscape Advisory Committee at its meeting held on 31 March 2020, whereby it resolved as follows:

“That, with respect to the Shire of Narrogin Draft Local Planning Policy Colour Palette and Sign Guide for development within the Central Business Precinct, the Committee recommend for Council consideration:

- 1. The Draft Local Planning Policy for the purposes of advertising in accordance with clause 9.9 of the former Town of Narrogin Town Planning Scheme No. 2 for a minimum period of 21 days; and*

2. After the closing period of public advertising, any submissions received shall be presented to the Council for its further consideration.”

On 28 April 2020, the Draft Policy was presented at the Council meeting and it resolved as follows:

“That, with respect to the Shire of Narrogin Draft Policy - Colour Palette and Sign Guide for development within the Central Business Precinct, Council:

1. Support the Draft Policy for the purposes of public advertising in accordance with clause 7.9 of the former Town of Narrogin Town Planning Scheme No. 2 for a minimum period of 21 days, including written notification to property owners, lessee and relevant state agencies (Department of Planning, Land and Heritage, Local Chamber of Commerce).

2. After the closing period of public advertising, any submissions received shall be presented to the Council for its further consideration.

3. Request the Chief Executive Officer to formulate and implement a funding application process including guidelines, selection criteria and application form, consistent with the concepts in this agenda report, for the consideration and approval of the Townscape Advisory Committee, subject to all applications being determined by the Council.

4. Consider an allocation of \$15,000 per annum, commencing in the 2020/21 Annual Budget, as contributory funding to assist achieve the objectives of the Policy and Colour Palette and Sign Guide.”

The Draft Policy was advertised for a period of 21 days on the Shire’s website, Facebook and letters were sent to the Department of Planning, Lands and Heritage, the local Chamber of Commerce, property owners and lessees in the CBD.

At the conclusion of public advertising which expired on 29 May 2020, two written submissions were received, both objecting to the Draft Policy. A copy of their submissions are included in Attachment 3.

A report was presented at the Narrogin Townscape Advisory Committee held on 16 June 2020, whereby the Committee resolved as follows:

“That, with respect to the Shire of Narrogin Policy - Town Centre Colour Palette and Sign Guide for development within the Central Business Precinct, the Committee recommend to Council to:

1. Adopt the Policy as a Council Policy to guide and encourage Businesses to improve the external building facades within the precinct.

2. Request the Chief Executive Officer to formulate and implement a funding application process including guidelines, selection criteria and application form, consistent with the concepts in this agenda report, for the consideration and approval of the Townscape Advisory Committee, subject to all applications being determined by the Council.

3. Consider an allocation of \$15,000 per annum, commencing in the 2020/21 Annual Budget, as contributory funding to assist achieve the objectives of the Policy and Colour Palette and Sign Guide.

4. Advise all respondents that provided submissions on the above outcome.”

Comment

Central Business Precinct

The Shire of Narrogin Town Centre Colour Palette Guide & Signage Guide was developed for the Central Business Precinct consistent with the 2016 Narrogin Townscape Study Review. The Central Business District is bounded by the southern side of Clayton Road, Federal Street, Fairway Street, Park Street and Earl Street as defined in the former Town of Narrogin Town Planning Scheme No.2.

Local Planning Policy

Clause 7.9.4 of the former Town of Narrogin Town Planning Scheme No. 2, in reference to local planning policy states as follows:

“A Planning Policy shall not bind the Council in respect of any application for Planning Approval but Council shall take into account the provision of the Policy and objectives which the Policy was designed to achieve before making its decision.”

The Policy is in two parts. Part one deals with the Colour Palettes and part two deals with the Sign Guidelines. The objectives of this policy are as follow:

Colour Palette:

- Create a consistent colour palette applicable to development using colours from the Town Centre Colour Palette Guide developed by H+H Architects;
- Strengthen the identity of the Central Business Zone;
- To provide guidance to Council and private landowners and developers on the appropriate external colours for new or existing development;
- Where possible encourage original colour schemes to enhanced the heritage building, streetscape and the Central Business Precinct;
- To attain a high quality visual streetscape; and
- To preserve, enhance and complement the existing built environment.

Sign Guidelines:

- Ensure consistency with the sign guidelines for the Town Centre Precinct in accordance with the Town Centre Colour Palette Guide and Signage Guide prepared by H+H Architects;
- Guide the design, materials and siting of advertising structures and signs in the Town Centre Precinct;
- Ensure that signs erected on heritage buildings, or any buildings in the Town Centre Precinct, are compatible with the character of the building, streetscape and heritage precinct; and
- Ensure that signs are located in appropriate positions on the building, be clear and easy to read from the street and not to visually dominate the building or area.

Submissions

Two written submissions were received during the submission period objecting to the Policy. Comments arising from the two submissions are summarised as follows:

- “The use of corporate colours gives business an identity that is easily recognisable within town and ensures maximum advertising and branding. Any move away from this would be detrimental financially to the business.”

- “Existing business within our CBD utilising colour on their shop fronts are easily identifiable and we feel well maintained. Premises with a cream or white exterior appear dirty, uninviting, and quite often you have no idea what business is operating within.”
- “Applying the colour policy will prohibit potential new businesses coming into the CBD by limiting their marketing potential.”
- “How does the ghastly colours of the bins and bike racks fit in with the policy?”
- “The existing bins and bike racks do not fit in with the guidelines and only match the Shire logo, and if the policy is adopted will look more ridiculous.”

The Policy provides guideline as to how new developments within the Central Business Precinct are to be assessed and assisting new and existing property owners and developers in terms of colours and signage treatment of the building.

As the intent of the Policy is to encourage business owners to paint the external front facade of their buildings in appropriate colour palettes, it is considered more appropriate to adopt the Policy as a Council Policy (as opposed to a Local Planning Policy) using the Colour Palette and Sign Guide as a guideline as opposed to a statutory document.

It is recommended that in terms of promoting and encouraging the property owners to apply the Colour Palette guide, as an incentive, Council could look at allocating funds in the proposed 2020/21 Budget as a matching fund to a maximum of \$2,500 per applicant.

It is also recommended that the Narrogin Townscape Advisory Committee, take on the responsibility to determine the evaluation process and to prioritise the buildings to be developed and recommended to Council.

Consultation

Written notification was provided to owners and lessees in the Central Business Precinct, as well as the Department of Planning, Lands and Heritage and the local Chamber of Commerce.

The comments were then referred to the Narrogin Townscape Advisory Committee for consideration.

Statutory Environment

The former Town of Narrogin Town Planning Scheme No. 2 relates:

- Clause 7.9 – Power to Make Policies

7.9.1 In order to achieve the objectives of the Scheme the Council may make Planning Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development and land use.

7.9.2 Such Planning Policies shall become operative only after the following procedures have been completed:

- a) *The Council, having resolved to adopt a Planning Policy shall advertise a summary of the Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the full policy may be inspected and where, in what form and during what period (not being less than 21 days) representations may be made to Council.*

b) Council shall review its Planning Policy in the light of any representations made and shall then decide to rescind the Policy or to finally adopt the Policy with or without amendments or modifications.

c) Following final adoption of a Planning Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours but shall not form part of the Scheme.

7.9.3 After final adoption, a Planning Policy may only be altered or rescinded by:

a) Preparation and final adoption of a new Policy pursuant to the Clause, specifically worded to supersede an existing Policy.

b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

7.9.4 A Planning Policy shall not bind the Council in respect of any application for Planning Approval but Council shall take into account the provision of the Policy and objectives which the Policy was designed to achieve before making its decision.

Deemed Provisions for Local Planning Schemes - Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 Part 2 Clause 4 – Procedure for making Local Planning Policy.

Policy Implications

Policy 1.14 - Community Engagement Policy, as adopted by Council, was used as a guide when consulting with the public and other stakeholders.

The development of the Policy will provide a consistent outcome in the application of Colours and Signage guidelines within the Central Business precinct.

Financial Implications

There has been a number of discussions over several years by Elected Members and successive Townscape Committees in providing an incentive to property owners to improve the overall aesthetic quality of the streetscape of the CBD precinct. This policy would provide the catalyst for property owners to improve the overall aesthetic of the streetscape by painting the external façade of the building.

It is noted that the current Draft Budget includes a total of \$15,000 per annum for the purpose of Streetscape Improvement within the CBD precinct. A matching contribution of funds by the property owner/s, to a maximum of \$2,500, can be made available on application, to be assessed by the Narrogin Townscape Advisory Committee and recommended to Council.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective	1.	Economic Objective (Support growth and progress, locally and regionally)
Outcome:	1.1	Growth in revenue opportunities

Strategy:	1.1.1	Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business
Objective	2	Social Objective (To provide community facilities and promote social interaction)
Outcome	2.4	Cultural and heritage diversity is recognised
	2.4.2	Maintain and enhance heritage assets
Objective	3	Environment Objective (Conserve, protect and enhance our natural and built environment)
Outcome	3.4	A well maintained built environment
Strategy	3.4.1	Improve and maintain built environment.

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That, with respect to the Shire of Narrogin Policy - Colour Palette and Sign Guide (Central Business Precinct), Council:

1. Adopt the Policy as a guide and encourage businesses to improve the external building facades within the precinct.
2. Request the Chief Executive Officer to formulate and implement a funding application process including guidelines, selection criteria and application form, consistent with the concepts in this agenda report and Policy, for the consideration and approval of the Townscape Advisory Committee, subject to all applications being determined by the Council.
3. Consider an allocation of \$15,000 per annum, commencing in the 2020/21 Annual Budget, as contributory funding to assist achieve the objectives of the Colour Palette and Sign Guide (Central Business Precinct) Policy.
4. Advise all submitters of the above outcome.

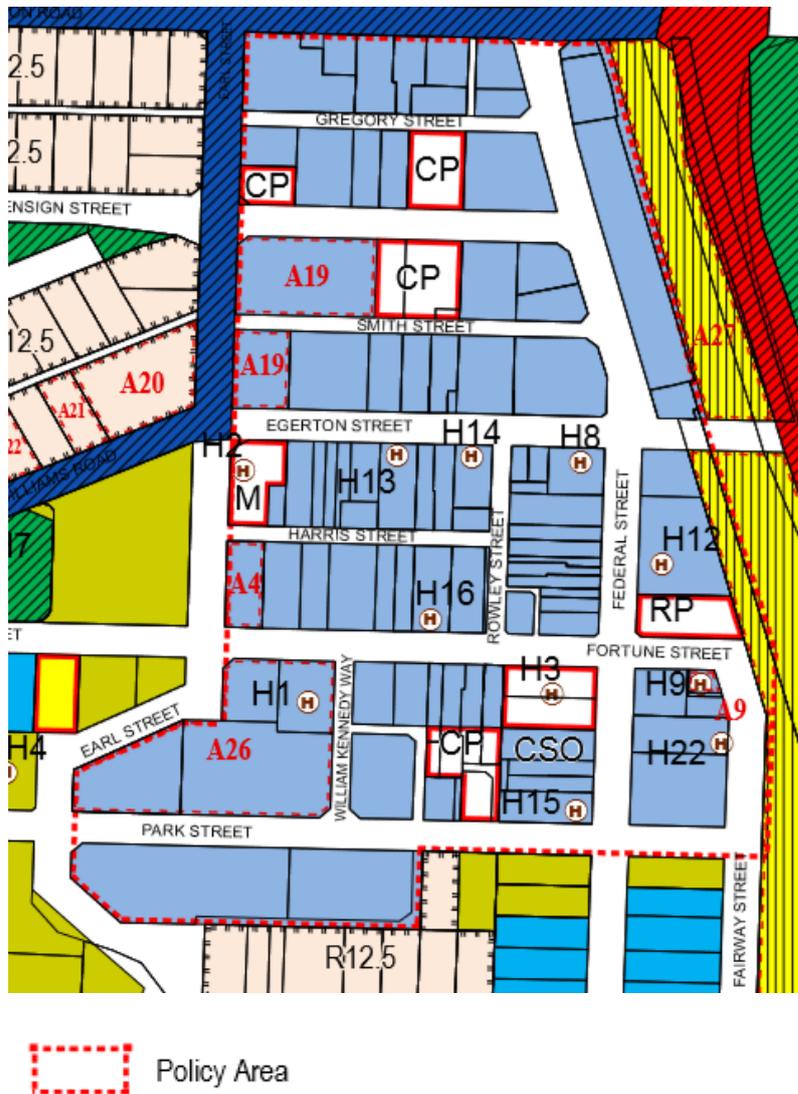
Colour Palette and Sign Guide (Central Business Precinct)

Statutory context	Nil
Corporate context	Nil
History	Adopted dd mmmm yyyy

Policy Statement

The Central Business Precinct

This Policy applies to the Central Business District (CBD). The Central Business Precinct is bounded by the southern side of Clayton Road, Federal Street, Fairway Street, Park Street and Earl Street as defined in the former Town of Narrogin Town Planning Scheme No.2 as depicted in the plan below.



Former Town of Narrogin Town Planning Scheme No. 2 – Scheme Map

1.0 COLOUR PALETTE

1.1 Objectives

The objectives of this policy are to:

- Require proponents within the CBD Precinct, if they intend painting their exterior of the property or affixing or altering signage to their property, to lodge a Development Application to the Shire for assessment in accordance with this Policy.
- Create a consistent colour palette applicable to development using colours from the Town Centre Colour Palette Guide developed by H+H Architects;
- Strengthen the identity of the Central Business Zone;
- Provide guidance to Council, private landowners and developers on the appropriate external colours for new or existing development;
- Encourage where possible, original colour schemes to enhanced the heritage building, streetscape and the Central Business Precinct;
- Attain a high quality visual streetscape; and
- Preserve, enhance and complement the existing built environment.

1.2 Policy Statement

An integral part of the '2016 Narrogin Townscape Study Review' undertaken by H+H Architects and Malone Design is the adoption of a "colour palette" to be used as a guide by Council when it assesses new and existing development, and when it selects colours for application to public street furniture and public buildings.

The colours are considered appropriate to the Shire of Narrogin environment, and have the potential to introduce an exciting new element into the town's character.

H+H Architects has been commissioned to develop the Shire of Narrogin 'Town Centre Colour Palette Guide and Sign Guide', which is to be used as a basis for guiding developments within the Central Business Precinct and to be read in conjunction with this policy.

1.3 Policy Provisions

Colours Guidelines

- 1.3.1. Development Applications lodged that propose the treatment of the external surface of a building shall include the following information:
- Demonstrate that the type of paint, as well as the preparation of the building and application of the paint will contribute to the conservation of the building, and will not significantly compromise the significant heritage fabric of the building.
 - Evidence of research into original colour schemes in the form of a paint scraping and/or historical research into the style of building.
- 1.3.2. Where possible, colours selected shall be consistent with the original colour schemes of the building.
- 1.3.3. Where it is not possible to determine the original colour scheme, colour selection shall be consistent with the following key principles and the Colour Palette Guide based on the era of the development (Federation, Inter-War and Post War):
- The main body of the wall shall be natural wall colours that suggest the natural materials underneath (i.e. brick, stone or render).
 - Where it is proposed to paint brick or stone quoining, colours shall be consistent with the natural materials underneath.
 - Decorative elements - including cement rendered dressings (stucco), architraves, friezes, cornices, and pilasters – shall be highlighted with the use of no more than two muted tones in a lighter colour than the main body of the wall.
 - Outer window frames shall be painted in dark colours (browns, deep reds, or dark greens), with light cream or white highlights accentuated in window sashes, and dividing joinery between individual window panes.

- In the case of verandahs and awnings, structural elements shall be dark tones (browns, deep reds, or dark greens) while decorative elements shall be highlighted with the use of light muted tones (cream or white).
- In the case of buildings with external timber cladding, paint colours shall be consistent with the original colour schemes of the building.

1.3.4. In addition to clause 1.2., Council shall have regard to the following:

- Any established conservation management plan relating to the site;
- Any statement of heritage impact relating to the site; and
- Any advice received from the Heritage Council of Western Australia relating to the site.

1.4 Face brickwork and Limestone Fabric

- 1.4.1 Council will not approve the rendering or painting of face brickwork or limestone fabric for buildings of recognised heritage significance unless it can be demonstrated by the applicant that it is not possible to conserve the face brickwork or limestone fabric in its current form, and painting or rendering the face brickwork or limestone fabric is the only suitable conservation treatment in the circumstances.
- 1.4.2 The sealing of exposed face brickwork or limestone fabric of buildings with recognised heritage significance is not considered appropriate and will not be supported.
- 1.4.3 In cases where treatment of face brickwork and limestone fabric is proposed, an application shall be accompanied by a technical report from a suitably qualified expert in support of the methodology to ensure that the treatment will be beneficial for the ongoing conservation of the building.

1.5 Treatment of Existing Buildings Listed in the Shire of Narrogin Local Heritage Survey 2019

- 1.5.1 Paint colours shall be compatible and complimentary to the heritage character of the existing building.
- 1.5.2 Where the external building is constructed of face brickwork and limestone fabric, treatment of external surfaces shall be in accordance with clause 1.2 of this policy.

1.6. New and Infill Development

- 1.6.1 Proposed colour schemes and finishes are to be consistent with the Colour Palette Guide and have regard to the following criteria:
- Whether the colour scheme and/or building finishes are consistent with the streetscape.
 - Whether the colour scheme and/or building finishes are likely to have any significant impact on any abutting or immediately adjacent property with recognised heritage significance.
 - The colour palette shall be used as a guide for applicants when assessing new and existing development including street furniture and public buildings within the Shire of Narrogin Central Business Precinct.
 - Applicants will be strongly encouraged to use the colour palette that reflect the era of development (Federation, Inter War and Post War periods).
 - Any request by an applicant to deviate from the adopted colour palette must be accompanied by detailed reasons. The CEO may approve alternative colours which are reasonably close to those contained within the colour palette, and where the overall visual intent will not be compromised.

2.0 Sign Guidelines

2.1 Objectives

The objectives of this policy are to:

- Ensure consistency with the sign guidelines for the Town Centre Precinct in accordance with the Town Centre Colour Palette Guide and Signage Guide prepared by H+H Architects.
- Guide the design, materials and siting of advertising structures and signs in the Town Centre Precinct.
- Ensure that signs erected on heritage buildings, or any buildings in the Town Centre Precinct, should be compatible with the character of the building, streetscape and heritage precinct.
- Ensure that signs are located in appropriate positions on the building, be clear and easy to read from the street and not to visually dominate the building or area.

2.2 Policy Statement

This policy has been prepared to support and to be read in conjunction with Part V – Control of Advertisements of the former Town of Narrogin Town Planning Scheme No. 2 and the Shire of Narrogin Public Places and Local Government Property Local Law 2016. The scheme requires the submission of an application for Development Approval for non-exempt advertisements.

2.3 Policy Provisions

Signs above Verandah Level

Advertising panels on parapets should be used in preference to other locations. Parapet signs are to be of appropriate size and do not dominate the façade.

Only one line of advertising space should be encouraged.

Signs on Verandah and Awnings

Signs on Verandahs and Awnings should not obscure architectural detailing. A sign fixed to the outer or return fascia of a verandah or awning is appropriate provided that:

- It does not project beyond the outer metal frame or the surround of the fascia; and
- It does not obscure architectural detailing.

Signs Painted onto Display Windows

Permanent signs on windows of retail premises should cover no more than 30% of the display window and should not clutter or dominate the shopfront window.

Signs below Verandahs

Suspended signs under the verandah at right angles to the building should not exceed 250mm x 1800mm and should be at least 2.4 m above the ground level.

A sign under the verandah shall:

- Have a headway clearance of at least 2.4m
- Restricted to one (1) sign per shop; and
- Have a minimum setback of 750mm from the kerb.

Signs on Buildings without Verandahs

Signs should be restricted to:

- Parapet signs;
- Shop window signs;
- Suspended signs off wrought/cast iron brackets, maximum size 400mm x 400mm;
- Tenancy boards flat to wall adjacent to doorways.

Signs on Building Walls

Signs on side walls of buildings should be designed to complement the building expression and colour scheme.

Colour

Colours of signs should complement the overall colour scheme of the building.

– End of Policy

Notes

Shire of Narrogin

Town Centre
Colour Palette Guide & Signage Guide



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DRAFT - MARCH 2019
REV 0 - Client review
REV 1 - Planning Review

Introduction

These Colour Scheme & Signage Guidelines have been developed to be read in conjunction with the broader principles outlined in the *Development Guidelines for Narrogin Town Centre Precinct* and are designed to reflect upon the core values and objectives that were identified in the Narrogin Townscape Study Review (2016), particularly with regard to:

Liveability – making Narrogin a nice place to live and visit
Retaining Unique Character
Consolidating the CBD

Intent

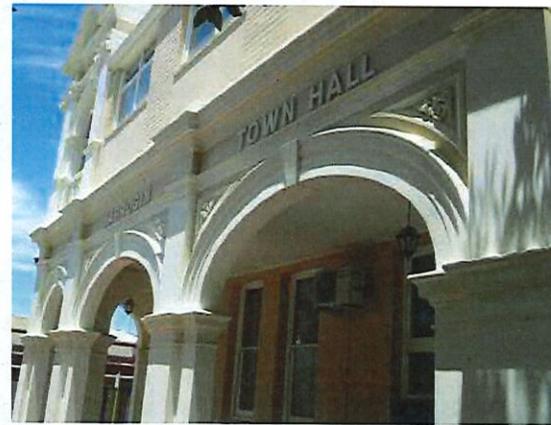
The intention of this document is to provide visual guidance when developing external colour schemes and signage strategies for buildings in the Town Centre of Narrogin to ensure that the individual expression of buildings meets the needs of owners and tenants, whilst also contributing to the creation of a harmonious streetscape and the preservation of the aesthetic and historic values of the Central Heritage Precinct.

The Importance of Colour & Materials

The visual presentation of a building can impact on the way people interact with the built environment and connect with their community. Places that are well cared for and well presented can be enjoyed by the general public and often have a long history of ongoing use, making them an important part of the fabric of the town. Buildings in the Town Centre were usually built to last and often remain long after the businesses or tenants they once housed are in operation. They were often built to represent the ambitions of the original owners, and their architectural expression is typically representative of design trends of that era, as well as local skills and availability of labour. Because of their role in creating the public realm, buildings need to retain an identity which is separate to the corporate branding of their tenants, and should not be treated as billboards. Buildings should make a positive contribution to the streetscape and the public realm, and when viewed as a streetscape, should work together to create a cohesive and attractive appearance.

Colour and materials used in buildings can make a strong contribution to our 'sense of place'. For example, in Narrogin we see widespread use of local stone and bricks, and the traditional mortars used in masonry construction utilised local sand which is different from materials used in other places. The taste for architectural styles is often a reflection of the people and organisations who commissioned the buildings, and the skills of local builders and trades who built them. In Narrogin, there are a number of notable examples of buildings from different eras built in different styles.

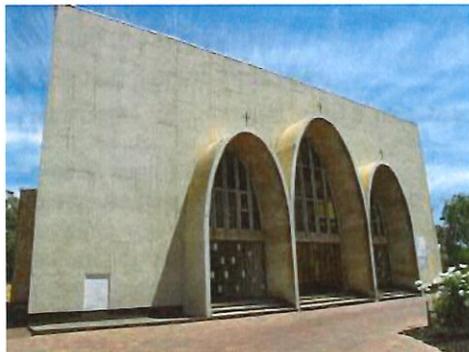
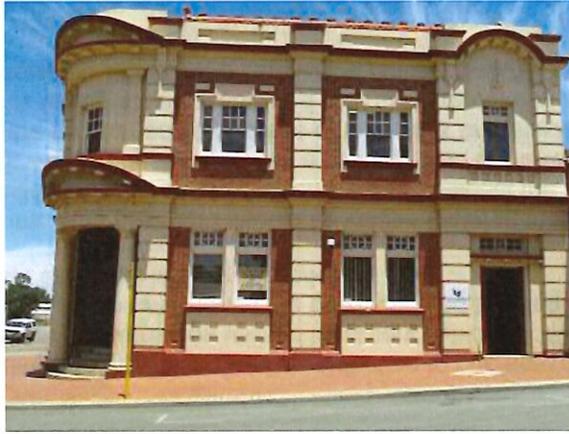
Buildings provide unique insights into eras past, and should be valued for what they represent about these different phases. Different architectural styles have had different levels of popularity, and often a building becomes 'ugly' when we don't respect the design intent of the original building and try and make it look like something which it is not. It is important to recognise and work with the design intent of a building, and to make sure that any new development respects the context and setting of existing fabric. Development Guidelines for the Town Centre recommend that areas of face brick and blockwork remain unpainted and unrendered, as this protects the integrity of the original building expression, and often also prevents future issues associated with rising damp and deteriorating masonry. Buildings don't all need to look the same to make an attractive and cohesive streetscape, and a harmonising streetscape can still be achieved with some individual expression. The individual expression should not be at the expense of the other buildings in the precinct.



Town Character – what is the architectural character of Narrogin?

The Central Business District of Narrogin has a distinct architectural character which demonstrates the primary periods of economic development in the town, namely the Federation era (1890-1915) and the Inter-War era (1915-40) with some examples of Post War architecture (1940-1960) and other more recent infill developments from the 1970s onwards.

It is desirable to retain and enhance the character of Narrogin, and to ensure that the Town Centre is visually appealing and attractive. There should be a precinct-based approach, to make sure that all the buildings in the Town Centre are maintained, developed and used in a consistent way, not just those that are identified as heritage buildings. All the buildings are reflective of different eras and stages of development in Narrogin, and all have the ability to contribute positively to the streetscape character of the Town Centre.



Federation Era

The Federation era buildings are highly expressive of the optimism of this era, which was a period of growth for regional settlements in Western Australia, mostly linked with the gold boom and the expansion of the rail network. The buildings creatively use elements of classical architecture to create grandeur and status for civic and commercial buildings, without slavishly following the classical “rules”. There is considerable use of decorative devices and materials including the following features that can be found throughout Narrogin:

Building character

- Face brickwork with contrasting rendered banding and classical details
- Decorative face brick and natural stone with rendered quoining
- Original shopfront glazing & framing, stained glass and obscured glass elements, tessellated tile thresholds, glazed tiles to dado height/lower walls of shopfronts, suspended shop signage, re-entrant doorways
- Archways and porches and shady arcade spaces that clearly define the entry and transitional public spaces
- Nil setback to the footpath
- Garden settings and low fences to buildings that included residential functions
- Shady verandahs and awnings to the footpaths
- Underside of awnings featuring decorative pressed metal



Notable local examples:

- Mardoc Building (1908)
- Courthouse (1894-1905)
- Town Hall (1908)
- Union Bank of WA (1905)
- Roads Board Office (1905)
- Masonic Hall 1907
- Narrogin Post Office (1912)
- Narrogin Trading & Agency Co. (1909/1922)

These buildings represent a period of ‘place building’ in Narrogin, demonstrating the hopes and aspirations of the town as an agricultural centre for the Wheatbelt. All aspects of civic function are strategically placed in the main streets of the town, which is positioned close to the railway line, typically symbolic of the main supply and communication routes connecting regional towns and centres.





Colour Schemes for Federation era Buildings

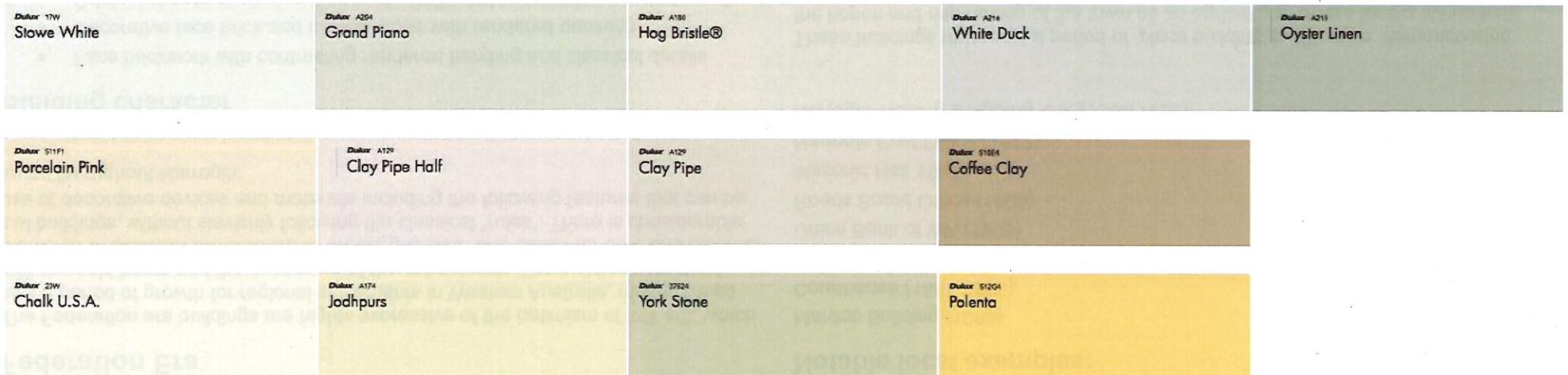
Colour schemes for Federation era buildings can vary, but colours that were popular for exterior colour schemes in this era included dark greens and red oxides, blue greys and charcoals, as well as beige and buff (pale orange-brown) with highlights of cream and white. Tonal contrast was important to provide visual interest and to help highlight key features and architectural devices. The buildings often have a mix of masonry and timber work, providing many opportunities to use colour schemes of three or four complementary colours.

External walls:

- Warm-coloured (red) face-brick walls with contrasting cream or white-coloured rendered banding, sills and cornice details.
- Natural local stone with quoining to the external walls and window/door surrounds. The quoining could be in natural face-brick or painted render, usually in a neutral beige or buff colour similar in tone to the natural colours of the stone.
- Rendered and painted masonry walls, usually painted in two tones of colours. Small mouldings were often picked out in a third colour. Rendered and painted walls could be in a range of beige, buff, ochre or pink tones, usually derived from the natural colours of clay and ochre.
- Decorative skyline featuring classical elements including pediments, cornices and balustrades to the parapet, or dramatic gable roof forms with dormer windows and roof line features. Roofs were often terracotta tile or corrugated galvanised iron (sometimes painted oxide red or green) with vertical chimney elements.



External wall colours - examples



External doors:

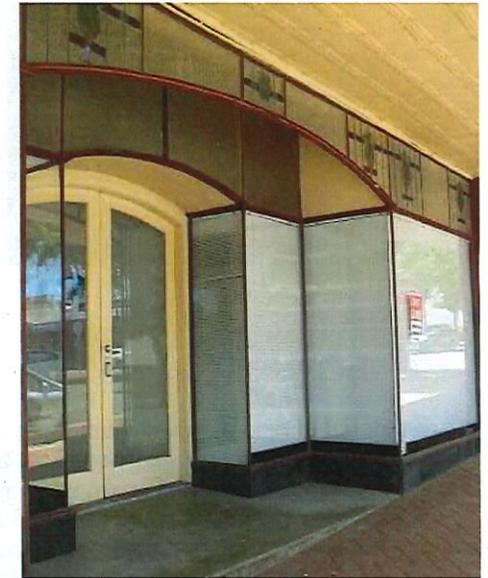
- Front doors were often four-panelled doors and painted in two tones, usually variations on red oxide or forest green with lighter highlight colours like olive green for example. Dark tones were more popular than light tones, and could also include dark blues and greys.
- Sometimes bold feature colours can be used on front doors to provide individuality and contrast with the predominant wall colours, provided the colours themselves are complementary

Window frames:

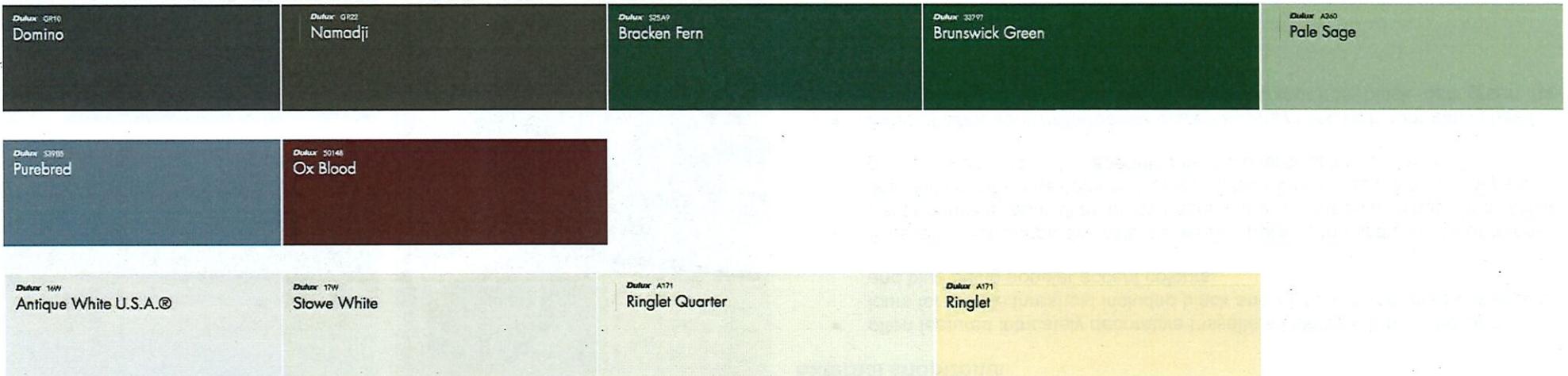
- Often in a dark tone (ie. Venetian red, Indian red, dark burgundy, charcoal, or brown) or a white/cream colour

Verandahs

- Verandah posts and beams could be painted in a dark, mid or light tone, usually depending on achieving a tonal contrast with the main walls. If the external walls are a light colour, then the verandah posts should be mid or dark toned. If the walls are a mid tone, either light or dark tones to the verandah posts and beams. Dark tone walls (ie. Face brick) would usually have light or mid tones used on the verandah posts.
- Verandah lacework or brackets were sometimes painted in a colour tone that contrasted with the main timber work of the verandah, often using a complementary colour



Joinery colours - examples





External shopfronts

- often featured intricately decorative tessellated tile floor thresholds and colours for the tile threshold included black and white with red, green, mustard and blue being popular accent colours.
- Pressed metal decorative ceilings were popular to the soffit linings of re-entrant doorways, as well as to the underside of verandah awnings. Often these are white or off-white colours, but were also often painted in a mid tones of green, yellow and pink, depending on the overall colour scheme.
- External shopfront walls feature glazed subway tiling with contrasting bead trims to the shopfront walls. Tiles ranged in colour from black, dark green, forest green, burgundy

Setting

- With its classical forms and inherent grandeur, many of the commercial and civic buildings were designed to engage directly with the street, with buildings constructed right up to the boundary, and verandahs and awnings placed over the footpaths.
- Some buildings were setback slightly from the street, particularly those that incorporated residential functions (such as banks and church buildings) which frequently had domestic-style fencing (picket or wire or brick) and low gardens. Where these elements are still extant they should be retained, as they reflect the original 'mixed use' character of the Town Centre. Fences were often painted white or in dark tones, to match in with the colour scheme of the main building.



Examples of Federation era colour schemes

Rendered Details Main wall colour

Dulux A204 Grand Piano Quarter	Dulux A204 Grand Piano	Dulux GR10 Domino	Dulux 17W Stowe White
Dulux A174 Jodhpurs	Dulux S1204 Polenta	Dulux 14W Antique White U.S.A.®	Dulux S25A9 Bracken Fern
Dulux S10E4 Coffee Clay	Dulux A12P Clay Pipe	Dulux S0148 Ox Blood	Dulux A171 Ringlet Quarter
Dulux A100 Hog Bristle®	Dulux A100 Hog Bristle® Quarter	Dulux 33797 Brunswick Green	Dulux A240 Pale Sage
Dulux S11F1 Porcelain Pink	Dulux 17W Stowe White	Dulux S0148 Ox Blood	Dulux 23W Chalk U.S.A.
Dulux A174 Jodhpurs Quarter	Dulux A174 Jodhpurs	Dulux 14W Antique White U.S.A.®	Dulux S25A9 Bracken Fern
Dulux A216 Oyster Linen	Dulux A216 White Duck	Dulux S39B5 Purebred	Dulux GR22 Namadji

Joinery



OR





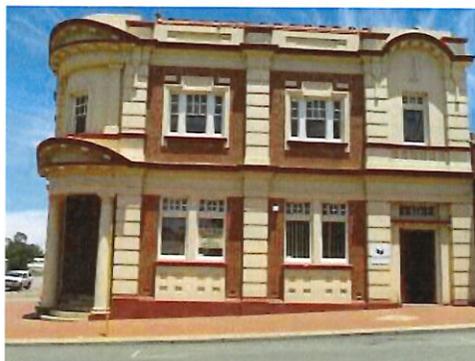
Inter-War Period

By the 1920s, the Wheatbelt was experiencing another period of growth and prosperity following the end of World War I and there was a number of buildings that were built or expanded during this time that are still extant in Narrogin. Despite the impact of the Depression in the 1930s, Narrogin remained as a major rural centre, and the buildings of this era, although somewhat modest and simplified in expression, still demonstrate the general prosperity of the region. The Inter-War period included the popular architectural styles such as Art Deco and some Freestyle and Stripped classical styles which are evident in Narrogin.



Building character

- Face brickwork with contrasting rendered banding and simplified classical details
- Rendered and painted masonry walls with stylised detailing
- Decorative face brick and concrete masonry to create visual interest
- Original shopfront glazing & framing, stained glass and obscured glass elements, tessellated tile thresholds, glazed tiles to dado height/lower walls of shopfronts, suspended shop signage, re-entrant doorways
- Archways and porches and shady arcade spaces that clearly define the entry and transitional public spaces
- Nil setback to the footpath
- Shady verandahs and awnings to the footpaths
- Underside of awnings featuring decorative pressed metal



Notable local examples:

- Hordern Hotel (1922)
- National Bank (1905/1925)
- AMP Building (1927)
- Commonwealth Bank (1940)
- Soldiers Memorial Hall (1924)
- CWA Hall (1920s)
- Bushalla's House (1922)
- Ambulance Hall (1937)
- Infant Health Clinic (1940)

Colour Schemes for Inter War era Buildings

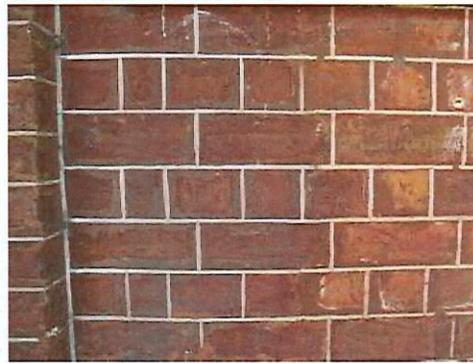
Colour schemes in the Inter War period were influenced by artistic and decorative movements of the era. Some themes of the Federation era persisted, but usually the design elements of this period were more stylised and streamlined than their predecessors. There was still considerable use of face brick with contrasting rendered detail, particularly in commercial buildings, but full rendered masonry facades became more popular and the classical detailing was replaced with more modern decorative devices. Accent colours used were typically warm tones, in shades of warm red, ochre and cream (less of the dark reds and burgundy popular in the previous era) sometimes with shades of green and blue.

Art Deco was a popular trend in the Inter-War era and Art Deco colour schemes utilised graduated colour patterns to accent the architectural features, and often included bold use of black contrasted against pastel pinks, yellows, greens and blues, or muted greys, browns and whites.

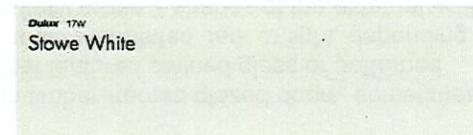
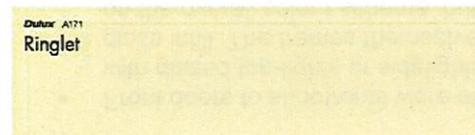
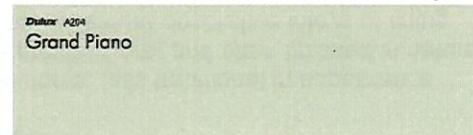
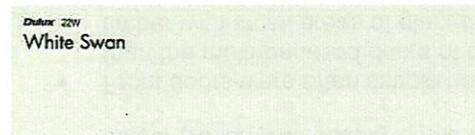
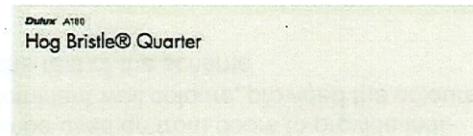
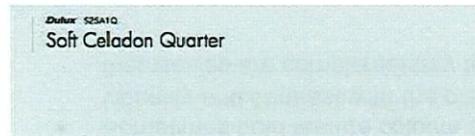
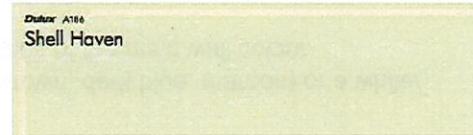
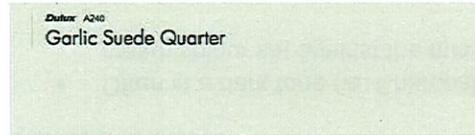
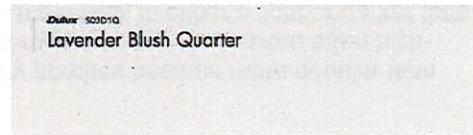
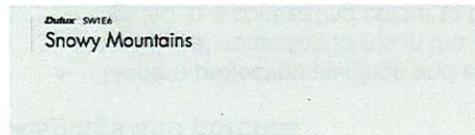
There was new experimentation in modern building materials, including greater use of glass, concrete blocks and feature tiles or masonry elements. Visual interest was achieved using the textures and patterns of the materials themselves (ie. Decorative concrete blocks or bricks), or in creating contrast between different building materials arranged artfully.

External walls:

- Warm-coloured (red) face-brick walls with contrasting cream or white-coloured rendered banding, sills and simplified classical details.
- Unpainted decorative concrete block-work arranged to create visual interest and surface patterning
- Rendered and painted masonry walls, usually painted in a mid tone with slightly lighter or darker tones used to accentuate features. Colours were often pastel or muted colours applied in graduated tones to emphasise patterns and decoration. Plain whites and creams were not common except on buildings in the Functionalist or Spanish Mission styles.
- Decorative skyline with parapet walls that included simplified motifs inspired by the art influences of the era, often painted in graduated colours.

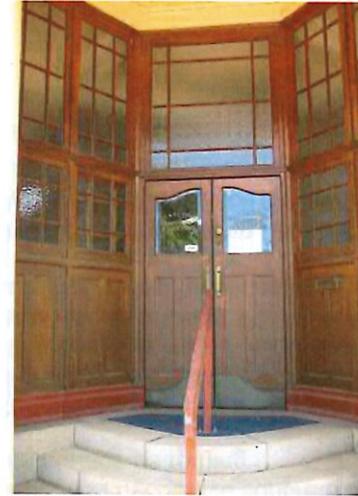


External wall colours



External doors:

- Front doors to shopfronts were often timber-framed glazed doors, sometimes with glazed top-lights or sidelights that featured stained glass or patterned glass infill. The frames themselves could be painted dark or light, depending on the overall colour scheme, but usually within 2 shades of the external wall colour (which was usually a mid tone)
- Front doors were often simple panel doors, less traditional in appearance than the multi-panelled doors of the previous era, and often finished in natural timber with small areas of glazed infill, or feature decorative inlays or lining
- Sometimes bold feature colours can be used on front doors to provide individuality and contrast with the predominant wall colours, provided the colours themselves are complementary to the rest of the scheme



Window frames:

- Often in a dark tone (ie. Charcoal, brown, dark blue, maroon) or a white/cream colour set against the mid tones of the main wall colour.

Awnings and porches

- Modern projecting awnings and entry porches became more popular than traditional verandah forms in the Interwar era, and these were often highlighted in a contrasting colour to the main wall, in either a light or darker tone to create depth and contrast to the front facade.



External shopfronts

- often featured intricately decorative tessellated tile floor thresholds and colours for the tile threshold included black and white with red, green, mustard and blue being popular accent colours.
- Pressed metal decorative ceilings were popular to the soffit linings of re-entrant doorways, as well as to the underside of awnings and entry porches. Often these are white or off-white colours, but were also often painted in a mid tones of green, yellow and pink.
- External shopfront walls feature glazed subway tiling with contrasting bead trims to the shopfront walls. Tiles ranged in colour from black, dark green, forest green, burgundy through to lighter browns and pink.



Setting

- Commercial and civic buildings were often placed with the main building facade set slightly back from the projecting entry porch element.



Examples of Inter War era colour schemes

Graduated colour to wall details & architectural features

Main wall colour

Joinery

Dulux S25A1 Sea Palm	Dulux S25A1H Soft Celadon Half	Dulux S25A1Q Soft Celadon Quarter	Dulux 22W White Swan	Dulux 14W Antique White U.S.A.®	Dulux S25A9 Bracken Fern
		Dulux GR12 Silkwort	Dulux SW1E6 Snowy Mountains	Dulux A171 Ringlet	Dulux GR1 Double Bass
Dulux A210 Backyard	Dulux A210 Pale Sage	Dulux A211 French Limestone	Dulux A210 Garlic Suede Quarter	Dulux 17W Stowe White	Dulux A171 Ringlet
Dulux S39B6 Blue Metal	Dulux S39B8 Purebred	Dulux S39B3 Blue Heeler	Dulux A204 Grand Piano	Dulux 14W Antique White U.S.A.®	Dulux GR10 Domino
Dulux 135B9 Mission Brown	Dulux A184 Goldie	Dulux S15F4 Germania	Dulux A196 Shell Haven	Dulux A171 Ringlet Quarter	
Dulux S01D9 Pa Red	Dulux S01D2 Smoked Lavender	Dulux S03D10 Lavender Blush Quarter	Dulux A190 Hog Bristle® Quarter	Dulux GR1 Double Bass	
		Dulux A70 Murray Red	Dulux A171 Ringlet	Dulux 14W Antique White U.S.A.®	

Post War period

Following World War II, Narrogin continued to grow steadily and traditional agricultural practices of the region were changing and there was a rapid introduction of mechanisation and modern technology applied to farming as well as architectural style, which is reflected in the buildings of the era. Decoration and artifice are replaced with simple lines and geometric forms, and many of the buildings have a simple palette of materials, including textured or feature brick contrasted with large areas of glazing. With their minimalist and modern style, the buildings often have timeless appeal but can often be under-appreciated due to their stripped back expression.

Building character

- Rectilinear forms expressed with large areas of plain walling using special brickwork, blockwork or textured render, often with contrasting textures
- Expression of structural frame and removal of artifice and unnecessary decoration
- Large areas of glazing, sometimes using different glass colours to create visual interest
- Expressive curvilinear forms often contrasted against the predominant rectangular building forms
- Flat or low-pitched roofs
- Recessed openings or external sun-control devices to control light and shade
- Natural landscaping used as a decorative foil against the plain walling

Notable local examples:

Anglican Church of the Resurrection (1901; remodelled in 1956)

Railway Institute Hall (1959)

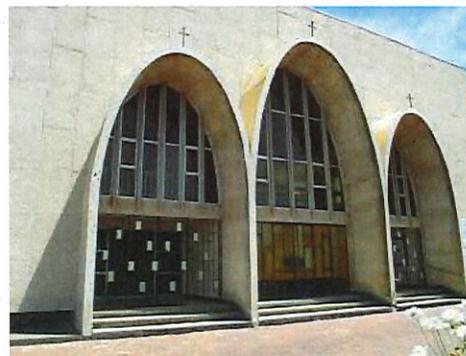
Police Station (1968)

Bankwest

Telecom Building (1972)

St Mathews Church (1964)

Duke of York Hotel (1899; remodelled 1960s)



Colour Schemes for Post War era Buildings

Colour schemes in the Post War period were typically representative of the new trend towards honest expression of materials, so timber and brick was left natural, and colour was usually explored in elements like glazing or small features, often using primary colours. The International style that was popular at the time favoured white and off-white set against the natural materials, with perhaps a single dark colour (often brown or black) to define linear elements.

There was more experimentation in modern building materials, including greater use of glass, concrete blocks and feature tiles or masonry elements. Visual interest was achieved using the textures and patterns of the materials themselves (ie. Decorative concrete blocks or bricks), or in creating contrast between different building materials arranged artfully. Decorative colour tones and/or textures created during firing of bricks gave rise to the use of large areas of feature masonry to create simple architectural forms. Similarly, buildings that were remodelled in this period were often transformed by painting and rendering traditional masonry walls to create plain, smooth wall areas, with classical elements like plinths and cornices converted to modern devices.

External walls:

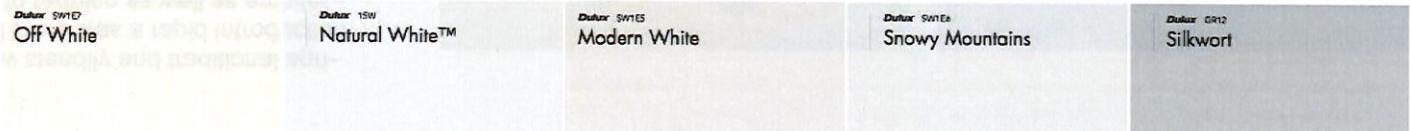
- Large expanses of unpainted brick or blockwork selected for its interesting texture or colour, with contrasting areas of textured render or feature cladding.
- Rendered and painted masonry walls, usually painted in light tones as inspired by Post War international styles.
- The walls often incorporated sculptural curves and recesses to create depth to the facade and a play of light and shade on the building which was previously achieved with ornate decoration

External doors:

- Front doors were typically large plain doors that were glazed or unpainted timber, often with stylised ornate decoration.



Main wall colour



Window frames:

- Timber window frames of this era were typically white painted. Those that had a dark tone were most likely painted in dark burgundy, black or Mission Brown
- With the widespread introduction of aluminium and steel-framed fenestrations, painting of timber window frames became less of a consideration. Plain anodised aluminium or bronze-anodised frames were popular in this period.



Awnings and porches

- Entry porches were often expressed as a recessed element to the main facade, rather than a projecting element in the Post War period. The reveal was often consistent with the simple modern building elements, but could often be lined with natural timber or an unexpected 'pop' of colour applied discretely.

External shopfronts

- Shopfronts were usually very simple and without artifice, often comprising large glazed panels set within framed fenestrations, sometimes with the structure expressed. Colour could be employed in the signage or shopfront display, but the shopfront structure itself was typically quite plain.



Setting

- The Post War period saw a renewed interest in creating a deliberate and formal setting for the building, often with a forecourt or external patio created to define the site. Landscaping elements also became more common in commercial and civic buildings, with dramatic use of strong formal plantings (such as palms or gum trees) placed to contrast against the rectilinear building forms.

Joinery

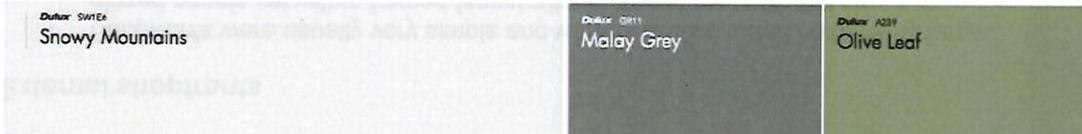
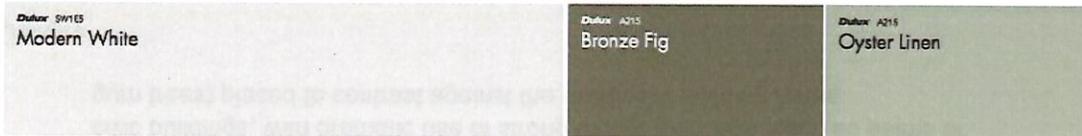
Dulux A215 Bronze Fig	Dulux A238 Bronze Icon	Dulux A215 Antique	Dulux A215 Oyster Linen	Dulux A239 Olive Leaf	Dulux A258 Lime Sherbet	
Dulux GR10 Domino	Dulux GR22 Namadji	Dulux GR11 Raku	Dulux GR23 Western Myall	Dulux GR11 Malay Grey	Dulux A194 Sharp Yellow	Dulux S0683 Very Terracotta

Examples of Post War era colour schemes

Main wall colour

Joinery

Architectural features



Signage

'Signposting' is an integral part of good urban design, so it is essential that it is compatible with the overall character of the Town Centre Precinct. The Shire of Narrogin requires planning approval for all signage in the Town Centre Precinct.

It is important for signs to be located in appropriate positions and for lettering to be suitable for the period of the building. Modern lettering styles and large hoardings should be avoided as they dominate the building and obliterate the detailing and building elements that make the building important.

Intent

The intention of this document is to provide guidance when assessing proposed signage strategies for buildings located in the Town Centre Precinct. A visual guide can be useful for understanding the objectives of the Signage Policy, and to illustrate the desired outcomes.

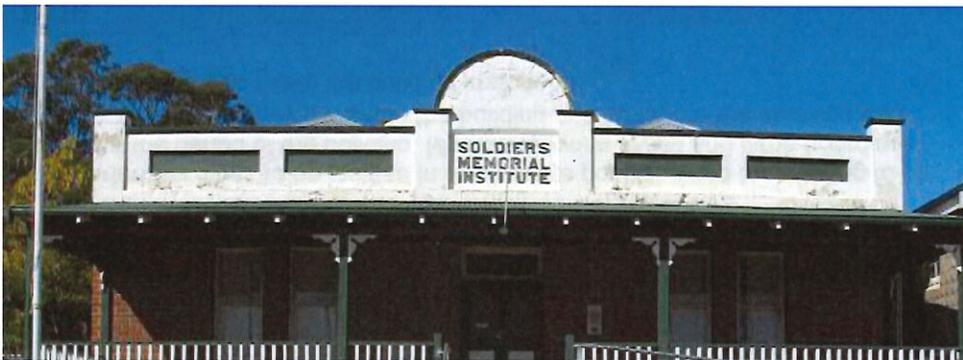
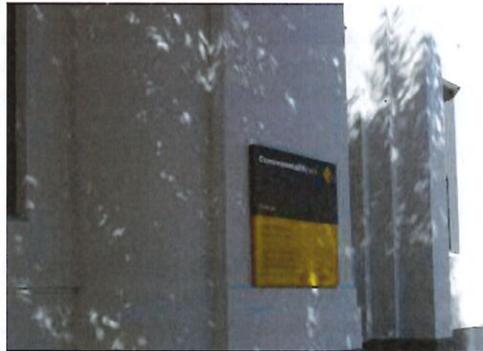
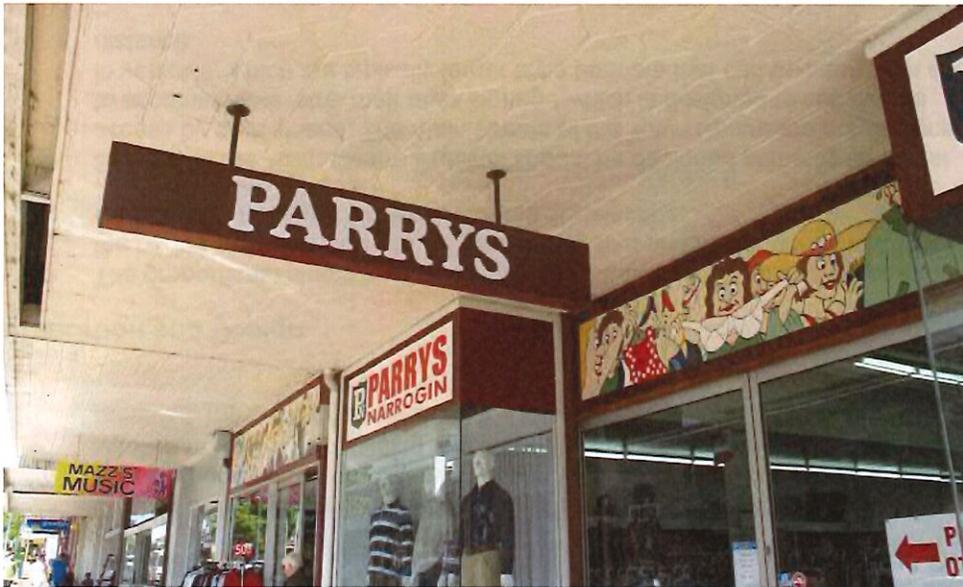
Location

- Signs are to be positioned and design to fit within any spaces created by architectural elements on the proposed buildings. Signage should not cover architectural features or detailing of a building and should be carefully sized in proportion with parapets, panels, windows and wall areas. For example, signs should not extend across windows, or beyond the width of awnings or verandahs.
- Original building signs and dates were often included to mark the date of construction and the original owner/use of the building. This signage is a significant part of the building fabric and the streetscape and should not be removed, modified or concealed.

Proportion and Design

- The proportional shape and design of signs should reflect and complement the period of the construction of the building and should not dominate the expression of the building facade or the streetscape.
- Signage in the Town Centre Precinct should be designed primarily for visual access by pedestrians. The main streets of the Town Centre are not designed to accommodate 'strip mall' style signage which is designed to suit people in vehicles, which are typically larger style banners that can be seen from a distance.





Colour

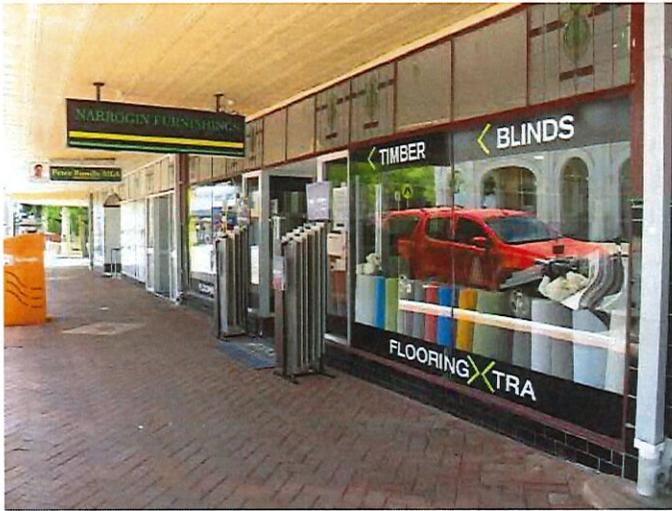
- Signage should preferably complement the overall approved colour scheme for the building so that the visual appearance of the place is attractive and consistent.
- Consideration should be given to tonal contrast to ensure that signage is legible and assists in way-finding.
- Corporate branding and colours on signs is preferable to applying these colour schemes to building facades, as signs are readily removable when tenancies change

Illumination

- Illuminated neon signs and flashing lights are generally not permitted to the exterior of buildings in the Town Centre Precinct as they can cause a nuisance to motorists and residents
- Signs which have internal illumination should have low intensity. Concealed spotlights can be used where signage above the verandah/awning requires illumination.

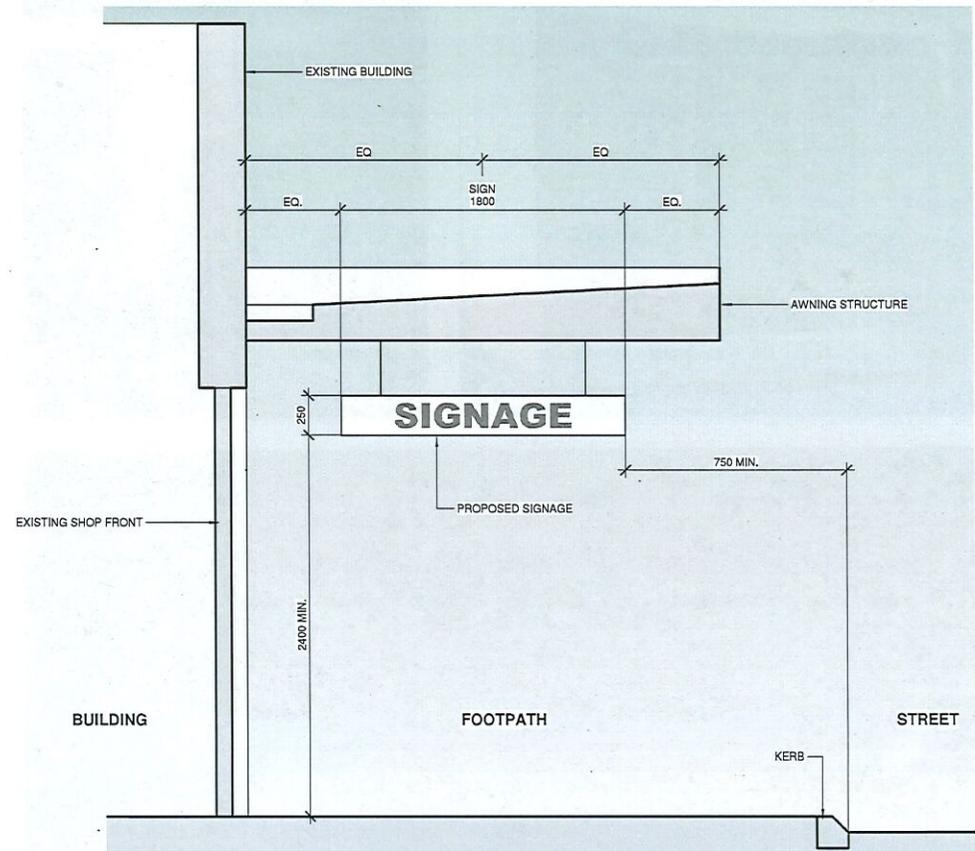
Signs on Verandahs and Awnings

- Awnings and verandah structures to commercial buildings were typically designed with a fascia panel to accommodate signage. Signage fixed to the outer or return (side) fascia of a verandah/awning is appropriate provided it does not project beyond the outer metal frame or the surround of the fascia and does not obscure architectural detailing
- Where there is inadequate space on the fascia, or in residential style buildings which have been converted to commercial buildings, a suspended sign from the verandah beam is appropriate. This should be designed specifically to match the proportion of the verandah design. Signwriting incorporated onto verandah beams or end panels is acceptable if there is adequate space.
- Any verandah hoarding (above the verandah sign) should only be considered where there is historical precedence (ie. reference to historic photographs of the place) and should be carefully detailed so as not to detract from the overall expression of the building.



Suspended Signs under Verandahs and Awnings

- Suspended signs under the verandah shall be sized and positioned to maintain clear headway for pedestrians and to limit the opportunity of being hit by vehicles parked near the kerb.
- Refer to the diagram showing the recommended sizes and setout of suspended signs
- Suspended signs contribute to the character and way-finding for pedestrians in the Town Centre and are preferable to footpath signs or sandwich boards



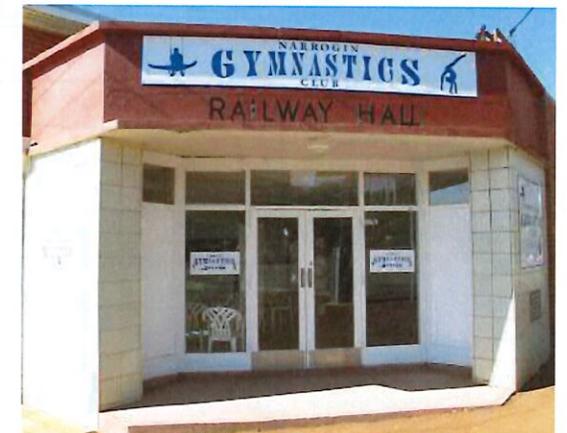
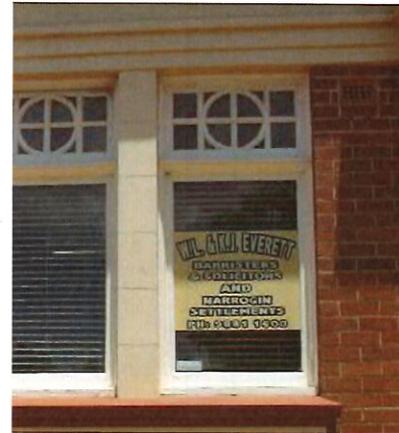
Signs above Verandah Level (to parapets and roof lines)

- Many commercial buildings were designed to accommodate signage to the parapet and this can be an appropriate location for larger format signs, provided they do not dominate the facade or obscure architectural detailing
- Original bas-relief lettering and signage to building parapets often show the original building name and construction date and should be retained and conserved. Ideally, these signs should not be covered over by new signage, as they contribute to the aesthetic and historic values of the place and the broader streetscape
- Parapet signs should be sized and detailed to ensure they do not conflict with windows or decorative elements
- Signwriting in upper windows can be appropriate, and in some cases, preferable to large banner signs across the facade



Display Window Signage

- Many commercial buildings with retail functions were designed with large glazed shopfronts for the display of goods and often included painted signwriting.
- Permanent signs on windows of commercial buildings should preferably not cover more than 30% of the display window, allowing for views into the building and out to the street
- Historic photographs are a good reference for examples of traditional window signage in the Town Centre



Signs on Buildings without Verandahs or Awnings

- Buildings without awnings or verandahs can install signs suspended off wall brackets, provided these do not impede clear headway for pedestrians. Typically these should be restricted to a maximum size of 400 x 400mm



Signs on Building Walls

- Signs were traditionally painted onto the side walls of buildings and there are numerous examples in Narrogin of wall signage or murals. They can make a positive contribution to the streetscape and should be assessed and approved on their artistic merit
- Signage on side walls of buildings should be designed to complement the building expression and colour scheme



Submissions	Comments	Officer's Comment
Sports Power	<p>We would like to make comment on the draft policy for the Colour Palette & Sign Guidelines.</p> <p>Our business SportsPower has a predominately red base. This would fall outside the draft policy when we go to update our shop frontage in the future. Our group, ARL – SportsPower, have brand policies that guide us in the colours to be used across all SportsPower premises.</p> <p>The use of Corporate colours gives our business an identity that is easily recognisable within town and ensures that we can maximise the advertising and branding that is associated with the SportsPower name. Any move away from this we feel would be detrimental financially to our business.</p> <p>Existing business within our CBD utilising colour on their shop fronts are easily identifiable and we feel well maintained. Premises with a cream or white exterior appear dirty, uninviting, and quite often you have no idea what business is operating within.</p> <p>We also feel that by doing this you will prohibit potential new businesses coming into the CBD by limiting their marketing potential. We would urge the shire to re consider their position on the draft policy and not see it go ahead.</p>	<p>Noted.</p> <p>It is acknowledged that existing businesses have used their branding as their colour scheme to promote their businesses. This policy on implementation will not be retrospective to existing colour scheme and will only apply to new Businesses.</p> <p>It has been accepted that the corporate colours branding provide an identity to the building, however it should not be to the detrimental of adjoining building. Colours to the external façade of the building should be sympathetic or complimentary to adjoining buildings. Corporate colours through signage is as effective as can be seen in around the CBD area, such as the Commonwealth Bank.</p> <p>Refer to above comment.</p> <p>The policy is a guideline to encouraged business owners to help create and improve the overall streetscape of the CBD precinct. The Review of the Townscape Study 2016 highlighted the need to have a Colour Palette to provide visual guidance when developing external colour schemes to create an attractive and harmonise streetscape. Individual creativity and expression is encouraged but not to the detriment of other buildings.</p>

Submissions	Comments	Officer's Comment
Public 1	<p>Hi, have just been reading the draft policy guidelines for the CBD colour schemes. Noting that this was prepared a year ago how does the ghastly colours of the bins and bike racks fit in with this?</p> <p>From what i can see they do not fit in with the guidelines and only thing they match with is the shires logo? and if these guidelines are adopted they will look more ridiculous than they already do.</p>	<p>The colour of the bike racks and the bins are part of the Narrogin Townscape Committee initiative. As the Shire has no Colour palette in place and in line with the recommendation of the 2016 Narrogin Townscape Study Review, the Colour Palette and Sign Guide has been developed to provide guidance for existing and future development within the Central Business District Precinct.</p> <p>The initial consideration was to reflect the colour scheme on street furniture to the new Shire of Narrogin Logo (as a result of the merger between the former Shire and Town of Narrogin) to create a vibrant Central Business Precinct. The Draft Policy is out for public submissions and closed on 28 May 2020 and all submissions received will be presented to Council for its further consideration.</p>

10.1.2 APPLICATION FOR PLANNING CONSENT – NEW CYCLING TRAIL (PUBLIC RECREATION) – LOT 10463 (NO. 443/363) KILPATRICK ROAD, NOMANS LAKE

File Reference	A622
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Wheatbelt Cycling Collective (Cycling Inc)
Previous Item Numbers	Nil
Date	16 July 2020
Author	David Johnston – Planning Officer
Authorising Officer	Azhar Awang – Executive Manager Development & Regulatory Services
Attachments	<ol style="list-style-type: none">1. Application for Planning Consent2. Site Plan

Summary

Council's consideration is requested in regards to the Application for Planning Consent for a cycling trail (Public Recreation) at Lot 10463 (No. 443/363) Kilpatrick Road, Nomans Lake.

Background

On 28 May 2020 the Shire of Narrogin received an Application for Planning Consent for the establishment of a cycling and walking trail and other club activities at Lot 10463 (No. 363) Kilpatrick Road, Nomans Lake. The total parcel area is 2,116.1 hectares. The bike trail uses a track circling the western side of the parcel.

The trail will be used by the Wheatbelt Cycling Collective once every two months for events with between two and twenty people participating. The Cycling Club has General and Products Liability Insurance.

On event days, club members will access the trail directly from Yilliminning Road. The Applicant has designated a former quarry, not yet rehabilitated, for car parking. Members will be encouraged not to cycle from Narrogin to the trail site in order to prevent cyclists riding along Yilliminning Road.

Parts of the trail are in place and were previously used for farming activities. New sections and improvements will be added using gravel, earth and other materials already on site.

The applicant will not be utilising megaphones or loud speakers during events. The closest dwelling to the trail is 1.3kms away and therefore it is considered that noise from cycling events will not be a concern.

For larger cycling events, the applicant will hire portable toilet facilities. Events will also have portable bike repair stations.

The trail has been fenced off from existing farm operations.

Comment

Zoning

Lot 10463 (No. 443/363) Kilpatrick Road, Nomans Lake is zoned 'Farming' under the Former Shire of Narrogin Local Planning Scheme No. 2 (FS-LPS2). The Objectives statement for the zoning states:

"The Council intends the predominant form of farming activity in the Farming Zone will continue to be based on large farming units. It will generally be opposed to the fragmentation of farming properties through the process of subdivision."

The proposed cycling trail falls under the definition of 'Public Recreation', which:

"Means land used for a public park, public gardens, playground or other grounds for recreation which are normally open to the public without charge."

Such a use is listed as 'AA' use under the 'Farming Zone', which:

"means that the use is not permitted unless the Council has granted planning approval."

Clause 6.3.2 allows Council to advertise applications for 'AA' uses:

"Where an application is made for planning approval to commence or carry out development which involves an "AA" use, or for any other development which requires the planning approval of the Council, the Council may give notice of the application in accordance with the provisions of this clause."

Consultation

The following officers have discussed this proposal with the Applicant:

- Chief Executive Officer
- Executive Manager Development and Regulatory Services
- Environmental Health Officer.

Clause 6.3.2 allows Council to advertise applications for 'AA' use. It is recommended that Council dispense with advertising, due to the low impact of this proposal on the property, low noise impacts and the remoteness of the site.

Statutory Environment

The former Shire of Narrogin Local Planning Scheme No. 2 relates:

- Clause 3.2 – Zoning Table
- Clause 6.3.2 – Advertising Applications

Policy Implications

Nil

Financial Implications

An Application for Planning Consent Fee of \$147 has been donated by the Shire of Narrogin in recognition that this application has been submitted by a not for profit community group promoting physical fitness and wellbeing through cycling initiatives.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective	1.	Economic Objective (Support growth and progress, locally and regionally)
Strategy:	1.1.2	Promote Narrogin and the Region
Outcome:	1.2	Increased Tourism
Strategy:	1.2.1	Promote, develop tourism and maintain local attractions
Objective	2.	Social Objective (To provide community facilities and promote social interaction)
Outcome:	2.2	Build a healthier and safer community
Strategy:	2.2.1	Support the provision of community security services and facilities
Outcome:	2.3	Existing strong community spirit and pride is fostered, promoted and encouraged
Strategy:	2.3.1	Develop and activate Sport and Recreation Master Plan
Strategy:	2.3.2	Engage and support community groups and volunteers
Strategy:	2.3.3	Facilitate and support community events

Voting Requirements

Simple Majority – Part 1 of 2

Simple Majority – Part 2 of 2

OFFICERS' RECOMMENDATION – PART 1 OF 2

That, with respect to the New Cycling Trail (Public Recreation) at Lot 10463 (No. 443/363) Kilpatrick Road, Nomans Lake, Council waive the requirement to advertise the Application for Planning Consent in accordance with Clause 6.3 of the Former Shire of Narrogin Local Planning Scheme No. 2.

OFFICERS' RECOMMENDATION – PART 2 OF 2

That, with respect to the New Cycling Trail (Public Recreation) at Lot 10463 (No. 443/363) Kilpatrick Road, Nomans Lake, Council grant planning approval, subject to the following conditions:

1. The approval shall expire if the development permitted is not completed within two years of approval, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire is granted by it in writing.
2. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Chief Executive Officer.
3. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.
4. The use permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason or appearance or the emission of noise, vibration, odour, vapour, dust, waste water, waste products or otherwise.

Advice Note:

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

APPLICATION FOR PLANNING CONSENT



(FDRS005)

89 Earl Street
PO Box 1145
Narrogin WA 6312

(08) 9890 0900

www.narrogin.wa.gov.au
enquiries@narrogin.wa.gov.au

CASHIER HOURS:
8:30am – 4:30pm
MONDAY - FRIDAY

TOWN PLANNING SCHEME NO.2 DISTRICT SCHEME

Name of Applicant	Michael Chin for Wheatbelt Cycling Collective (Cycling, Inc)
Correspondence Address	P.O. Box 6183, EAST PERTH WA 6892
Applicant Phone Number	0487287847
Applicant email	wheatbeltcycling@gmail.com

I hereby apply for planning consent to:

- Use the land described hereunder for the purpose of cycling - walking club activities
And/or
- Erect, alter or carry out development on land described hereunder in accordance with the accompanying plans (3 copies attached)

Existing use of land	Farm
Approximate cost of proposed development	\$ —
Estimated time of completion	—
No of persons to be housed / employed after completion	NA

TITLES OFFICE DESCRIPTION OF LAND

LOCALITY PLAN

Lot No	House No	363	Street Name	Kilpatrick Road, Narrogin Lake WA 6302
Location No	Plan or Diag		Certificate of Title	Volume: Folio:

LOT DIMENSIONS

Site area	Square metres
Frontage	Metres
Depth	metres

AUTHORITY

Applicant's Signature Michael Chin Date 25/05/2020

NOTE: WHERE THE APPLICANT IS NOT THE OWNER, THE OWNER'S SIGNATURE IS REQUIRED.

NOTE: ALL OWNERS OF THE PROPERTY MUST SIGN THIS APPLICATION FORM. WHERE PROPERTY IS OWNED BY A COMPANY, AT LEAST TWO DIRECTORS OF THE COMPANY MUST SIGN THE APPLICATION.

Owner's Signature [Signature] Date 28/5/2020

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

Site Plan - Lot 10463 (No 443/363) Kilpatrick Road, Nomans Lake showing proposed cycling trail



10.1.3 APPLICATION FOR PLANNING CONSENT – CONSULTING ROOM (EXPANSION OF NARROGIN NATURAL THERAPIES) – LOT 2 (NO. 2/31) FORTUNE STREET, NARROGIN

File Reference	A165713
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Narrogin Natural Therapies
Previous Item Numbers	Item 10.1.2, 25 February 2020 Res. 0220.004, 0220.005, 0220.006
Date	14 July 2020
Author	David Johnston – Planning Officer
Authorising Officer	Azhar Awang – Executive Manager Development & Regulatory Services
Attachments 1. Application for Planning Consent 2. Locality Plan	

Summary

Council’s consideration is requested in regards to the Application for Planning Consent for the expansion of Narrogin Natural Therapies at Lot 2 (No. 2/31) Fortune Street, Narrogin.

Background

On 20 December 2019, the Shire received an Application for Planning Consent from Narrogin Natural Therapies to use the premises for Consulting Rooms at Lot 3 (No. 3/31) Fortune Street, Narrogin. This was presented at the 25 February 2020 Council meeting, whereby Council resolved as follows:

“That, with respect to Consulting Room (Remedial Massage and Salt Therapy) (Retrospective) – Lot 3 (No. 3/31) Fortune Street, Narrogin, Council grant planning approval, subject to the following:

- 1. The approval shall expire if the development permitted is not completed within two years of approval, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire is granted by it in writing.*
- 2. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.*
- 3. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.*
- 4. Finishes to the external building shall be sympathetic to existing buildings on site and the surrounding area to the satisfaction of the Chief Executive Officer.*

5. *Bins and storage areas shall be screened from public view to the satisfaction of the Chief Executive Officer.*
6. *A signage application is required to be submitted to the Shire of Narrogin should the applicant seek to erect signage on the above mentioned property.*
7. *Landscaping areas are to be maintained at all times to the satisfaction of the Chief Executive Officer.*
8. *Any outside lighting to comply with Australian Standard AS4282-1997 for the control of obstructive effects of outdoor lighting and not spill into any adjacent residential premises.*

Advice Notes:

1. *If the applicant is aggrieved by this decision as a result of the conditions of approval or by a determination of refusal, there may be a right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal and must be lodged within 28 days of the decision.*
2. *The applicant is to notify the Shire's Environmental Health Officer, regarding conducting the business from the premises."*

On 28 May 2020, The Shire of Narrogin received an application from Narrogin Natural Therapies for the expansion of that business. The purpose of the new application is to change the use of Lot 2 (No. 2/31) Fortune Street from Café to Consulting Rooms and to approve an expansion of services which will include a new massage room, a spa capsule with sauna and Vichy shower features, and reception area. The existing premise at Lot 3 will be kept separate from Lot 2 with no plans to remove the wall between the two tenancies.

Comment

Zoning

Lot 2 (No. 2/31) Fortune Street, Narrogin is zoned 'Central Business Zone' under the Former Town of Narrogin Town Planning Scheme No. 2 (FT-TPS2). The Policy Statement for the zoning states:

"To provide for the function and development of the town centre primarily for retail shops and offices, Council will control the development of other uses and co-ordinate such uses to ensure that compatible development occurs in like areas."

The proposed Consulting Room (Expansion of Narrogin Natural Therapies) falls under the definition of 'Consulting Rooms', which:

"means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and person(s) ordinarily associated with the treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices."

Such use is listed as a PS use under the 'Central Business Zone', which means:

"Use not permitted unless special approval given by Council and conditions complied with."

The Church Square property has a total area of 1,380m². The proposed consulting room is one of nine tenancies within Church Square. The proposed consulting room has a total area of 54m².

Clause 6.3 – Application for Special Approval of the FT-TPS2 states as follows:

“6.3.1 The Council shall in the case of an application for permission to carry on a use marked AP in the Development Table and may in the case of an application for permission to carry on a use marked PS in the Development Table or in any other case in which application is made for its approval give notice of the application in accordance with the provisions of this Clause.

6.3.2 Where the Council is required or decides to give notice of an application the Council shall cause:

- a) notice of the proposed use and development to be sent by post or delivered to the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of the application;*
- b) notice of the proposed use and development to be published in a newspaper circulating in the Scheme Area and in the State of Western Australia stating that submissions may be made to the Council within 21 days from the publication thereof; and*
- c) a sign displaying notice of the proposed use and development to be erected in a conspicuous position on the land for a period of 21 days from the date of publication of the notice referred to in paragraph (b) hereof.”*

Given that there have been a number of Consulting Rooms already established in the ‘Central Business Zone’ with no negative submissions received during those previous public advertising periods, it is recommended that Council waive the requirement for public advertising as the proposal will be unlikely to attract negative feedback based on previous applications. It should also be noted that the existing Narrogin Natural Therapies business at 2/31 Fortune Street, has not attracted negative feedback.

Clause 6.3.5 further states:

“6.3.5 A resolution to grant special approval must be passed by an absolute majority of the Council.”

Car Parking

The minimum permitted parking within the ‘Central Business Zone’ for a Consulting Room is four (4) bays per consultant.

Given that Narrogin Natural Therapies at Lot 3 was approved with car parking requirements being dispensed, and given this application for Lot 2 is an expansion of existing services and not a new business, it cannot be expected that there will be a significant increase in traffic. This expansion of services will not result in an increase in the number of consultants. One new employee will be hired for reception duties only. Given these factors, it is recommended that the car parking requirement again be dispensed.

Clause 6.2.1 of FT-TPS2 allows Council to dispense of the car parking requirements where it would be consistent with the orderly and proper planning of the locality.

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

- a) *Approval of the proposed development would be consistent with the orderly and proper planning of the locality, the preservation of the amenity of the area and be consistent with the objectives of the Scheme;*
- b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or inhabitants of the locality or upon the likely future development of the locality; and*
- c) *The spirit and purpose of the requirements or standards will not be unreasonably departed from thereby.”*

Consultation

The following officers have been consulted:

- Senior Environmental Health Officer
- Building Surveyor

A site visit was undertaken on 14 July 2020 by the Planning Officer.

It is requested that the Council waive the requirement for public advertising as per clause 6.3 on the basis that similar approvals for Consulting Rooms and the existing business at No. 2/31 Fortune Street have not attracted any negative feedback.

Statutory Environment

Former Town of Narrogin – Town Planning Scheme No. 2 relates:

- Clause 6.3 – Special Approval
- Clause 6.2 – Relaxation of Standards

Policy Implications

Nil

Financial Implications

An application for Planning Consent Fee of \$147 has been paid to the Shire of Narrogin.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective	1.	Economic Objective (Support growth and progress, locally and regionally)
Outcome:	1.1	Growth in revenue opportunities
Strategy:	1.1.1	Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business

Voting Requirements

- Part 1 of 3 – Simple Majority
- Part 2 of 3 – Simple Majority
- Part 3 of 3 – Absolute Majority

OFFICERS' RECOMMENDATION 1 OF 3

That, with respect to Consulting Room (Expansion of Narrogin Natural Therapies) – Lot 2 (No. 2/31) Fortune Street, Narrogin, Council waive the requirement to advertise the Application for Planning Consent in accordance with Clause 6.3 of the Former Town of Narrogin Town Planning Scheme No. 2.

OFFICERS' RECOMMENDATION 2 OF 3

That, with respect to Consulting Room (Expansion of Narrogin Natural Therapies) – Lot 2 (No. 2/31) Fortune Street, Narrogin, Council approve the dispensation of the minimum car parking requirements in accordance with Clause 6.2.1 of the Former Town of Narrogin Town Planning Scheme No. 2 due to the provision of existing public car parking within close proximity to the subject property and the low traffic increase expectations.

OFFICERS' RECOMMENDATION 3 OF 3

That, with respect to Consulting Room (Expansion of Narrogin Natural Therapies) – Lot 2 (No. 2/31) Fortune Street, Narrogin, Council grant planning approval, subject to the following conditions:

1. The approval shall expire if the development permitted is not completed within two years of approval, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire is granted by it in writing.
2. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of Council.
3. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.
4. Finishes to the external building shall be sympathetic to existing buildings on site and the surrounding area to the satisfaction of the Chief Executive Officer.
5. Bins and storage areas shall be screened from public view to the satisfaction of the Chief Executive Officer.
6. A signage application is required to be submitted to the Shire of Narrogin should the applicant seek to erect signage on the above-mentioned property.
7. Landscaping areas are to be maintained at all times to the satisfaction of the Chief Executive Officer.
8. Any outside lighting to comply with Australian Standard AS4282-1997 for the control of obstructive effects of outdoor lighting and not spill into any adjacent residential premises.

Advice Notes:

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

APPLICATION FOR PLANNING CONSENT



Shire of
Narrogin
Love the life

(FDRS005)

89 Earl Street
PO Box 1145
Narrogin WA 6312

(08) 9880 0900

www.narrogin.wa.gov.au
enquiries@narrogin.wa.gov.au

CASHIER HOURS:
8:30am - 4:30pm
MONDAY - FRIDAY

TOWN PLANNING SCHEME NO.2
DISTRICT SCHEME

IPA 2020300/A165713

Name of Applicant	MARIA KNOTT
Correspondence Address	PO BOX 154 NARROGIN WA
Applicant Phone Number	[REDACTED]
Applicant email	[REDACTED]

I hereby apply for planning consent to:

- Use the land described hereunder for the purpose of ~~Hydrotherapy / Floatation tank / Sauna / Spa therapy~~ *Laundry, Spa Capsule, Massage Room, Reception*
- Erect, alter or carry out development on land described hereunder in accordance with the accompanying plans (3 copies attached)

Existing use of land	
Approximate cost of proposed development	\$ 3000
Estimated time of completion	
No of persons to be housed / employed after completion	1-2

TITLES OFFICE DESCRIPTION OF LAND

LOCALITY PLAN

Lot No		House No	2/31	Street Name	Fortune Street Narrogin
Location No		Plan or Diagram		Certificate of Title	
				Volume:	
				Folio:	

LOT DIMENSIONS

Site area	54m ²	Square metres
Frontage		Metres
Depth		metres

AUTHORITY

Applicant's Signature *[Signature]* Date 22 May 2020

NOTE: WHERE THE APPLICANT IS NOT THE OWNER, THE OWNER'S SIGNATURE IS REQUIRED.

NOTE: ALL OWNERS OF THE PROPERTY MUST SIGN THIS APPLICATION FORM. WHERE PROPERTY IS OWNED BY A COMPANY, AT LEAST TWO DIRECTORS OF THE COMPANY MUST SIGN THE APPLICATION.

Owner's Signature *[Signature]* Date 25/5/2020

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

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Locality Plan - Lot 2 (No 2/31 Fortune Street, Narrogin)



10.1.4 APPLICATION FOR PLANNING CONSENT: TELECOMMUNICATIONS INFRASTRUCTURE AT LOT 11193 WHINBIN ROCK ROAD, Highbury

File Reference	A340143
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	CRISP Wireless
Previous Item Numbers	Nil
Date	20 July 2020
Author	David Johnston – Planning Officer
Authorising Officer	Azhar Awang – Executive Manager Development & Regulatory Services
Attachments 1. Application for Planning Consent 2. Cover Letter (Commercial in Confidence provided under separate cover) 3. Locality Map	

Summary

Council's consideration is requested in regards to the Application for Planning Consent for a proposed 40m communications tower on Lot 11193 Whinbin Rock Road, Highbury.

Background

On 9 July 2020, the Shire of Narrogin received an application from CRISP Wireless for the erection of a 40m telecommunications tower and a 6m long sea container to house communications equipment and battery system. The Applicant proposes to use a small unused area on existing farm land for the tower. The farming use will not be affected by the tower. Access to the land will be via Whinbin Rock Road and through existing internal farm tracks.

The purpose of the tower is to provide telecommunications services utilising 'point to point' secured wireless connectivity between sites as well as community wireless services and subscriber broadband.'

Comment

Zoning

The subject land is zoned for 'Farming' under the Former Shire of Narrogin Local Planning Scheme No. 2 (FS-LPS2). The Objectives statement for the zoning states:

"The Council intends the predominant form of farming activity in the Farming Zone will continue to be based on large farming units. It will generally be opposed to the fragmentation of farming properties through the process of subdivision."

The proposed use falls under the definition of telecommunication infrastructure which:

“means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct hole, pit or other structure related to the network.”

The proposed use of ‘telecommunication infrastructure’ is not permitted in the farming zone.

Council has discretion to modify development standards as per Clause 4.2.2:

“Subject to sub-clause 4.2.1, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;*
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”*

Clause 6.5 of the FS-LPS states:

“6.5 MATTERS TO BE CONSIDERED BY THE COUNCIL

6.5.1 The Council in considering an application for planning approval shall have due regard to the following:

- a) the provisions of this Scheme and any other relevant town planning scheme operating within the district;*
- b) any relevant proposed new town planning scheme of the Council or amendment insofar as they can be regarded as seriously entertained planning proposals;*
- c) any approved Statement of Planning Policy of the Commission;*
- d) any other policy of the Commission or any planning policy adopted by the Government of the State of Western Australia;*
- e) any planning policy, strategy or plan adopted by the Council under the provisions of sub-clause 8.7 of this Scheme;*
- f) the preservation of any object or place of heritage significance;*
- g) the requirements of orderly and proper planning;*
- h) the preservation of the amenities of the locality*
- i) any other planning considerations which the Council considers relevant;*
- j) any relevant submissions or objectives received on the application.”*

Deemed Provisions

Council must also have regard to Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)*.

Clause 67 states:

“(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;

(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;

(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;”

When applying the above parts of Clause 67 against the proposal, it can be found that the proposed telecommunications infrastructure will have a low impact due to its location, the low amount of vehicle traffic created by the development and the benefits it will provide to customers of CRISP Wireless.

In assessing this application, officers have taken into consideration how Council approved two similar applications of recent years, including the Highbury Mobile Phone Base Station in the Farming zone and the CRISP Wireless tower at Dandaloo Park, in a Recreation and Open Space Reserve.

State Planning Policy

The State Planning Policy, number 5.2 Telecommunications Infrastructure is to be used in the assessment of telecommunication towers and other infrastructure. The policy creates emphasis that in order to work to the best of their ability, telecommunications towers often need to be located in prominent high points in the landscape. The benefit of improved telecommunications services should be balanced with the visual impact on the surrounding area. The proposed location of the tower is far enough away from the Narrogin and Highbury town sites and any dwellings to not create a visual disturbance.

It is recommended that Council determine the application to be consistent with the objectives of the farming zone due to the low community impacts and benefits provided to customers of CRISP Wireless.

Consultation

Given the location, low impact of the structure and the community benefits, it is recommended that Council dispense the advertising requirements in accordance with Clause of the Application for Planning Consent. Furthermore, the surrounding properties are owned by the same property owner and therefore it would not be considered necessary to notify adjoining land owners.

Statutory Environment

The following Local Planning schemes relate:

- Former Shire of Narrogin – Local Planning Scheme No. 2
- Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)
 - Clause 67

Policy Implications

Nil

Financial Implications

An Application for Planning Consent Fee of \$320 has been paid to the Shire of Narrogin.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective	1.	Economic Objective (Support growth and progress, locally and regionally)
Outcome:	1.1	Growth in revenue opportunities
Strategy	1.1.1	Attract new industry, business, investment and encourage diversity whilst encouraging growth of local business.

Voting Requirements

- Absolute Majority with respect to 1 of 3
- Simple Majority with respect to 2 of 3
- Simple Majority with respect to 3 of 3

OFFICERS' RECOMMENDATION 1 OF 3

That, with respect to Application for Planning Consent: Telecommunications Infrastructure at Lot 11193 Whinbin Rock Road, Highbury, Council determine, by Absolute Majority, that the proposed use is consistent with the objectives and purpose of the Farming zone.

OFFICERS' RECOMMENDATION 2 OF 3

That, with respect to Application for Planning Consent: Telecommunications Infrastructure at Lot 11193 Whinbin Rock Road, Highbury, Council dispense advertising requirements.

OFFICERS' RECOMMENDATION 3 OF 3

That, with respect to Application for Planning Consent: Telecommunications Infrastructure at Lot 11193 Whinbin Rock Road, Highbury, Council grant planning approval subject to the following conditions:

1. The approval shall expire if the development permitted is not completed within two years of approval, or within any extension of that time which, upon written application (made before or within 21 days after the expiry of the approval) to the Shire is granted by it in writing.
2. The development approved shall be in accordance with the plans and specifications submitted with the application and these shall not be altered or modified without the prior written approval of the Chief Executive Officer.
3. Any use, additions to and further intensification of any part of the development or land which is not in accordance with the original application or conditions of approval shall be subject to a further development application and consent for that use.
4. The use permitted shall not cause injury to or prejudicially affect the amenity of the locality by reason or appearance or the emission of noise, vibration, odour, vapour, dust, waste water, waste products or otherwise.
5. All electromagnetic emissions are to comply and be carried out in accordance with Australian Communications and Media Authority requirements.
6. The 1.8m Cyclone Mesh fence or equivalent is to be maintained at all times to the satisfaction of the Chief Executive Officer.

Advice Notes

1. If the applicant and/or owner are aggrieved by this decision as a result of the conditions of approval or by a determination of refusal, there may be right of review under the provisions of Part 14 of the Planning and Development Act 2005. A review must be lodged with the State Administrative Tribunal within 28 days of this decision.
2. This is not a building permit for which a separate application is required. A completed building permit application must be submitted and approved by the Shire's building surveyor prior to the commencement of any construction on the land including any future proposed fit out work.

PLANNING CONSENT



89 Earl Street
PO Box 1145
Narrogin WA 6312

(08) 9890 0900

www.narrogin.wa.gov.au
enquiries@narrogin.wa.gov.au

CASHIER HOURS:
8:30am - 4:30pm
MONDAY- FRIDAY

APPLICATION FOR PLANNING CONSENT

TOWN PLANNING SCHEME NO.2
DISTRICT SCHEME

Name of Applicant	CRISP Wireless
Correspondence Address	PO Box 1004, Narrogin WA 6312

I hereby apply for planning consent to:

- Use the land described hereunder for the purpose of a telecommunications tower and accompanying hut for solar power and communications equipment
- Erect, alter or carry out development on land described hereunder in accordance with the accompanying plans (3 copies attached)

Existing use of land	General Farming
Approximate cost of proposed development	\$100,000
Estimated time of completion	5 weeks
No of persons to be housed / employed after completion	Nil on site

TITLES OFFICE DESCRIPTION OF LAND

LOCALITY PLAN

Assess N^o A340143

House No		Lot No	11193	Location No	11193
Plan or Diag		Street Name	WHINBIN ROCK RD, HIGHBURY		
Certificate of Title	Volume: _____		Folio: _____		

LOT DIMENSIONS

Site area	400 Square metres
Frontage	20 Metres
Depth	20 metres

AUTHORITY

Applicant's Signature		Date	01/07/2020
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NOTE: WHERE THE APPLICANT IS NOT THE OWNER, THE OWNER'S SIGNATURE IS REQUIRED.

NOTE: ALL OWNERS OF THE PROPERTY MUST SIGN THIS APPLICATION FORM. WHERE PROPERTY IS OWNED BY A COMPANY, AT LEAST TWO DIRECTORS OF THE COMPANY MUST SIGN THE APPLICATION.

Owner's Signature <i>Ballard</i>	Date 01/07/2020
----------------------------------	-----------------

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

THIS IS NOT AN APPLICATION FOR A BUILDING LICENCE

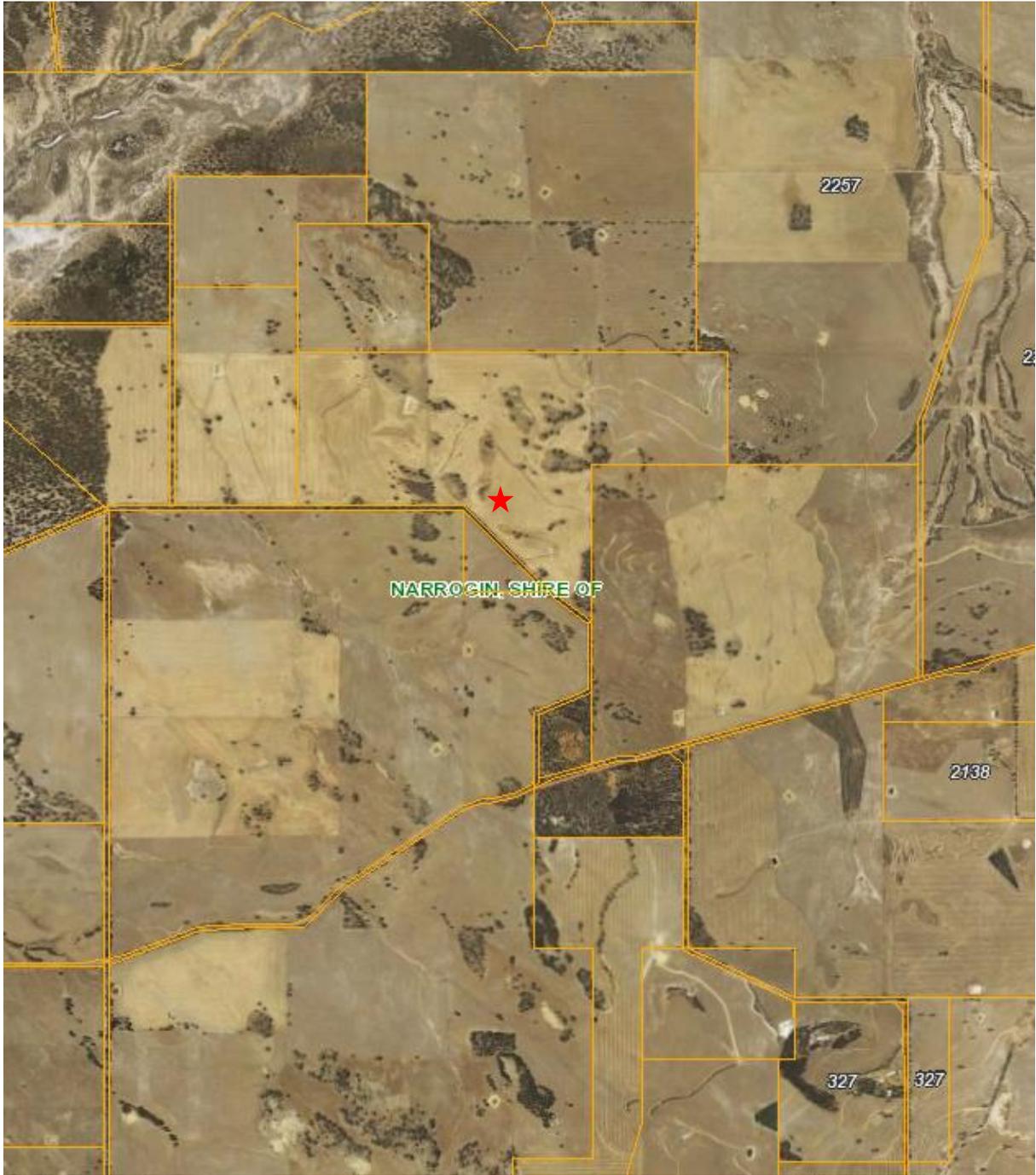
PARTICULARS REQUIRED WITH APPLICATION FOR BUILDING CONSENT

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

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

OFFICE USE ONLY

File Reference		Application No	
Date Received		Date of Approval / Refusal	
Date of Notice of Decision		Officer's Signature	



10.2 TECHNICAL AND RURAL SERVICES

10.2.1 LOT 103 SMITH STREET - PUBLIC TOILET DEVELOPMENT

File Reference	5.4.5 Council Properties Maintenance Public Conveniences Assessment A105165
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	Item 10.1.6, 27 November 2019, Res 1119.010 and Item 10.2.2, 24 March 2020, Res 0320.009
Date	8 July 2020
Author	Torre Evans – Executive Manager Technical and Rural Services
Authorising Officer	Dale Stewart – Chief Executive Officer
Attachments	Nil

Summary

With regard to the future development of the Smith Street Toilets, Council is requested to consider the recommendation by the Narrogin Townscape Advisory Committee to approve the following three proposals be advertised for community comment:

1. Refurbish the existing ablutions; or
2. Demolish and replace the existing ablutions; or
3. Demolish the existing Smith Street ablutions and upgrade another ablution facility within the CBD.

Advertising is to be via the following media Shire's web site, Shire's Facebook page and within the local newspaper, the Narrogin Observer, for a period of 30 days after which community responses presented back to the Townscape Committee for further discussion.

Background

The matter of the future of Lot 103 Smith Street has been presented at meetings of both the Townscape Advisory Committee and Council, with the item yet to be resolved.

The public toilets at Lot 103 Smith Street were identified for replacement in the 19/20 Budget with an allocation of \$50k. The Administration was working to complete this project within the financial year that it was budgeted. Quotes were received for three different design options of prefabricated buildings which ranged in price from \$31k - \$160k and included tilt up concrete and steel and galvanised metal frames with Colorbond cladding.

Due to the Biennial Local Government Elections in October 2019, and the resulting expiration of Council's Committees, an email invitation was sent to the members of the former Narrogin District Townscape Committee seeking their comment on the Administration's proposed design and cost options, (\$31k - \$37k Galvanised steel frame with Colorbond cladding). However as the proposal was

met with mixed responses and no consensus of support, the matter was referred to Council for its consideration.

On 27 November 2019, Council resolved as follows:

“That with respect to the redevelopment of the Smith Street Ablution building at Lot 103 Smith Street, Narrogin, Council defer the project from the current financial year and request the Narrogin Townscape Advisory Committee to report back on the various matters listed under the strategic implications before 30 April 2020 and the budget for the project be reviewed at that time”.

At the Townscape Committee meeting held on 18 February 2020, the Committee was requested to consider a range of strategic implications and key points. They made the following recommendation to Council:

“That, with respect to the proposed redevelopment of 103 Smith Street as a Shire owned and maintained public ablution facility, the Committee recommend to Council that:

1. *The Administration formally contact Coles Pty Ltd and enquire if they are interested in the purchase of the freehold title from the Shire for the purpose of:*
 - i. *maintaining the existing ablution facility; or*
 - ii. *additional parking bays; and*
 - iii. *the Administration report back to the Townscape Committee with the outcome.”*

At the Council Meeting held on 24 March 2020, Council endorsed the Committee’s recommendation.

The Administration received written advice from Coles Pty Ltd indicating that they do not wish to purchase the land nor manage the public toilets situated there, however, informal advice was received from Charter Hall, who own the building and the land which Coles occupies, which suggests they may wish to purchase the land for re-use as parking bays for Coles customers. They also indicated that they may be prepared to fund a mural on the existing toilet block.

At the Townscape Committee meeting held 16 June 2020, the Committee recommended to Council as follows:

“That, with respect to the land and ablutions at Lot 103 Smith Street, the Committee recommend to Council that the following three proposals are advertised for community comment:

1. *Refurbish the existing ablutions; or*
2. *Demolish and replace the existing ablutions; or*
3. *Demolish the existing Smith St ablutions and upgrade another ablution facility within the CBD.”*

Comment

The author believes that consultation with the community on this potentially sensitive item is an important and necessary step in the decision making process for both the Townscape Committee and Council in ascertaining the future of this much used facility. The Townscape Committee and Council will then be able to make an informed and holistic decision, taking into consideration community opinion.

Consultation

Consultation has occurred with:

- Council
- Townscape Advisory Committee
- Chief Executive Officer
- Executive Manager Development and Regulatory Services
- Executive Manager Technical and Rural Services
- Coles Pty Ltd - lessee of Lot 103 Smith Street
- Charter Hall - owner Lot 103 Smith Street.

Statutory Environment

The Former Town of Narrogin Town Planning Scheme No.2 relates.

Policy Implications

Consultation is in accordance with Council's Community Engagement Policy 1.14.

Financial Implications

A minimal advertising expense of \$250 for an advertisement in the Narrogin Observer will be required.

The current Draft Budget contains a provisional sum of \$90,000 (funded from the Buildings Reserve) for potential implementation, depending upon the final outcome of this item.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective	3.	Environment Objective (Conserve, protect and enhance our natural and built environment)
Outcome:	3.4	A well maintained built environment
Strategy:	3.4.1	Improve and maintain built environment

Voting Requirements

Simple Majority.

OFFICERS' RECOMMENDATION

That, with respect to the future development of Lot 103 Smith Street - Public Toilet, Council approve the advertising of the following three proposals for community comment for a period of 30 days, with the community responses referred to the Townscape Advisory Committee for further discussion:

1. Refurbish the existing ablutions; or
2. Demolish and replace the existing ablutions; or
3. Demolish the existing Smith Street ablutions and upgrade another ablution facility within the Central Business District.

10.3 CORPORATE AND COMMUNITY SERVICES

10.3.1 SCHEDULE OF ACCOUNTS PAID – JUNE 2020

File Reference	12.1.1
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interest that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	Nil
Date	30 June 2020
Author	Agatha Prior – Senior Finance Officer - Statutory
Authorising Officer	Frank Ludovico – Executive Manager Corporate & Community Services
Attachments	1. Schedule of Accounts Paid – June 2020 (Provided under separate cover).

Summary

Council is requested to note the payments as presented in the Schedule of Accounts Paid – June 2020

Background

Pursuant to Local Government Act 1995, Section 6.8 (2)(b), where expenditure has been incurred by a local government, it is to be reported to the next Ordinary Meeting of Council.

Comment

The Schedule of Accounts Paid – June 2020 is presented to Council for notation. Below is a summary of activity.

<i>June 2020 Payments</i>		
<i>Payment Type</i>	<i>\$</i>	<i>%</i>
Cheque	19,876.48	1.24
EFT (incl Payroll)	1,484,593.60	92.56
Direct Debit	96,906.28	6.04
Credit Card	2,657.88	0.17
Trust	0.00	0.00
Total Payments	1,604,034.24	100.00

<i>Local Spending</i>	<i>\$</i>	<i>%</i>
Local Suppliers	511,763.58	31.90
Payroll	374,838.75	23.37
Total	886,602.33	55.27

The payment schedule has been provided to Elected Members separately and is not published on the Shire of Narrogin website owing to potential fraudulent activity that can arise from this practice.

Printed copies will be available on request at the Administration building and the Library.

Consultation

Manager Finance

Statutory Environment

Local Government Act 1995, Section 6.8 (2)(b)

Policy Implications

Nil

Financial Implications

All expenditure has been approved via adoption of the 2019/2020 Annual Budget, or resulting from a Council resolution for a budget amendment.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1 An efficient and effective organisation

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That, with respect to the Schedule of Accounts Paid for June 2020, Council note the Report as presented.

10.3.2 MONTHLY FINANCIAL REPORT - JUNE 2020

File Reference	12.8.1
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interest that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	Nil
Date	14 July 2020
Author	Karen Oborn – Manager Corporate Services
Authorising Officer	Frank Ludovico – Executive Manager Corporate & Community Services
Attachments	1. Financial Report for the period ended 30 June 2020 (to be provided under separate cover)

Summary

Council is requested to review the June 2020 Monthly Financial Reports. In accordance with the Local Government Financial Management Regulations (1996), Regulation 34, the Shire is to prepare a monthly Statement of Financial Activity for notation by Council.

Background

Council is requested to review the June 2020 Monthly Financial Reports.

Comment

The June 2020 Monthly Financial Reports are presented for review.

It should be noted that the reports to 30 June are subject to balance day adjustments and final end of year accruals still to be taken into account and should not be construed as the final year end accounts.

Consultation

Executive Manager Corporate and Community Services.

Statutory Environment

Local Government (Financial Management) Regulations 1996, Regulation 34 applies.

Policy Implications

Nil

Financial Implications

All expenditure has been approved via adoption of the 2019/20 Annual Budget or resulting from a Council Motion for a budget amendment.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1 An efficient and effective organisation

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That, with respect to the Monthly Financial Reports for June 2020, Council note the Reports as presented.

10.3.3 ADOPTION OF FINANCIAL HARDSHIP POLICY

File Reference	File No
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin.
Previous Item Numbers	Item 10.4.2, 28 April 2020
Date	17 July 2020
Author	Niel Mitchell - Governance Consultant
Authorising Officer	Frank Ludovico – Executive Manager Corporate and Community Services
Attachments	1. Draft Financial Hardship Policy

Summary

To consider the adoption of a Financial Hardship policy for those affected by the Corona Virus pandemic (COVID-19).

Background

COVID-19 was declared a Pandemic on 11 March 2020 by the World Health Organisation (WHO) and the State of Western Australia declared a State of Emergency in relation to it with effect from 16 March 2020.

As a response to this situation the Western Australian State Government has implemented a range of measures to assist the community to deal with the impact of the pandemic.

In the Local Government (COVID-19 Response) Order 2020 (Order) published on 8 May 2020, local governments were (amongst other things) to consider the financial hardships of persons within their district. The methodology for doing this, is to develop a Financial Hardship Policy.

Comment

A Financial Hardship CEO Directive was presented to Council at its 28 April 2020 Council meeting and this has been formatted into a Council policy in order to comply with the subsequent Order.

Consultation

Consultation has been undertaken with:

- Executive Management Team; and
- Elected Members, via the Monthly Briefing Session held on 14 April 2020.

Statutory Environment

The following statutory provisions apply:

- Local Government Act 1995
- Section 2.7 – role of Council includes determining the local government’s policies.
- Local Government (COVID-19 Response) Order 2020.

Policy Implications

The policy is to be implemented by the CEO, Executive Manager Corporate & Community Services (EMCCS) and agreements can be entered into under the authority of the CEO, EMCCS or Manager Corporate Services, in accordance with Delegations 3.6 and 3.7 and sub-delegation of power.

Financial Implications

In overall context of the Shire’s Budget, COVID-19 has had a relatively small negative financial impact on the operations of the local government at the present, however the impact on the community necessitates a review of how the local government can respond to address the financial impacts that the pandemic will have in coming months and the next year in particular. To date, the Shire has not received any formal requests under the Financial Hardship CEO Directive.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective	1.	Economic Objective (Support growth and progress, locally and regionally)
Objective	2.	Social Objective (To provide community facilities and promote social interaction)
Outcome:	2.2	Build a healthier and safer community
Outcome:	2.3	Existing strong community spirit and pride is fostered, promoted and encouraged
Objective	4.	Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community.
Outcome:	4.1	An efficient and effective organisation.
Strategy:	4.1.1	Continually improve operational efficiencies and provide effective services
Strategy:	4.1.2	Continue to enhance communication and transparency

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That Council adopt the Financial Hardship Policy, as per Attachment 1.

XXX COVID 19 Financial hardship

Statutory context	<p>Local Government Act 1995</p> <p>Local Government (Financial Management) Regulations 1996</p> <p>Local Government (COVID19 Response) Order 2020 (SL 2020/57)</p>
Corporate context	<p>Delegations Register –</p> <p>3.6 – Sundry and rates debtors – recovery and agreements</p> <p>3.7 – Write-off of sundry and rates debtors</p> <p>Executive Instructions –</p> <p>3.4 – Debt recovery – Rates debtors</p> <p>3.5 – Debt Recovery – Sundry debtors</p> <p>Strategic Community Plan 2017-27 –</p> <p>Objective 4 – Civic Leadership – Continually enhance the Shire’s organisational capacity to service the needs of a growing community’</p> <p>Strategy 4.1.2 – Continue to enhance communication and transparency</p>
History	Adopted _____

Policy Statement

1. Purpose
 - a) The Shire recognises the likelihood that COVID-19 will increase the occurrence of financial hardship and vulnerability in our community.
 - b) The purpose of this policy is to ensure that the Shire administration provides fair, equitable, consistent and dignified support to debtors suffering hardship, while treating all members of the community with respect and understanding at what is a difficult time.
 - c) This Policy will remain in place until such time as the COVID19 pandemic order is revoked.
2. Scope
 - a) This policy is intended to apply to all debtors experiencing financial hardship regardless of their status, be they a property owner, tenant, business owner, etc., and is applicable to –
 - i) outstanding rates and service charges as at the date of adoption of this Policy;
 - ii) rates and service charges levied for the 2020/21 financial year; and
 - iii) outstanding debts as at the date of adoption of this policy.
 - b) To avoid any doubt, to the extent of any incontinency existing during the duration of this Policy, it overrides the existing permanent Executive Instructions –
 - i) 3.4 Debt Recovery – Rates Debtors; and
 - ii) 3.5 Debt Recovery – Sundry Debtors.
 - c) This policy is to be interpreted as an extension and clarification of Delegations 3.6 and 3.7.
3. Definitions

Act means Local Government Act 1995.

financial hardship means where a change in a person’s circumstances results in them being unable to pay rates and service charges without affecting their ability to meet their basic living needs, or the basic living needs of their dependants.

debtor means a person or entity that is responsible for the payment of rates and service charges and other debts to the Shire.
4. Operation
 - a) Expectation

The Shire recognises that many ratepayers will and / or are already experiencing financial hardship due to the COVID-19 pandemic. The Shire respects and anticipates that –

- i) The probability that additional financial difficulties will arise when rates and service charges and invoices are received by the community.
 - ii) The Shire will seek to support debtors and the community more generally in dealing with financial hardship and other challenges arising from the COVID-19 pandemic.
 - iii) The Shire will write to debtors at the time their account falls in arrears, to advise them of the terms of this policy and encourage eligible debtors to apply for hardship consideration.
 - iv) Where possible and appropriate, we will also provide contact information for a recognised financial counsellor and/or other relevant support services.
- b) Financial Hardship Criteria
- i) While evidence of hardship will be required, the Shire recognises that not all circumstance are alike. The Shire will take a flexible approach to a range of individual circumstances including, but not limited to, the following situations:
 - recent unemployment or under-employment
 - sickness or recovery from sickness
 - low income or loss of income
 - unanticipated circumstances such as caring for and supporting extended family.
 - ii) Debtors will be encouraged to provide any information about their individual circumstances that may be relevant for assessment. This may include demonstrating a capacity to make some payment/s and where possible, entering into a payment proposal. The Shire will consider all circumstances, applying the principles of fairness, integrity and confidentiality, whilst complying with statutory responsibilities.
- c) Payment Arrangements
- i) Payment arrangements will be of an agreed frequency and amount. These arrangements will consider the following –
 - whether a debtor has made genuine effort to meet debt, rate and service charge obligations in the past;
 - whether the payment arrangement will establish a known end date that is realistic and achievable.
 - ii) The debtor will be responsible for informing the Shire of any change in circumstances that may jeopardise the agreed payment schedule.
 - iii) In the case of severe financial hardship, an application may be referred to Council to consider waiving additional charges or interest (excluding the late payment interest applicable to the Emergency Services Levy).
- d) Interest Charges
- Interest charges will not be raised on a debtor that meets the financial hardship criteria and enters into a payment arrangement.
- e) Debt recovery
- i) The Shire will suspend its debt recovery processes while negotiating a suitable payment arrangement with a debtor. Where a debtor is unable to make payments in accordance with the agreed payment arrangement and the debtor makes an alternative payment arrangement with the Shire before defaulting on the 3rd due payment, the Shire will continue to suspend all debt recovery processes.
 - ii) Where a debtor has not reasonably adhered to the agreed payment plan, the Shire will, for any rates and service charge or debt that remains outstanding on 1 July 2021, offer the debtor one further opportunity to adhere to a payment arrangement that will clear the total debt by the end of the 2021/22 financial year.
 - iii) Rates and service charge or debts that remain outstanding at the end of the 2021/22 financial year, will be subject to the debt recovery procedures prescribed in the Act, Council Policy or Executive Instructions.
- f) Review
- When a debtor is aggrieved by a decision under this policy, the person may seek a review. The Review Officer is the Chief Executive Officer.
- g) Communication and Confidentiality
- i) The Shire will maintain confidential communications at all times and undertake to communication with a nominated support person or other third party at the debtors request.

- ii) The Shire will advise debtors of this policy and its application, when communicating in any format (i.e., verbal or written) with a debtor with an outstanding debt, rate or service charge debt.

h) Implementation

The policy is to be implemented by the CEO, Executive Manager Corporate & Community Services (EMCCS) and agreements can be entered into under the authority of the CEO, EMCCS or Manager Corporate Services, in accordance with Delegations 3.6 and 3.7 and sub-delegation of power.

5. Termination of policy

This policy has no effect following 30 June 2022 or in accord with clause 1(c), if earlier.

Forms and Templates

FCCS017 Request for payment arrangement Form

– End of Policy

Notes

Ombudsman Western Australia publication: 'Local Government collection of overdue rates for people in situations of vulnerability: Good Practice Guidance'

10.3.4 CORPORATE BUSINESS PLAN – 2020 REVIEW

File Reference	4.2.2
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	None
Date	17 July 2020
Author	Niel Mitchell – Governance Consultant
Authorising Officer	Frank Ludovico – Executive Manager Corporate & Community Services
Attachments	1. Corporate Business Plan 2020-2024 – Annual Review 2020 (under separate cover)

Summary

To consider the annual review of the Corporate Business Plan as required by the Local Government Act 1995.

Background

The Corporate Business Plan (CBP) is one of two core components of planning for the future, together with the Strategic Community Plan.

Comment

The current Corporate Business Plan was adopted by Council on 27 June 2019.

The Plan has been updated by:

Forecast Statement of Funding and Capital Program

- Deletion of 2019-20 financial data
- Inclusion of 2023-24 financial data from the current Long Term Financial Plan

Service Delivery

- Deletion of 2019-20 planned actions
- Inclusion of 2023-24 planned actions

The various actions of Service delivery have been amended to take into account projects brought forward or deferred.

In this respect the Council has been able to accommodate most of the proposed activities.

The primary changes from the Corporate Business Plan 2019-2023 include:

- Additions of:
 - Narrogin Railway Station – complete restoration with carparking \$750,000
 - Town Water Irrigation System (TWIS) Effluent re-use upgrade \$180,000

- Roadworks – Manaring Bridge \$270,000
 - Narrogin Regional Leisure Centre
 - HVAC system \$150,000
 - Carparking upgrades \$132,398
 - Upgrades to Public Toilets Responding to public input \$125,000
 - Gnarojin Park (Heritage Plan, Landscape Design, Electrical Design, \$138,440
 - Local Planning Scheme and Local Planning Strategy continuing in Year 1 and 2.
 - Sport and Recreation Master Plan preparation and activation continuing in Year 1 and 2.
- Deferment of:
 - The activation of Tourism Strategy to Year 2,
 - Proposed Storm Water Harvesting Plan to Year 2,
 - The preparation of a Local Biodiversity Strategy and Natural Resource Plan to Year 4,
 - Library Stage 2.
 - Completion
 - Tourism Strategy
 - Municipal Heritage list.
 - Community Engagement Policy.

Consultation

Consultation with Discussions with Executive Management Team.

Statutory Environment

The following legislation applies:

Local Government Act 1995 –

- Section 5.56(1) A local government is to plan for the future of the district
- Section 6.2 – Local government to prepare annual budget

Local Government (Administration) Regulations 1996 –

- Regulation 19DA(4) – A local government is to review the current corporate business plan for its district every year.

Policy Implications

Nil

Financial Implications

All of the proposed modifications for year 1 of the CBP are reflected in the Draft Annual Budget 2020/21.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1 An efficient and effective organisation
Strategy:	4.1.1 Continually improve operational efficiencies and provide effective services
Strategy:	4.1.2 Continue to enhance communication and transparency

Voting Requirements

Absolute Majority

OFFICERS' RECOMMENDATION

That pursuant to regulation 17DA(4) of the Local Government (Administration) Regulations 1996, Council adopted the Corporate Business Plan 2020-2024 as presented.

10.3.5 REQUEST FOR RATES EXEMPTION - KOORAMINNING ABORIGINAL CORPORATION (2-4 HANSARD STREET AND 7 HARTOGE STREET, NARROGIN)

File Reference	A165711, A230400
Disclosure of Interest	Neither the Author nor Authorising Officer has any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	Item 10.3.8 26 May 2020 Deferment Motion 0520.021
Date	8 July 2020
Author	Thomas Baldwin – Rates Officer
Authorising Officer	Frank Ludovico – Executive Manager Corporate & Community Services
Attachments <ol style="list-style-type: none"> 1. Extract of the 26 May 2020 Council minutes 2. Location plan and aerial photograph of properties 3. Building Surveyor’s report on properties 	

Summary

In May 2020, Council deferred its decision on the Kooraminning Aboriginal Corporation’s application for rates exemption on two of their properties located in the Shire of Narrogin, pending an investigation by the Administration on how, if at all, the properties are being used for charitable purposes. The Administration has completed this enquiry and the findings have formed the recommendation to Council.

Background

Following the Council meeting on 26 May 2020, the Building Surveyor inspected the properties to report on their current use. The report was completed on 14 July 2020. The report, including photographs of the properties, is attached. He stated in his report, *“The buildings remain in a state of disrepair and neglect”*. He concludes *“The starting question was whether the properties are currently being used. They clearly are not and, furthermore, would require work in order to meet habitation requirements before they could be used.”*

Both properties have outstanding debts totalling of \$59,982.14 (as on 8 July 2020). The properties have been the subject of legal action for many years.

Comment

The Building Surveyor’s report and photographs confirm the properties being reviewed are not occupied nor used exclusively (or at all) for charitable purposes.

Indeed, 7 Hartoge Street is vacant land and entirely fenced.

The Local Government Act 1995 section 6.26(2)(g) states: *land is not rateable land...[if the]...land [is] used exclusively for charitable purposes.*

Therefore, it is the Administration's contention, that the land must be used for charitable purposes to qualify as non-rateable. The Building Surveyor's report confirms that the properties in question are not in use at all. The Administration is therefore satisfied that the properties are not being used for charitable purposes, and indeed is a combination of derelict, unfit for habitation or vacant land.

Under the former Town of Narrogin Town Planning Scheme No. 2, the zoning of the three properties concerned is zoned "Single Residential". The properties at No 2 and No. 4 Hansard Street, which are currently occupied by the main building and a shed, has an Additional Use (A2) attached to the land for the purposes of Arts and Craft, Aboriginal Centre, Child Day care, Child Minding Centre and Youth Drop in Centre.

Given the supporting information, it is recommended that the resolution first considered in May 2020, now be determined and the Kooraminning Aboriginal Corporation's application for rates exemption be refused. It is further recommended that the outstanding debts on these properties be pursued.

Given the above, in the event that the existing motion is defeated, an alternate Officers' Recommendation, that Council is asked to consider is:

That, with respect to the request for rates exemption application made by Kooraminning Aboriginal Corporation for the properties at 2-4 Hansard Street and 7 Hartoge Street, Narrogin, Council:

- 1 *Refuse the exemption of rates on grounds that the properties are not being used for charitable purposes as defined by the Local Government Act 1995.*
- 2 *Authorise the Administration to take action to recover the remaining outstanding rates and charges on the two properties.*

Should Council refuse the application for rates exemption, the Kooraminning Aboriginal Corporation has the option to take this matter to the State Administrative Tribunal (SAT).

Consultation

Consultation has been undertaken with:

- Chief Executive Officer
- Executive Manager Corporate & Community Services
- Manager Corporate Services
- Building Surveyor

Statutory Environment

The following statutory provisions apply:

- Section 6.26 (2)(g) of the Local Government Act 1995
- Section 6.43. Rates and service charges are a charge on land of the Local Government Act 1995
- Section 5 of the Charities Act 2013

Policy Implications

Nil

Financial Implications

If the application for rates exemption is refused, rates and charges will continue to be levied on the properties. Further, penalty interest will continue to accrue on the outstanding debt (\$59,982.14 as of 8 July 2020).

To repay the outstanding debt an extensive payment arrangement would be required for the ratepayer. If an arrangement cannot be made or met, legal action will need to occur to recover the outstanding debt. Due to the age of the debt on both properties exceeding three years, the likely outcome will be the Shire moving to sell the properties to recover the outstanding rates.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective	2.	Social Objective (To provide community facilities and promote social interaction)
Outcome:	2.2	Build a healthier and safer community
Strategy:	2.2.1	Support the provision of community security services and facilities

Voting Requirements

Absolute Majority for approving the Deferred Motion (due to it approving a rate write-off).

Simple Majority for Officers' Recommendation.

DEFERRED MOTION

Moved Cr Seale Seconded Cr Bartron

That, with respect to the request for rates exemption made by Kooramining Aboriginal Corporation (2-4 Hansard Street & 7 Hartoge Street, Narrogin), Council:

1. Approve the exemption of rates from the date of application at 12 February 2020, as they are a registered charitable organisation with the intent of addressing social and economic issues with Aboriginal people within the district;
2. Credit 2019/20 rates from the date of application to the value of \$684.19 for each assessment (A165711 and A230400); and
3. Authorise the Administration to take action to recover the remaining rates on the two properties.

Should the above deferred motion be defeated, the Administration proposes the following Officers' Recommendation as an alternative.

OFFICERS' RECOMMENDATION

That, with respect to the request for rates exemption application made by Kooraminning Aboriginal Corporation for the properties at 2-4 Hansard Street and 7 Hartoge Street, Narrogin, Council:

1. Refuse the exemption of rates on the following grounds:
 - a. The properties are not being used exclusively for charitable purposes as defined by the Local Government Act 1995;
 - b. That 7 Hartoge Street is vacant land;
 - c. That 2-4 Hansard Street is, in the opinion of the Council, derelict and unfit for habitation in its current state; and
 - d. There is no evidence that the properties have been utilised for charitable purposes for a number of years.
2. Request the Administration to take action to recover the remaining outstanding rates and charges on the two properties.
3. Remind the Applicant of the Shire's previous requests to secure the property to minimise further degradation of the buildings.
4. Advise the Applicant of their right of appeal to the State Administrative Tribunal.

10.3.8 REQUEST FOR RATES EXEMPTION - KOORAMINNING ABORIGINAL CORPORATION (2-4 HANSARD STREET & 7 HARTOGE STREET, NARROGIN)

File Reference	A165711, A230400
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	Nil
Date	6 May 2020
Author	Joshua Pomykala – Governance Officer
Authorising Officer	Frank Ludovico – Executive Manager Corporate & Community Services
<p>Attachments</p> <ol style="list-style-type: none"> 1. Letter for application for rates exemption – 2-4 Hansard Street, 7 Hartoge Street, Narrogin 2. Australian Charities and Not-for-profits Commission – registration 3. Australian Business Register – Current Australian Business Number (ABN) details 4. Office of the Register of Indigenous Corporations – <ol style="list-style-type: none"> (i). Certificate of Registration (ii). Approval Letter 5. Minutes of Special Meeting (21 August 2019) – signed 6. Cancellation Approval – Kooraminning Committee (18 December 2019) 7. Rule Book of the Kooraminning Aboriginal Corporation 8. Town of Narrogin Ordinary Council Meeting Minutes 16 December 2014 (extract) – Report 10.2.384 Rate Exemption Request (Kooraminning Committee of Narrogin) 	

Summary

The Kooraminning Aboriginal Corporation have submitted a request to Council to have the rates for two of their properties (both adjoining lots of land) located within the Shire of Narrogin, exempted due to being a charitable organisation addressing the social and economic issues of Aboriginal people throughout the region.

Background

In July 2006, Council at its meeting of the former Town of Narrogin, approved a rates exemption on the two properties being 7 Hartoge Street and 2-4 Hansard Street, whilst it was used for exclusive charitable purposes. Council also resolved to take any necessary action to recover all amounts of outstanding debts on the property, totalling \$7,077.30.

Following the 2006 resolution, the former Director of Corporate & Community Services requested via memo to the Rates Officer:

“As the Committee has been recognised as having charitable status under the Local Government Act 1995 the following properties will be non-rateable from 1 July 2004 until further notice:

- *Assessment 230400 2/4 Hansard Street, Narrogin*
- *Assessment 165711 7 Hartoge Street, Narrogin*

Please arrange for the arrears relating to charges raised on the above properties, prior to 1 July 2004, to be transferred to non-current assets as they will remain outstanding until such time as the properties are sold or otherwise decided by Council.”

Due to an administrative review of the charitable status of the Kooraminning Committee, the Council of the former Town of Narrogin on 16 December 2014, considered another application for rates exemption on the two properties. Information provided to Council showed the building to be in poor condition and not used for the stated purposes.

Council thereby resolved to decline the application on the basis that the organisation was not a registered charitable body at the time of application, and the land was not being used exclusively for charitable purposes.

From 2006 to 2014, the two properties were exempt from rates due to the organisation’s charitable status and ongoing use for this purpose on the premises. Shire records show through the rates journals that both properties were not charged rates from the 2006/07 financial year until the end of the 2013/14 financial year – reference to the Valuation Roll for 2014/15 is also noted on the journals, where the properties resumed the accumulation of rates due to exemption status being rescinded by Council.

After a review of the exemption status, and as such Council’s resolution to decline that status until further information was to be given by the Kooraminning Committee as being a registered charity, the two properties have accumulated rates owing each financial year. As such, penalty interest has accrued on the outstanding amounts and therefore adds a significant amount of the debt accrual.

On 21 August 2019, a special meeting was held by the Kooraminning Committee of Narrogin to formally transfer the incorporation of the entity from the Associations Incorporation Act 1987 (WA) to the Corporations (Aboriginal and Torres Strait Islander) Act 2006. Once the resolution was passed, all administrative, operational and financial functions and responsibilities of the entity ceased.

On 16 December 2019, a new entity being the Kooraminning Aboriginal Corporation was registered with the Office of the Register of Indigenous Corporations under the Act.

The current outstanding rates on the properties combined total \$58,650.01 (inclusive of penalty interest as at 16 May 2020) with the breakdown as follows:

Description	Current /Arrears	A165711 7 Hartoge Street \$	A230400 2-4 Hansard Stree \$t	Total \$
Rates	C	1,105.00	1,105.00	2,210.00
Rates	A	4,192.00	4,192.00	8,384.00
Interest	C	5,792.91	21,699.15	27,492.06
Legal Charges	C	2,611.05	5,295.00	7,906.05
Conversion Arrears Balances	A	2,490.20		2,490.20

Description	Current /Arrears	A165711 7 Hartoge Street \$	A230400 2-4 Hansard Stree \$t	Total \$
ESL Penalty Interest	C	5.85	26.34	32.19
ESL Penalty Interest	A		44.36	44.36
Rubbish Collection - First Service	C		339.00	339.00
Rubbish Collection - First Service	A		9,510.16	9,510.16
Emergency Services Levy	C	84.00	84.00	168.00
Emergency Services Levy	A		228.00	228.00
*** TOTALS ***		\$16,281.01	\$42,523.01	\$58,804.02

The properties have been subject to legal action for many years, including summons, General Procedure Claims (GPC) and Property Seizure and Sale Order (PSSO) due to the payment of rates not being met and the significant accrual of outstanding amounts on each property. Each action failing because of a variety of events such as, changes in the committee membership, changing of staff and federal government department representation.

Comment

The Kooramining Aboriginal Corporation have supplied the Shire with a letter for the application for rates exemption, registration with the Australian Charities and Not-for-profits Commission, current ABN details, certificate of registration and approval letter with the Office of the Register of Indigenous Corporations, signed copy of the Special Meeting Minutes held on 21 August 2019, cancellation approval of the Kooramining Committee and a copy of the Rule Book of the Kooramining Aboriginal Corporation.

Incorporated as a not-for-profit Aboriginal Corporation under the Commonwealth Aboriginal and Torres Strait Islander Act 2006, the corporation's purpose is to provide support for the social and economic wellbeing of Aboriginal individuals throughout the region.

Whilst the objectives for the Kooramining Aboriginal Corporation as outlined in Attachment 7 'The Rule Book of Kooramining Aboriginal Corporation (ICN 9191)' Section 2 Objectives, they do not include any detail as to how the Corporation will achieve these objectives or what funding will assist with the delivery of these objectives.

A 'charitable purpose' has a specified legal meaning, which has developed over years by the courts and parliament. The courts have recognised many different charitable purposes, and as society changes new charitable purposes are accepted. Section 5 of the Commonwealth Charities Act 2013 states the definition of a charity as:

"5. Definition of *charity*

In any Act:

charitable: an entity is *charitable* if the entity is a charity.

Example: A reference in an Act to a charitable trust is a reference to a trust that is a charity.

charity means an entity:

- (a) that is a not-for-profit entity; and
- (b) all of the purposes of which are:

- (i) charitable purposes (see Part 3) that are for the public benefit (see Division 2 of this Part); or
- (ii) purposes that are incidental or ancillary to, and in furtherance or in aid of, purposes of the entity covered by subparagraph (i).

Section 6.26 of the Local Government Act 1995 (LGA) provides for rate exemptions based on exclusive charitable uses:

“6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land –
 - (g) land used exclusively for charitable purposes.”

The outstanding rates on each property is a significant amount and will have implications on Shire revenue.

Section 6.43 of the LGA states that rates are a charge on the land and not the individual, group or organisation who may be in ownership of it:

“6.43. Rates and service charges are a charge on land

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, rates and service charges imposed under this Act, together with the costs of proceedings, if any, for the recovery of the rates or service charges, are a charge on the land rated in relation to which the service charge is imposed.”

It should also be noted that rates exemptions only apply to the land rates and not to the Emergency Services Levy (ESL) and rubbish charges, where payment will still be required to be met should exemption status be granted.

Shire records show that rates have been outstanding on the two properties since at least 2003, with the former Town of Narrogin resolving on several occasions to recoup the outstanding monies through debt collection and legal action.

Given the supporting information, it is recommended that their application for rates exemption (not refuse charges or ESL) be approved from 12 February 2020. This will amount to a \$1,368.38 credit of rates for 2019/20.

Should the application be declined, Kooramining Committee has the option to take this matter to the State Administrative Tribunal (SAT).

Consultation

Consultation has been undertaken with:

- Executive Manager Corporate & Community Services
- Manager Corporate Services
- Western Australian Local Government Association

Statutory Environment

- Section 6.26 (2)(g) of the Local Government Act 1995
- Section 6.43. Rates and service charges are a charge on land of the Local Government Act 1995
- Section 5 of the Charities Act 2013

Policy Implications

Nil

Financial Implications

If all debts on both properties were to be removed, this would amount to \$58,650.01.

A number of options are presented for Council to consider. Council may resolve to pursue a complete write-off of all debts on both properties. This would amount to \$58,650.01 (plus any consequential interest that made have accrued from 16 May 2020).

Another option for Council's consideration is to accept the exemption of rates on both properties from the date of application, and resolving to pursue the outstanding debts accumulated on the two properties. The total amount to be purused would amount to \$57,965.82 (\$58,650.01 minus \$684.19 – the calculated rates from the date of application of 12 February 2020 until 30 June 2020).

Council may also consider a write-off of the outstanding rates charges (inclusive of legal charges and interest) on the two properties, while resolving to pursue the outstanding debt of ESL and rubbish charges, and resolving to accept the request for exemption for rates. This figure would amount to a write-off of \$48,482.31, while pursuing \$10,321.71. This would have an impact of \$50,692.31 (\$48,482.31 plus \$2,210.00) for the 2020/21 budget.

A further option would be for Council to resolve to decline the request for rates exemption for the two properties for the 2020/21 financial year, and pursue all outstanding debts on both properties.

Should Council wish to pursue the outstanding debts on the properties, an extensive payment arrangement would be required for the ratepayer – if this arrangement cannot be met, legal action would need to occur to recover the outstanding debt. Due to the age of the debt on both properties, it is likely this will eventuate to the Shire moving to sell the properties to recover the outstanding rates.

It is noted that Council, at its meeting held on 27 November 2019, approved rate exemptions to ten properties managed by Foundation Housing, totalling \$25,309.15 (\$9,255.03 backdated to the 2018/19 year and \$16,054.12 for the 2019/20 year).

In the previous agenda item, the Southern Aboriginal Corporation is also seeking exemption from rates. If that application is approved, the total amount of rates exempt from payment for 2019/20 will be \$18,984.97 (ie \$16,054.12 plus \$2,930.85).

If the application is approved, the total amount of rates exempt from payment for 2019/20 will be \$20,353.35 (ie \$16,054.12 plus \$2,930.85 plus \$1,368.38).

If approved by Council, the Administration will include the properties in the Shire's Register of Exempt Rates and review their status on an annual basis for continuation of exemption.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective	2.	Social Objective (To provide community facilities and promote social interaction)
Outcome:	2.2	Build a healthier and safer community

Strategy:	2.2.1 Support the provision of community security services and facilities
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Voting Requirements

Absolute Majority

Cr Seale foreshadowed that he intended to move a deferment motion so that the Administration could check that the properties were being used for charitable purposes.

OFFICERS' RECOMMENDATION AND COUNCIL RESOLUTION

Moved: Cr Seale Seconded: Cr Bartron

That with respect to the request or rates exemption made by Kooraminning Aboriginal Corporation (2-4 Hansard Street & 7 Hartoge Street, Narrogin), Council:

1. Approve the exemption of rates from the date of application at 12 February 2020, as they are a registered charitable organisation with the intent of addressing social and economic issues with Aboriginal people within the district;
2. Credit 2019/20 rates from the date of application to the value of \$684.19 for each assessment (A165711 and A230400); and
3. Authorise the Administration to take action to recover the remaining outstanding rates on the two properties.

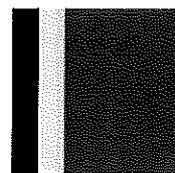
DEFERMENT MOTION – 0520.021

Moved: Cr Seale Seconded: Cr Fisher

That the item be deferred pending the Administration reporting to Council on how, if at all, the properties are being used for charitable purposes.

CARRIED 9/0

Kooraminning Aboriginal Corporation ICN 9191
2 Hansard St, Narrogin Western Australia
P.O. Box 56 Kelmscott W.A. 6111
m. 0419 449 983 e.



12 February 2020

Shire of Narrogin Council
Shire of Narrogin
89 Earl St, Narrogin W.A. 6312

Dear Council Members,

I seek your consideration for an application under Section 6.26 of the Local Government Act, specifically Section 6.26 (1) (g) which gives precedence for land used exclusively for charitable purposes exemption as rateable land.

Previously the Kooraminning Committee of Narrogin (KCoN) was a registered entity under the Western Australian Association Incorporation Act (IARN: A0760150T) until it was cancelled under Section 99 of the Associations Incorporations Act 2015 on the 16 December 2019 (see attachment 1). This came with approval of members of the then KCoN's members authorisation at a Special General Meeting (see attachment 2). At that point all administrative, operational and financial functions and responsibilities of that entity ceased, inclusive of outstanding debts belonging to the entity which also related to outstanding rates in arrears to the Shire.

Subject to member authorisation a new entity being the Kooraminning Aboriginal Corporation was registered with the Office of the Register of Indigenous Corporations (ORIC) under the Corporations Aboriginal and Torres Strait Islander Act 2006 (CATSI Act) as of the 16 December 2019. The Indigenous Corporation Number (ICN) is 9191 (attachment 3a and 3b) and is fully active as is its new Australia Business Number (ABN) 49 79 472 947 (attachment 4).

Post successful registration of the new entity with ORIC, an application for charitable status was made to the Australian Charities and Not-for-profits Commission (ACNC). Charitable

ABN 49 759 472 947



status was registered and authorised on 30 January 2020 (see attachment 5) and is visible on the ACNC site.

Previously a representative of the former representative of the KCoN attempted to apply to the Council for an exemption of rates at the meeting of Council dated 16 December 2014, p.88 of Council minutes) (attachment 6).

The Rule Book (attachment 7) for the Kooraminning Aboriginal Corporation (KAC) clearly set out its objectives which include all charitable purposes as stated in the ACNC notice. It is the submission of this corporation to seek approval from your Council for exemption of rates from the date of inception of KAC, being 16 December 2019 for 2-4 Hansard St (Lots 401 and 402 on Plan 302647) and 7 Hartoge St (Lot 403 On Plan 302647) for an indefinite period.

The KAC has an active Board of Directors who have met to discuss the way forward, who will soon be holding a General Meeting of Members to consider its future direction and has expanded its scope of operations across the Narrogin district as opposed to formally being a Narrogin based service only. Currently we have 5 Directors, 3 from within the Narrogin District, the Chairperson and Independent Director who reside in Perth for strategic purposes.

The KAC Board look forward to the creation of their Strategic Plan with input of its members and the Narrogin District in the very near future; and are currently in contact with the National Indigenous Australians Agency, Commonwealth Department of Health and the Western Australian Department of Health to formalise funding opportunities and programmes to begin addressing the social and economic conditions of not only Narrogin, but the surrounding communities and district in its entirety. KAC look forward to a progressive and close working relationship with the Shire and the Council, to work in partnership for the betterment of local Aboriginal people and the community of Narrogin in general.

We appreciate the rates outstanding with the former KCoN was a significant amount, though as a new entity we are not responsible for their outstanding debts. As the KCoN no longer exists, what occurs with the prior debt is a matter for the Shire. All property titles are in the process of being changed as authorised by the previous membership of the KCoN to the KAC. Once this has occurred notice will be provided to the Shire.

We are also seeking support from the Shire to maintain and transfer the Lease for the Cuballing Road Reserve which was held by the KCoN to the KAC. Once we have approval, we will apply to the Department of Planning, Lands and Heritage (DPLH) for transfer of the Lease Title Agreement with DPLH and Landgate to be amended.

We appreciate that the old KNoC has left the properties and maintenance in an appalling state, though the new entity, Directorship and Membership hope that we can turn the entity around and make many differences and successes for the community and its neighbouring communities. We also acknowledge the Heritage report that has occurred on the property and the new status of the building so will incorporate those changes into future planning arrangements. If you would like any further information, I can be contacted on 0419449983.

Once again, we thank you for your consideration with this request and look forward to your response in due course.

Sincerely,



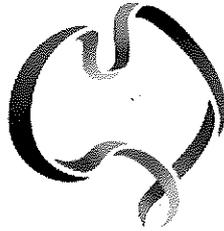
Laurence Riley

Kooraminning Aboriginal Corporation ICN 9191





Australian Government



Australian
Charities and
Not-for-profits
Commission

THIS CERTIFIES THAT

Kooraminning Aboriginal Corporation

ABN: 49759472947

HAS BEEN REGISTERED BY THE

Australian Charities and Not-for-profits Commission

ON THE DATE OF
30/01/2020

CERTIFIED BY

Hon. Dr Gary Johns

Commissioner

Australian Charities and Not-for-profits Commission



ABN Lookup

Current details for ABN 49 759 472 947

ABN details

Entity name: Kooraminning Aboriginal Corporation
 ABN status: Active from 30 Jan 2020
 Entity type: Other Incorporated Entity
 Goods & Services Tax (GST): Not currently registered for GST
 Main business location: WA 6312

Australian Charities and Not-for-profits Commission (ACNC)

Kooraminning Aboriginal Corporation is registered with the Australian Charities and Not-for-profits Commission (ACNC) as follows:

ACNC registration	From
Registered as a charity view ACNC registration	30 Jan 2020

Deductible gift recipient status

Not entitled to receive tax deductible gifts

COPY

Disclaimer

The Registrar makes every reasonable effort to maintain current and accurate information on this site. The Commissioner of Taxation advises that if you use ABN Lookup for information about another entity for taxation purposes and that information turns out to be incorrect, in certain circumstances you will be protected from liability. For more information see [disclaimer](#)

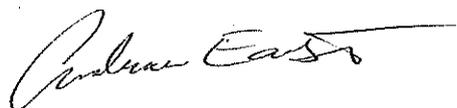
This is to record that

KOORAMINING ABORIGINAL CORPORATION

INDIGENOUS CORPORATION NUMBER: 9191

is a corporation registered under the
Corporations (Aboriginal and Torres Strait Islander) Act 2006.

The date of registration is 16 December 2019



Andrew EAST

Delegate of the Registrar of Aboriginal and Torres Strait Islander
Corporations



Certificate issued under section 32-1(c)

ORIC ref: ICN9191/1491723
Contact officer: Andrew East
Contact phone: 1800 622 431

13 December 2019

The Directors
Kooraminning Aboriginal Corporation (ICN: 9191)
PO Box 56
Kelmscott WA 6111

Dear Directors

Application for registration of an Aboriginal and Torres Strait Islander corporation approved

I am pleased to tell you we have approved under Division 26 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* your application to register an Aboriginal and Torres Strait Islander corporation.

Your Indigenous corporation number (ICN) is **9191**. Please make sure to include your ICN in the letterhead area of all your corporation's letters.

With this letter I am sending your certificate of registration, and some copies of your rule book. You can download a copy of your rule book at any time from www.oric.gov.au. This rule book tells you about the laws your corporation has to follow.

One of these rules is that you must hold your first general meeting of members within three months after the corporation is registered, that is, **before 13 March 2020**. You will also need to hold an annual general meeting within five months after the end of the corporation's financial year, that is, by **30 November each year**.

A corporation must lodge various reports with the Registrar within six months after the end of the corporation's financial year. A corporation's size and income determines how it has to report every year. A corporation's size also determines its contact and document access arrangements. I've included a fact sheet which explains financial and other reporting requirements for corporations.

If certain changes happen at your corporation, such as the corporation's contact details or who is a director or contact person/secretary, you need to tell us within 28 days of the change. The quickest and easiest way to do this is by lodging forms at <https://online.oric.gov.au>. The online forms use information that has already been given to ORIC—you only need to update the information that has changed.

Our freecall number is 1800 622 431 (not free from mobile phones) if you have a question for us.

There is also helpful information available on our website at www.oric.gov.au.
This has links to the laws which govern your corporation.

If you would like to discuss this letter please call our freecall number 1800 622 431
(not free from mobile phones) or email info@oric.gov.au.

I wish you well with your new corporation.

Yours sincerely



Andrew East
Delegate of the Registrar

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Minutes of Special General Meeting

Kooramining Committee of Narrogin Incorporated

Date: Thursday 21st August 2019

Meeting start time: 17:30pm

Meeting chair: Laurence Riley

Attendees: Laurence Riley, Basil Thorne and Charlene Garces

Apologies: Charlene Thorne

Agenda item 1 – Passing of a special resolution to transfer incorporation of the association from the Associations Incorporation Act 1987 (WA) to the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act).

Chair explained to the members the necessity to change regulating bodies from Associations Incorporations Western Australia to the Office of the Register Indigenous Corporations and described the additional supports that would be available if the organisation were to transition, these supports include governance supports for Directors and the ability to apply for programs funding through the Indigenous Advancement Strategy due to new funding agreement approaches.

The chair further went on to provide members with an overview of where Kooramining is currently placed and how the new regulating body and rule book would better support the needs of the community, by stabilising future governance processes and procedural fairness, and the strength-based objectives to support the prospective opportunities through new objectives that will benefit not only Narrogin, but the wider district and Noongar Country.

The Chair opened the floor for discussion and offered an opportunity for questions. Members did not indicate that there were any pressing questions at that time. Consequently, the chair too the opportunity to put the motion of special resolution to the floor, that being;

THE MEMBERS RESOLVE for the purposes of section 10B of the Associations Incorporation Act 1987 (WA) to:

- Apply to the Department of Mines, Industry Regulations and Safety Associations Incorporations for transfer to CaTSI Act through the Office of the Registrar for Indigenous Corporations.

- apply for registration of the association as an Aboriginal and Torres Strait Islander corporation under the Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act). THE MEMBERS RESOLVED for the purposes of the CATSI Act:
- that the Kooraminning Committee of Narrogin Inc is authorised to apply for the registration.
- that the proposed rule book attached to the notice of the meeting be adopted by the association when it becomes registered as an Aboriginal and Torres Strait Islander corporation.
- that the attached list of replaceable rules from the CATSI Act will apply to the association when it becomes registered as an Aboriginal and Torres Strait Islander corporation, except if it is changed or replaced in the proposed rule book.
- that the persons specified in the application will become directors on registration. Laurence Riley, Basil Thorne, Dwayne Riley, Dorinda Cox
- that the person/s specified will become contact persons or secretaries on registration, and
- That the directors of the new corporation have authority to adjust contracts, titles and any other administrative requirements to the name of or on behalf of the new entity.

Moved: Charlene Thorne
Seconded: Basil Thorne
Motion Carried

The chair thanked members for supporting the motion and for understanding the need to put the future of Kooraminning in the best interests of the people.

Agenda item 2 – Other business

Nil

Meeting closed: 18:00pm

Chairperson name: Laurence Riley

Signature:



Date: 1 September 2019



Government of Western Australia
Department of Mines, Industry Regulation and Safety
Consumer Protection

Our Ref: Job No. 1758251;
IARN: A0760150T
Enquiries: Telephone 1300 30 40 74

Mr Laurence Riley
33 Falcon St
NARROGIN WA 6312

By email: lriley83@yahoo.com.au

23 December 2019

Dear Mr Riley

**ASSOCIATIONS INCORPORATION ACT 2015
KOORAMINNING COMMITTEE OF NARROGIN INCORPORATED (the Association)**

I refer to your Application for approval to register or incorporate under another law received by the Department of Mines, Industry Regulation and Safety - Consumer Protection Division (Consumer Protection) on 18 October 2019.

Thank you for notifying the Commissioner for Consumer Protection of the registration of Kooraminning Aboriginal Corporation on 16 December 2019.

Section 99 of the *Associations Incorporation Act 2015* states the registration of the prescribed body corporate automatically cancels the incorporation of the Association under this Act.

Therefore, the incorporation of the Association is deemed cancelled as of **16 December 2019**.

Should you require any further information in relation to this matter please contact Associations Registration staff on 1300 30 40 74 or by email to associations@dmirs.wa.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Minter'.

for
Commissioner for Consumer Protection

Associations and Charities, Registration Section
Gordon Stephenson House, 140 William Street, Perth WA 6000 | Locked Bag 100, East Perth WA 6892
Associations Information Line: 1300 30 40 74 or (08) 6552 9300
Email: associations@dmirs.wa.gov.au | Internet: www.dmirs.wa.gov.au/consumer-protection

The rule book of Kooraminning Aboriginal Corporation

(ICN 9191)

This rule book complies with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*.

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The rule book contents

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1. Name

The name of the corporation is: Kooraminning Aboriginal Corporation

2. Objectives

The objectives of the corporation are to assist in the relief of poverty, sickness, destitution, helplessness, distress, suffering, and misfortune, among Aboriginal and Torres Strait Islander people, through the process of supporting social and economic development.

The corporation aims to:

- operate community enterprises and build a strong financial base for community development activities and infrastructure.
- Promote, support, sponsor, engage in and facilitate community development by acting as a resource for the community and stakeholders in the areas of education, health, housing, employment and welfare services and provisions to the community.
- act as a clearing house to facilitate the exchange of information and skills, participation and maintenance of community development activities, community services, employment and housing for the community.
- provide accessible and effective preventative health care to Aboriginal people in the region.
- provide coordinated services and opportunities to discuss concerns, needs and matters relating to all social determinants and service provisions within the region.
- negotiate with government department and other essential agencies relating to social impacts and strategic investment opportunities to address local and district need.
- promote, encourage and support reconciliation within the region by building coordinated and collaborated partnerships with all stakeholders.
- foster and enhance the maintenance, restoration, revitalisation and renewal of traditional language and culture.
- incorporate localised economic development strategies and opportunities within the regional setting.
- build a qualified workforce to undertake work and projects within the region.
- address suicide and self-harm through preventative approaches by supporting and developing social policy through coordination of services and programs.
- Promote, encourage and support Aboriginal men through appropriate services and provisions.

- operate a public benevolent, charitable organisation that is not-for-profit and where all funds and revenue are directed toward achieving the objectives of the organisation and applied solely to the Organisation (whereby no part of the property or income may be paid or otherwise distributed by any means, directly or indirectly to the members of the Organisation, except in good faith in the promotion of the objectives of the Organisation).
- receive and effectively spend grants of money from the Commonwealth and State Governments or from other sources.
- Develop and maintain sound management practices that are equitable, honest, accountable, transparent, and consistent with State and National standards and legislation; and
- purchase, lease, or acquire property for the purpose of pursuing the corporation's objects on behalf of the Aboriginal community within the region.
- To operate and maintain a gift fund to be known as 'The Kooraminning Aboriginal Corporation Gift Fund' in accordance with the requirements of the *Income Tax Assessment Act 1997*.

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3. Members

3.1 *Who is eligible?*

A member must be:

- at least 18 years old;
 - a descendant of the Wilman clan group from the Noongar nation
“a descendant of the Wilman clan group is automatically eligible for membership through written application”.
- or
- an Aboriginal or Torres Strait Islander person normally and permanently resident within the boundaries of Noongar Country
“normally and permanently resident” is defined as residing in the region for a period of at least six months continuously, immediately prior to applying for membership, with an intention to reside permanently’.

The Narrogin district is inclusive of Narrogin, Beverley, Brookton, Corrigin, Darkan, Dumbleyung, Hyden, Kulin, Kukerin, Kondinin, Lake Grace, Narrogin, Newdegate, Pingelly, Wagin, Wandering, Wickipin, Yealering and any smaller communities, attached to, or located within the abovementioned outer laying townsites.

3.2 *How to become a member*

A person applies in writing.

A person needs to be eligible under rule 3.1.

The directors accept the application by resolution at a directors’ meeting.

The directors must consider all applications for membership within a reasonable period after they are received.

The person’s name, address and date they became a member is put on the register of members.

The directors may refuse to accept a membership application. If they do so, they must write to the applicant about the decision and the reasons for it.

A person does not become a member until their name is entered on the corporation's register of members. This must be done within 14 days after the directors accept the membership application. However, the corporation must not enter the person on the register of members until after the relevant general meeting or annual general meeting (AGM) has been held if:

- a person applies for membership after a notice has been given for a general meeting or AGM, and
- the general meeting or AGM has not been held when the directors consider the person's application.

Note: An application for membership form is at Schedule 1—Application for membership form of this rule book.

3.3 Members' rights

A member can:

- attend, speak and vote at general meetings
- be made a director (if the member is eligible to be a director—see rule 5.3 on eligibility of directors)
- put forward resolutions at general meetings, including under rule 4.6
- ask the directors to call a general meeting under rule 4.3
- look at the members' register free of charge
- look at the minutes of general meetings and AGMs free of charge
- look at the rule book or get a copy (free of charge)
- raise a dispute and have a dispute dealt with using rule 10
- look at the books of the corporation if the directors have authorised it or the members pass a resolution at a members' meeting which approves it.

3.4 Members' responsibilities

A member must:

- follow the corporation's rules
- let the corporation know if they change their address
- treat other members with respect.

Members should also attend general meetings (including AGMs) or give their apologies.

3.5 No membership fee

The members of the corporation are not required to pay fees to join or for ongoing membership of the corporation.

3.6 Liability of members

The members do not have to pay the corporation's debts if the corporation is wound up.

3.7 How to stop being a member

A person stops being a member if:

- they resign in writing
- they pass away
- their membership is cancelled in accordance with rule 3.8 or 3.9.

When a person stops being a member the corporation must put their name, address and the date they stopped being a member on the register of former members.

3.8 Cancelling membership

A person's membership can be cancelled by members passing a special resolution at a general meeting if the member:

- can't be contacted for two years
- misbehaves
- is not an Aboriginal or Torres Strait Islander person (if this is a requirement for membership)

The directors must give the person notice of the cancellation of their membership at the person's last known address as soon as possible after the special resolution is passed.

When a person's membership is cancelled the corporation must put their name, address and the date they stopped being a member on the register of former members.

3.9 Directors' limited right to cancel membership

For grounds not covered by rule 3.8, a person's membership can be cancelled by the directors passing a resolution at a directors' meeting if the member is not or stops being eligible for membership as set out in rule 3.1.

To do this, the directors must:

- write to the member to tell them:
 - the directors are going to cancel their membership
 - the member has 14 days to object to the planned cancellation
 - if the member objects, they must write to the corporation to say so
- allow the member 14 days to object in writing to the intended cancellation.

If the member does not object, the directors must cancel the membership by passing a resolution at a directors' meeting. Then give the former member a copy of the resolution.

If the member objects, the directors cannot cancel the membership. The membership can only be cancelled by members passing a resolution at a general meeting.

3.10 The register/s of members and former members

The register/s must contain:

- the names and addresses of members and former members
- the date when each person's name was added to the register
- if a person is not an Aboriginal or Torres Strait Islander person (if rule 3.1 allows non-Aboriginal or non-Torres Strait Islander members)
- for former members, the date when they stopped being a member.

The register/s of members and former members must be kept at the corporation's document access address or, if it is a large corporation, its registered office.

The register of members must be made available at the AGM.

4. General meetings and AGMs (members' meetings)

4.1 AGM timing

An AGM must be held before the end of November each year.

4.2 AGM business

AGM business includes:

- checking the register of members
- confirming the minutes of the previous general meeting
- presenting reports: general, financial, directors'
- asking questions about how the corporation is managed
- electing directors (if required)
- choosing an auditor (if required) and agreeing on the fee.

4.3 Calling general meetings

The directors can call a general meeting or AGM by passing a resolution in a directors' meeting or by circulating resolution.

The required number of members can request the directors to call a general meeting.

Number of members in corporation	Number of members required to request a general meeting
2 to 10 members	= 1 member
11 to 20 members	= 3 members
21 to 50 members	= 5 members
51 members or more	= 10 per cent of members

The members' request must:

- be in writing
- state any resolutions to be proposed at the meeting
- be signed by the members making the request
- nominate a member to be the contact member on behalf of the members making the request
- be given to the corporation.

Within the 21 days of receiving the request the directors must either call the meeting or apply to the Registrar to deny the request.

Directors agree to the request

If the directors agree to the request they must call the general meeting within 21 days of receiving the members' request.

Directors apply to the Registrar to deny the request

If the directors resolve that:

- the request is frivolous or unreasonable or
- complying with the request would be contrary to the interests of the members as a whole

a director, on behalf of all of the directors, may apply to the Registrar for permission to deny the request to call a general meeting.

The directors' application to the Registrar to deny the members' request must:

- be in writing
- set out the reasons why they wish to deny holding the meeting
- be made within 21 days after the members' request for a meeting was made.

The directors must give notice to the contact member that they have applied to the Registrar to deny the request.

4.4 General meeting business

General meetings business includes:

- confirming the minutes of the previous general meeting
- considering the business or resolutions in the notice of meeting.

4.5 Notice for general meetings and AGMs

At least 21 days' notice must be given.

Notice must be given to:

- each member individually
- the directors
- the contact person or secretary
- the auditor (if the corporation has one).

The notice must set out:

- the place, date and time for the meeting
- the business of the meeting
- if a special resolution is being proposed, the exact wording of it
- any technology to be used in the meeting (if required)
- if a member can appoint a proxy.

Notices must be given to each member individually. This can be done by sending by post to their address, by fax, by email or via social media. In addition to individual notice a corporation can also give notice in a manner which follows Aboriginal or Torres Strait Islander custom.

A notice of meeting:

- sent by post is taken to be given three days after it is posted
- sent by fax, or other electronic means, is taken to be given on the business day after it is sent.

4.6 Members' resolutions

The required number of members can propose a resolution by giving notice of it to the corporation.

Number of members in corporation	Number of members required to propose a resolution
2 to 10 members	= 1 member
11 to 20 members	= 3 members
21 to 50 members	= 5 members
51 members or more	= 10 per cent of members

The notice must set out the resolution in writing and must be signed by the members proposing it.

The corporation must give notice of the resolution to all members in the same way as rule 4.5.

The corporation must consider the resolution at the next general meeting which is being held more than 28 days after the notice from the members has been given to the corporation.

4.7 Quorum at general meetings and AGMs

Number of members in corporation	Number of members to make a quorum
2 to 30 members	= 2 members
31 to 90 members	= 5 members
91 members or more	= 10 members

The quorum must be present during the whole meeting. If there is no quorum after one hour, the meeting is adjourned until the next week at the same time and at the same place. If there is still no quorum, the meeting is cancelled.

How to count the quorum

To work out if there is a quorum:

- count each member present at the meeting (if a member also holds a proxy, that member is only counted once)
- if rule 4.12 allows a non-member to hold a proxy for a member, count each non-member present at the meeting holding a proxy (if the non-member proxy holder holds more than one proxy, the non-member is only counted once)
- if rule 4.12 allows proxies and a member has appointed more than one proxy and each of those proxy holders are at the meeting, count only one of them
- if rule 4.12 allows proxies and a member has appointed one or more proxies and the member is also present at the meeting, do not count the member's proxy holders.

4.8 Chairing general meetings and AGMs

The directors can elect someone to chair the meeting. If they don't, the members must elect someone.

4.9 Using technology at general meetings and AGMs

General meetings and AGMs can be held at more than one place using any technology that gives members a way of taking part but the type of technology to be used must be set out in the notice of meeting.

4.10 Voting at general meetings and AGMs

Each member has one vote.

The chairperson has one vote (if he or she is a member) plus a casting vote.

A challenge to a right to vote at a meeting may only be made at the meeting, and must be determined by the chairperson, whose decision is final.

A resolution is decided by majority on a show of hands, unless a poll is demanded under rule 4.11. The chairperson tells the meeting whether they have received any proxy votes and how they are to be cast.

The chairperson declares the results of the vote, on a show of hands, or when a poll is demanded.

4.11 Demanding a formal count (i.e. a poll)

Either the chairperson or any member entitled to vote on the resolution can demand a poll. A poll is a formal count of votes.

A poll can be held instead of, or immediately after, a vote decided by majority on a show of hands.

A poll demanded on any matter must be taken immediately. The chair of the meeting directs how the poll will be taken.

4.12 Proxies at general meetings and AGMs

Proxies may not be appointed to attend or vote for members at general meetings.

4.13 Other people at general meetings and AGMs

A person appointed by a member as their attorney under a power of attorney may not in their capacity as attorney attend general meetings and AGMs or vote for the member.

The chairperson may allow any person (excluding an attorney) other than a corporation director, member or auditor to attend general meetings and AGMs. But the person cannot propose or vote on resolutions.

4.14 Postponing a general meeting or AGM

After notice has been given for a general meeting or AGM the directors can decide to postpone the meeting (this means, delay or reschedule the meeting for a later date) if there are exceptional reasons for doing so (such as a matter subject to legal determination, the death of a community person or a natural disaster).

The directors postpone the meeting by passing a resolution in a directors' meeting. A postponed meeting must be held within 30 days of the date that the meeting was due to occur.

The directors must give reasonable notice of the postponement and give each member individually a notice of the postponed meeting setting the new date, time and place.

5. Directors

5.1 Role of directors

The directors oversee the running of the corporation on behalf of all members, make decisions about the affairs of the corporation, and should always be aware of what the corporation and its employees are doing. The directors manage, or set the direction for managing, the business of the corporation.

The directors may exercise all the powers of the corporation except any that the CATSI Act or this rule book requires the corporation to exercise in a general meeting.

5.2 Number of directors

The maximum number of directors of the corporation is between 4-9. This number includes 7 ordinary Directors and up to 2 independent or specialist non-member directors.

The chairperson will be decided from within the directorship. Independent or specialist non-member directors cannot be the chairperson.

To change the number of directors, members need to pass a special resolution at a general meeting or AGM to change the rule book. Such a resolution needs to be in the notice calling that meeting.

5.3 Eligibility of directors

A director (other than a director appointed under rule 5.7) must be:

- at least 18 years old
- a member
- a descendant of the Wilman clan group from the Noongar nation; or
- an Aboriginal or Torres Strait Islander person normally and permanently resident within the boundaries of the Narrogin district.

‘Narrogin district is inclusive of Beverley, Brookton, Corrigin, Darkan, Dumbleyung, Hyden, Kulin, Kukerin, Kondinin, Lake Grace, Narrogin, Newdegate, Pingelly, Wagin, Wandering, Wickepin, Yealering and any smaller communities, attached to, or located within the abovementioned town sites’.

- have consented in writing to be appointed as a director of the corporation.
- prior to appointment have completed, or give an undertaking to complete within a reasonable period after appointment, corporate governance training provided by the Office of the Registrar of Indigenous Corporations or an equivalent approved corporate governance training course.
- comply with any Code of Conduct for directors as implemented by the corporation from time to time, whether it was implemented at the time the director is elected or appointed or whether it is amended or otherwise altered by the corporation after election or appointment.

A person is not eligible to become a director if the person:

- has been disqualified from managing corporations.
- has been convicted of a criminal offence in the last five years and been sentenced to imprisonment for more than 12 months.
- is an employee at the time of appointment or during their appointment as a director.
- Not more than 1 person from an immediate family shall be eligible to be appointed as a director or hold office as a director at the same time.

‘immediate family’ means any living person related in any of the following ways: spouse, defacto spouse, grandfather, grandmother, father, mother, stepfather, stepmother, son, daughter, sister, brother, step children. It is also extends to customary or defacto adoption arrangements.

5.4 Majority of director requirements

A majority of directors of the corporation must:

- be individuals who are Aboriginal or Torres Strait Islander people (only relevant if your rule 5.3 allows non-Indigenous people as directors.)
- usually reside in Australia
- be members of the corporation
- not be employees of the corporation.
- No more than three directors can reside in the Town of Narrogin

The chief executive officer (CEO) may be a director but cannot chair directors' meetings.

5.5 How to become a director

The corporation can appoint a director by the members passing a resolution at a general meeting or AGM.

If there is a casual vacancy in a directorship the other directors can pass a resolution in a directors' meeting to fill the vacancy (see rule 5.8).

Before being appointed as a director, the person must give the corporation their consent in writing to act as a director.

The corporation must notify the Registrar of the director's appointment and personal details within 28 days after they are appointed.

5.6 Directors' terms of appointment and rotation

Directors (other than those appointed under rule 5.7) are appointed for two years. They must retire at the end of the second AGM after they take office. They are eligible to be re-elected.

For directors appointed at the AGM there is a rotation system, so that half the directors must retire at each AGM. They are eligible to be re-elected.

To implement the rotation system:

- Half of the directors of the corporation at the time of these rules are approved will only hold office until the next AGM and must retire. They are eligible to be re-elected.
- The directors will agree on which directors retire at the AGM. If the directors cannot agree, they must decide by lot conducted by the directors.
- At every subsequent AGM those directors that did not retire at the previous AGM must retire. They are eligible to be re-elected.

- Newly elected directors have a term of two years, which at the second AGM after they take office. If a director is replaced during their term, the replacement director holds office of the remainder of the replaced director's term.
- The AGM minutes must record the term for each director appointed.

If, despite the operation of section 246-25(4) of the CATSI Act, the terms of all directors expire so that there are no directors appointed at a particular time, the directors holding office immediately before the expiry will continue to hold office until the members appoint new directors or reappoint the existing directors by resolution at a general meeting.

5.7 Independent or specialist non-member directors

Independent or specialist non-member directors may be selected because they are independent or have skills in financial management, corporate governance, accounting, law or a field relating to the corporation's activities.

The directors may appoint independent or specialist non-member directors by passing a resolution in a directors' meeting.

Before being appointed as an independent or specialist non-member director, the person must give the corporation their written consent to become a director.

Independent or specialist non-member directors are appointed for the term specified by the directors in their appointment. Independent or specialist non-member directors can be appointed for a term of one to two years, and they can be reappointed.

5.8 How to fill casual vacancies

The directors can appoint a person as a director to fill a casual vacancy.

A casual vacancy is where a person stops being a director before their term of appointment expires (see rule 5.9) and so the position of that director is vacant.

The person must meet the director eligibility criteria in rule 5.3 and any criteria that applies to the particular vacancy.

The term of an appointment made to fill a casual vacancy is for the balance of the term remaining on the vacant position.

However, a person's appointment to fill a casual vacancy must be confirmed by members passing a resolution at the next general meeting otherwise the person stops being a director at the end of the general meeting.

5.9 How to stop being a director

A person stops being a director if:

- the director passes away
- the director resigns in writing
- the director's term of appointment expires
- the director is removed as a director by the members or the other directors
- the director is disqualified from managing a corporation
- the director ceases to be a member but was a member when they became a director.

The corporation must send the Registrar a notice within 28 days after a person stops being a director.

5.10 How to remove a director

By resolution of the members in a general meeting:

- A notice for a resolution to remove a director must be given to the corporation at least 21 days before the next general meeting or AGM. (Alternatively, the members can request a meeting (rule 4.3) for the purpose of removing a director.)
- The corporation must give the director concerned a copy of the notice as soon as possible.
- The director can give the corporation a written statement and speak at the meeting. The written statement must be given to everyone entitled to notice of the meeting (see rule 4.5).

By the other directors:

- Directors can only remove a director if the director fails to attend three or more consecutive directors' meetings without a reasonable excuse.
- Directors must give the director a notice in writing and they must give the director 14 days to object in writing.
- If the director objects, they cannot remove the director. The director can only then be removed at a general meeting or AGM by resolution.

5.11 Directors' and officers' duties

The duties are:

- a duty of care and diligence
- a duty of good faith and to act in the best interests of the corporation
- a duty to disclose a conflict of interest
- a duty not to improperly use position or information
- a duty to not trade while insolvent.

5.12 Conflict of interest

A director who has, or thinks they may have, a conflict of interest in a corporation matter must tell the other directors. This includes, but is not limited to, a material personal interest.

The director must give details of what the interest is and how it relates to the corporation. These details must be given at a directors' meeting as soon as possible, and must be recorded in the minutes of the meeting.

A director who has a conflict of interest must not:

- be present at a directors' meeting while the matter in question is being considered
- vote on the matter

unless they have been granted approval by:

- the other directors (those that do not have a conflict of interest) passing a resolution, or
- the Registrar in writing.

5.13 Payments to directors

A director may be paid sitting fees for their work as directors.

The appointed Chief Executive Officer who is a named Director may be paid a salary.

Directors may be paid if they are employed by the corporation, or if they have a contract to provide goods or services to the corporation (so long as the director has fulfilled any duty to disclose a conflict as required by this rule book and the payment is fair and reasonable to the corporation).

The corporation may pay the directors' travelling and other expenses for attending meetings or to do with other corporation business.

5.14 Related party benefit

If a corporation wants to give a financial benefit to a director or other related party (including a spouse, child or parent of a director) it must comply with Part 6.6 of the CATSI Act and, where required, follow the procedure to get the approval of the members.

5.15 Delegation of directors' powers

The directors can pass a resolution to delegate any of their powers to:

- another director
- a committee of directors
- an employee of the corporation
- any other person.

The delegate must follow the directions of the directors when using the delegated powers.

The exercise of the power by the delegate is as effective as if the directors had exercised it themselves. This means the directors are still responsible for what the delegate does with the powers.

Delegates must report to directors on the exercise of their delegated power.

5.16 Calling and giving notice of directors' meetings

Directors must meet at least every three months.

All directors must be given reasonable notice of a directors' meeting.

The directors will usually decide at a meeting when and where the next meeting will be.

A director can call a meeting by giving reasonable notice to all the other directors.

5.17 Quorum for directors' meetings

A majority of ordinary directors must be present at all times during the meeting.

The directors may appoint a person as a director to make up a quorum for a directors' meeting.

5.18 Chairing directors' meetings

There must be a chair elected for each directors' meeting.

If someone has not already been elected to chair the meeting, or the person previously elected as chair is not available, the directors must elect a director present to chair the meeting (other than the CEO).

When electing a chair, the directors must decide how long that director will be the chair (i.e. just for that meeting, or at every meeting over a certain period of time). The directors may also remove a chair (but not their appointment as a director) by a resolution of the directors.

5.19 Using technology

Directors' meetings can be held at more than one place using any technology, as long as all directors agree to it. The type of technology to be used may be set out in the notice for a directors' meeting.

5.20 Resolutions by directors

Directors pass a resolution at a directors' meeting by a majority of the votes.

- Each director (including independent or specialist non-member directors) has one vote.
- The chairperson of the meeting also has a casting vote (if required).

Directors can pass a resolution without a directors' meeting if all directors sign a statement saying that they are in favour of it.

6. Contact person or secretary

Small and medium corporations have a contact person. Large corporations have a secretary.

The directors appoint a contact person/secretary.

The contact person/secretary must be at least 18 years old.

The directors decide the contact person/secretary's pay and terms and conditions of employment, if any.

The contact person/secretary must pass on any correspondence received to at least one of the directors within 14 days.

The contact person/secretary must give the corporation their consent in writing to become a contact person/secretary before being appointed.

The corporation must send the Registrar a contact person's/secretary's details within 28 days after they are appointed.

7. Records

The corporation must keep the:

- minutes of meetings (in writing or as an audio or video recording)
- rule book (constitution)
- register of members and former members
- names and addresses of directors, officers and the contact person/secretary
- written financial records.

8. Finances

The corporation must keep written financial records that:

- correctly record and explain its transactions, financial position and performance
- would enable true and fair financial reports to be prepared and audited.

When the corporation is a trustee it must also keep written financial records for the trust.

The corporation must follow these procedures.

- The corporation must give receipts for all money it receives.
- All money of the corporation must be deposited into a corporation bank account.
- All accounts must be approved for payment at a directors' meeting or in accordance with valid delegations.
- All cheques, withdrawal forms, electronic funds transfer (EFT) transactions, and other banking documents must be signed by at least two people authorised by the directors.
- All payments made out of the corporation's money must be supported by adequate documents which explain the nature and purpose of the payment.
- The corporation must keep adequate records for all cash withdrawals from the corporation's bank accounts (i.e. records that show the cash was used for a proper purpose and in accordance with the corporation's objectives).

The financial records must be retained for seven years after the transactions covered by the records are completed.

9. Application of funds

The corporation is a not-for-profit corporation.

The directors can use the money and property of the corporation to carry out its objectives (see rule 2).

The directors cannot directly or indirectly give any money or property of the corporation to members of the corporation. This rule does not stop the corporation from making:

- a reasonable payment to a member in their capacity as an employee or under a contract for goods or services provided
- payment to a member in carrying out the corporation's objectives.

10. Dispute resolution

If a dispute arises, the parties must first try to resolve it themselves.

If the dispute is not resolved within 10 business days, any party may give a dispute notice to the other parties.

The dispute notice must be in writing and must say what the dispute is about. It must be given to the corporation.

The directors must help the parties resolve the dispute within 20 business days after the corporation receives the notice.

If the directors cannot resolve the dispute, it must be put to the members to resolve it at a general meeting.

Seeking assistance from the Registrar

- If a dispute or any part of a dispute relates to the meaning of any provision of the CATSI Act or the corporation's rule book, the directors or any party to the dispute may seek an opinion from the Registrar about the correct meaning of the relevant provision.
- The Registrar's opinion will not be binding on the parties to a dispute.
- The right to request assistance from the Registrar does not create a right to request a formal mediation. However, in an appropriate case the Registrar may provide assistance in having the matter resolved.

For more information on members' rights see rule 3.3.

11. Changing the rule book

The rule book can be changed by the members passing a special resolution at a general meeting or an AGM. The proposed changes must be set out in the notice of the meeting.

Within 28 days after the resolution is passed, the corporation must send the Registrar copies of the:

- rule book changes
- special resolution
- minutes of the meeting.

The changes do not take effect until the new rule book is registered by the Registrar.

12. Gift fund rules

The corporation shall maintain for the main purposes of the corporation a gift fund:

- to be named 'The Kooraminning Aboriginal Corporation Gift Fund'
- which must receive gifts of money or property for the purposes (objectives) of the corporation
- which must have credited to it any money received by the corporation because of those gifts.

The gift fund cannot receive any money or property other than that for the purposes (objectives) of the corporation.

The corporation shall use gifts made to the gift fund and any money received because of them only for the purposes (objectives) of the corporation.

Receipts issued for gifts to the gift fund must state:

- the full name of the corporation
- the Australian Business Number (if applicable) and the Indigenous Corporation Number (ICN) of the corporation
- the fact that the receipt is for a gift.

As soon as:

- the gift fund is wound up, or
- the corporation's endorsement as a deductible gift recipient is revoked under section 426-55 of the *Taxation Administration Act 1953*

any surplus assets of the gift fund must be transferred to another fund, authority or institution, which has similar objectives to the corporation. This body must also be able to receive tax deductible gifts under division 30 of the *Income Tax Assessment Act 1997*.

13. Winding up

Surplus assets of the corporation

Where:

- the corporation is wound up, and
- after all debts and liabilities have been taken care of, and costs of winding up have been paid, surplus assets of the corporation exist

the liquidator can decide or the members may pass a special resolution about how the surplus assets of the corporation are to be distributed.

The surplus assets must not be given to any member or to any person to be held on trust for any member and can only be given to a charitable organisation/s with similar charitable purposes.

Surplus assets of gift funds

If the Australian Tax Office allows the corporation to give tax deductible receipts for donations, and the corporation is wound up, any surplus gift funds must be given to another body with similar objectives and that gives tax deductible receipts for donations.

Schedule 1—Application for membership form

Kooraminning Aboriginal Corporation

ICN: 9191

Application for membership

I, _____ (first name of applicant)

_____ (last name of applicant)

of _____ (address of applicant)

apply for membership of the corporation.

I declare that I am eligible for membership.

I am:

18 years of Age

Aboriginal Torres Strait Islander neither

Normally and permanently resident within the boundaries of Noongar Country

or

A descendant of the Wilman clan group from the Noongar nation

Signature of applicant _____

Date _____

Corporation use only

Application received	Date:
Application tabled at directors' meeting	Date:
Directors consider applicant is eligible for membership	Yes / No
Directors approve the application	Yes / No
If approved, new members' details added to register of members	Date:
Applicant notified of directors' decision	Date:

Schedule 2—Consent to become a director form

Kooraminning Aboriginal Corporation

ICN: 9191

Consent to become a director

I, _____ (full name of person)

of _____ (residential address, a postal address is not sufficient)

give consent to become a director of the corporation, having verified that I am 18 years old, a member, and a descendant of the Wilman clan group from the Noongar nation; or an Aboriginal or Torres Strait Islander person normally and permanently resident within the boundaries of Narrogin District.

I confirm my date of birth is _____ (date of birth)

and my place of birth was _____ (place of birth)

I acknowledge I am automatically disqualified from managing corporations if I:

- have been convicted of an offence under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (CATSI Act) that is punishable by imprisonment for more than 12 months
- have been convicted of an offence involving dishonesty that is punishable by imprisonment for at least three months
- have been convicted of an offence against the law of a foreign country that is punishable by imprisonment for more than 12 months
- am an undischarged bankrupt
- have signed a personal insolvency agreement and have not kept to the agreement
- have been disqualified under the *Corporations Act 2001* from managing corporations,

and I will notify the corporation if any of the above events occur after my appointment.

Signature of person _____

Date _____

NOTE: This form should be completed and given to the corporation before the person is appointed as a director—section 246-10(1) of the CATSI Act. The period of automatic disqualification is set out in sections 279-5 and 279-10 of the CATSI Act.

10.2.384 RATES EXEMPTION REQUEST – KOORAMINNING COMMITTEE OF NARROGIN INCORPORATED

File Reference: A230400 & A165711
Disclosure of Interest: Nil
Applicant: Kooraminning Committee of Narrogin
Previous Item: Incorporated. 10.2.467
Nos: Date: 18 November 2014
Author: Narelle Rowe, Finance Officer - Rates

Attachments:

Rating Exemption Request Form – 7 Hartoge Street, Narrogin
 Rating Exemption Request Form – 2-4 Hansard Street, Narrogin
 Generic Letter Template
 Photographs of properties

Summary: Kooraminning Committee of Narrogin have submitted an application seeking exemption on rates levied on Assessment A230400 (Lots 401 and 402) and A165711 (Lot 403) on the basis that property is being used exclusively for charitable purposes.

Background:

In July 2006 Council meeting, Council approved rates exemption on properties owned by Kooraminning Committee of Narrogin Incorporated being A230400 (Lots 401 and 402 Hansard Street, Narrogin) and A165711 (Lot 403 Hartoge Street, Narrogin) as from 1 July 2014 whilst it is used exclusively for charitable purposes.

2-4 Hansard Street, Narrogin is comprised of two lots being Lots 401 and 402. A building is situated on Lot 402. A shed has been constructed which straddles the common boundary between Lots 402 and Lot 401.

The Committee are requesting exemption on the basis the property continues to be used exclusively for charitable purposes. The application describes the events and activities currently conducted at the premises as follows:

- Learning Place – Building skills. Local Noongar men currently receiving Land Management training one day per week at CY O'Connor College of TAFE are using the premises to provide hands on training from skills learnt at TAFE such as weed killing, gardening, tree lopping and fauna training.
- Healing Place – Caring for community – Mental Health (PHAM's) projects

Discussions with Ms Hayden have revealed future activities and projects planned for the premises are:

- Keeping Place – Restoring and protecting culture. The Committee anticipate aboriginal artefacts and tools will be stored and displayed at the premises.
- Gathering place – Building Noongar Community through CANWA projects and running workshops.

7 Hartogte Street, Narrogin is comprised of Lot 403 and is vacant land.

The Committee is seeking exemption on the basis that the property is still being used exclusively for charitable purposes. A description of the events and activities currently conducted at the premises, has stated land was previously used by local Noongar men as a community garden however due to lack of funding was discontinued. The application received has advised the property is currently used:

- By local Noongar men to provide hands-on training from skills learnt at TAFE such as weed-killing, fencing, propagation and nursery .

The application states the future use of the property as:

- Developing a play area for children.

Comment:

Due to the fact that it has been in excess of 8 years since approval for rating exemption was granted by Council, it is recommended that a review of the current use of the property is performed to determine if the premises continues to meet the criteria of 'charitable status'. The Town did not levy any rates during the 2014/15 financial year and the outcome of the review is intended to be effective from 1 July 2015.

The Town had been advised that the Committee disbanded some years ago however it has been reformed in more recent times.

It has been the usual practice in the past for any organisation seeking exemption under Section 6.26 (2)(g) to be a registered Charitable Organisation under the "Charitable Collections Act" to ensure the organisation is conducting activities of a charitable nature.

Currently Kooraminning are not a registered charitable organisation however it is understood this registration is currently being sought.

It is generally accepted that a purpose is charitable if it is for the relief of poverty, the advancement of education, the advancement of religion or for any other purpose beneficial to the community.

If the land is being used for any purpose, other than charitable or religious uses, then the land cannot be deemed to be "used exclusively for" the claimed purpose, so exemption from rates cannot apply.

An on-site inspection for the properties was performed on 9 December 2014 to verify the uses stated within the application submitted by the Committee. The photographic evidence taken during that inspection has shown that weed control maintenance has not been performed on the property for some time due to excessive weed growth and missing and/or broken fence panels surrounding the property. In addition, a conversation with a representative from Kooraminning has also revealed that funding previously available to conduct community workshops has now ceased. As a result of the above, it is the Author's view that the use of the property fails to meet the criteria required to satisfy being used exclusively for charitable purposes.

Defining Charitable Purpose

The Local Government Act states that land is not rateable if the land is used exclusively for charitable purposes. The words "used", "exclusively" and "charitable purposes" would need further clarification in a court.

Kooraminning Committee have provided a copy of Certificate of Incorporation.

The Constitution of Kooraminning Committee of Narrogin Incorporated states that the objectives are:

- (a) *to promote the overall community development of the Community*
- (b) *To achieve the total self support of the Community by the development of viable economic projects and industries...."*
- "...(d) *to provide support for adequate education, vocational training, health services, employment and housing for the Community..."*
- "...(f) *To assist and encourage the individual members of the Community to preserve and renew their traditional culture.*
- (g) *To foster mutual trust and friendly relationships between the Community and the Community at large..."*
- "...(i) *To provide an appropriate meeting place for the community..."*

Ms Hayden advised during phone conversation on 18 November 2014 she believed there was an Aboriginal Act which stated Aboriginal organisations formed prior to 1976 were given an exemption from rates and was seeking a copy of that Act from Michael Carter from the Office of Prime Minister & Cabinet.

A copy of a generic letter template has been supplied to this office outlining various explanations of charitable purposes and citing past legal cases. A copy has been included with this item. An investigation by the Author into exemptions which fall outside the Local Government Act 1995 providing for land to be exempt under any other Act, has failed to identify an Aboriginal Act that is entitled to exemption from rates.

Consultation:

Local Government Act 1995

Charities Act 2013

Ms Geri Hayden – Community Arts Network WA (CANWA)

Mr Colin Bastow – Director of Corporate and Community Services

Statutory Environment:

The Local Government Act 1995 6.26 (2) (j) states as follows:

"6.26 Rateable land

(2) The following land is not rateable land

- (j) land which is exempt from rates under any other written law;*
and
- (k) land which is declared by the Minister to be exempt from rates."*

The Charities Act 2013, Part 2 Division 1 states as follows:

"5 Definition of charity

In any Act:

Charitable: an entity is **charitable** if the entity is a charity... **Charity** means an entity:

- (a) that is not-for-profit entity; and
- (b) all of the purposes of which are:
 - (I) charitable purposes (see Part 3) that are for the public benefit (see Division 2 of this Part); or
 - (II) purposes that are incidental or ancillary to, and in furtherance or in aid of, purposes of the entity covered by subparagraph (i); and.."

Policy Implications:

Nil.

Financial Implications:

A230400 Non-rateable during the 2014/15 year.

-A165711 Non-rateable during the 2014/15 year.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority

OFFICERS RECOMENDATION

That Council:

Rejects Kooraminning Committee of Narrogin Incorporated application for rate exemption for the properties situated at 2-4 Hansard Street and 7 Hartoge Street, Narrogin as the Committee are not a registered charitable institution at the time of applying for exemption and the land is not used exclusively for charitable purposes.

Should circumstances change that the Kooraminning Committee of Narrogin Incorporated be encouraged to re-apply for the exemption status.

Council Resolution: 1214.192

Moved: Cr

Seconded: Cr Bartron

Schutz That

Declined: Kooraminning Committee of Narrogin Incorporated's application for rate exemption for the properties situated at 2-4 Hansard Street and 7 Hartoge Street, Narrogin as the Committee are not a registered charitable institution at the time of applying for exemption and the land is not used exclusively for charitable purposes.

Should circumstances change that the Kooraminning Committee of Narrogin Incorporated be encouraged to re-apply for the exemption status.

**CARRIED 7/0
ABSOLUTE MAJORITY**

Note: Reason for Change: To replace the word "rejects" with "decline".

COPY





Memorandum

Date: 14 July 2020
To: Frank Ludovico
From: Gary Bruhn
Building Surveyor
Subject: PROPERTY INSPECTION OF 2 & 4 HANSARD STREET AND 7 HARTOGE STREET NARROGIN
File:

Thank you for the opportunity to inspect the properties at the above address to assess the likelihood or otherwise of habitation.

I have visited the property on 2 occasions. The first time was to follow up on a listing in the Shire's Register of Dilapidated Buildings to establish if any improvements had occurred since the Shire's last visit some 18 months previously.

The Shire's Environmental Health Section had sent several letters in an attempt to secure and tidy the building. Clearly whatever measures that were adopted at the time, if any, were unsuccessful. The buildings remain in a state of disrepair and neglect.

The properties consist of 3 lots and the following is a general overview:

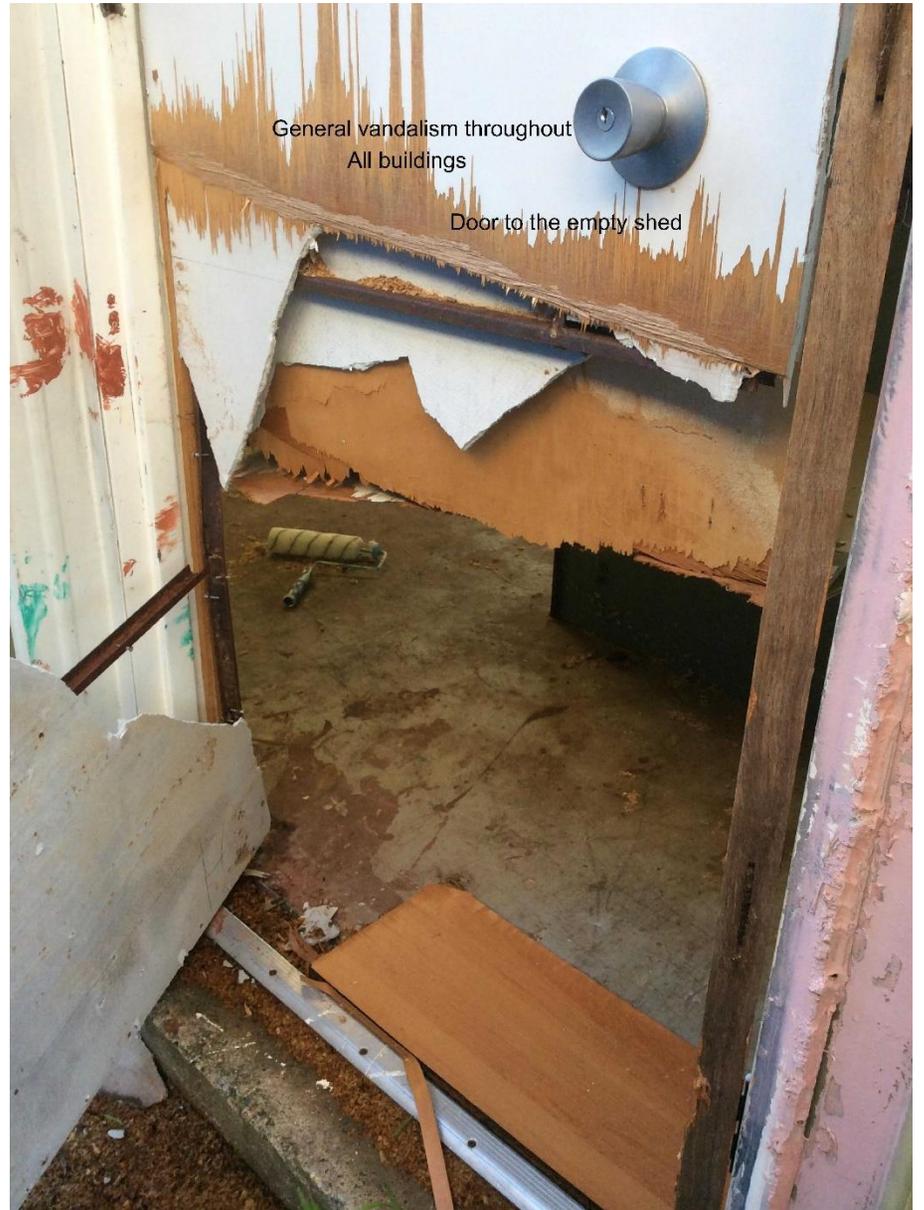
- Lot 403 7 Hartoge Street P302647: is a triangular vacant block, minor garden type maintenance would improve this lot.
- Lot 401 4 Hansard Street P302647: is a lot with a large empty residential shed with the personnel door badly damaged.
- Lot 402 2 Hansard Street P302647: has the main building, which is dangerous with items that could potentially fall on heads. There is broken glass, debris and sharps on the ground making it unsafe. The parts of the building I have seen cannot be used or occupied before they are cleaned up and work carried out.

The starting question was whether the properties are currently being used. They clearly are not and, furthermore, would require work in order to meet habitation requirements before they could be used.

I have attached photographs to support my conclusion.

GARY BRUHN
BUILDING SURVEYOR





10.3.6 RATING POLICY – CHANGE IN PREDOMINANT USE OF RURAL LAND

File Reference	13.5.4, Council Policy Manual
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	Nil
Date	8 June 2020
Author	Joshua Pomykala – Governance Officer
Authorising Officer	Frank Ludovico – Executive Manager Corporate & Community Services
Attachments	1. Draft Policy - Rating – Change in Predominant Use of Rural Land

Summary

Council is requested to consider the adoption of a Rating Policy to reflect any changes to predominant land use of rural land within the Shire.

Background

The Policy Manual records the standing instructions of Council to the CEO and other employees, regarding the Administration and management of various matters.

Many policies have their basis in discretionary matters as permitted by the Local Government Act 1995 (LGA), Local Government Regulations or other legislation.

The Shire does not currently have such a rating policy.

Comment

The Shire is seeking the adoption of a policy that would reflect the rating method of land in the 'rural' area which is predominantly used for non-rural purposes. The policy would direct the Administration in how smaller properties within the rural area that constitute 'lifestyle blocks' or 'hobby farms' are rated.

The policy seeks to ensure that properties, with an area of 20 hectares or less throughout the Shire, where the predominant use of land is that of non-rural purpose, are rated on the basis of Gross Rental Value (GRV). This will also ensure that land being rated on the basis of Unimproved Value (UV), which is then subdivided into smaller lots that are under 20 hectares, are then rated on the basis of GRV to reflect the non-rural purpose of the land.

The predominant land use is determined as either rural or non-rural. Rural is classified as land which is used for activities such as cropping and/or grazing of livestock, and as such form a declarable source of income for the landowner – being a primary industry. By contrast, non-rural is where the land does not generate a declarable source of income for taxation purposes, from rural use, for the landowner, thus constituting it as a 'hobby farm' or 'lifestyle block'.

In determining the predominant land use of a property under 20 hectares, the presence of a residential dwelling will also be taken into account in determining the predominant land use. The presence of a residential dwelling on a property under 20 hectares will be taken to indicate the predominant land use is non-rural and the property is a 'hobby farm' or 'lifestyle block'.

An application can be made to Council to appeal this determination, where the landowner can demonstrate the property is being used to generate a declarable source of income for taxation purposes, resulting for the property being used for a rural purpose as defined above.

There are currently 35 properties in the Shire that are 20 hectares or less and rated on a UV basis, with at least one residential dwelling currently on each property. This is contrasted to 55 properties in the Shire which meet the same criteria and are rated on a GRV basis.

As a result, this policy also aims to ensure that the practices of the Administration are based on fairness and equity. Therefore it would seek to ensure that the properties specified under the current UV rating, with at least one dwelling, not being actively used predominantly for agricultural purposes, are rated in accordance with practices of rating properties on a GRV basis.

The table below provides an indication to Council of the total number of properties, which fall under the respective brackets of property sizes, currently rated on the basis of UV.

Number of Properties	Intervals (Hectares)
35	0-20
12	21-30
26	31-40
49	41-50
58	51-65
296	65+

Should Council move to adopt the policy, those properties which are found to be less than 20 hectares, with evidence of a residential dwelling and being used for non-rural purposes will be affected.

The size of 20 hectares is based on a number of factors, including the Shire of Narrogin Local Planning Scheme 'Farming Zone' which states:

"The Council intends the predominant form of farming activity in the Farming Zone will continue to be based on large farming units. It will generally be opposed to the fragmentation of farming properties through the process of subdivision."

The Administration has found that the largest property under 20 hectares is 18.01 hectares, and the smallest property above the 20 hectare mark is 21.09 hectares. As such, the administration is confident that the differences between the two properties and the 20 hectare base line, is sufficiently high enough to ensure that the policy can be accurately applied to the affected properties.

Additionally, the policy also states that properties which are zoned 'Special Rural' will be rated on the basis of GRV. As per the Shire of Narrogin Local Planning Scheme No.2, properties zoned as 'Special Rural', cannot be used for primary production such as industrial use or intensive agriculture, therefore placing the respective property in the category of 'non-rural' purpose.

As such, the policy is extended to those properties who are currently accounted for in this zoning due to the non-rural nature of the property. There are currently 41 properties within the Shire that are zoned 'Special Rural' which are all rated on the basis of GRV.

The policy aims to ensure that there is consistency across the practices of the Shire, thereby addressing this particular zoning and its rating methodology.

Identified below are properties that are adjacent to the Narrogin town site and rated under UV. Their zoning is Industrial / Farming and under the proposed policy the administration would seek to apply for them to be rated GRV, based on fairness and equity of the rating of other like properties.

Assessment	Location	Zoning	Lot Size	Use	Rating
A555	202 Earl Street, Hillside	Industrial	1.8 ha	Shed	UV General
A176	Lot 4 Earl Street, Hillside	Industrial	2.8 ha	Saleyards	UV General
A148	Lot 2 Earl Street, Hillside	Farming	3.1 ha	Grazing for Saleyards	UV General

By Council implementing this policy now, it will ensure that the small number of properties that are currently rated on UV and used for non-rural purposes, can be rated on a GRV basis, rectifying this issue.

If Council is to adopt this policy, the Administration will begin the process of seeking to rate those properties that have sufficient evidence are used for non-rural purposes and 20 hectares or under, on the basis of GRV.

The Department of Local Government, Sporting and Cultural Industries Rating Policy: Valuation of Land, describes the process of changing rating methodologies. This process requires consultation with the landholder. The Shire will ensure that affected landowners are advised of any change in the rating methodology applied to their respective property and their right of appeal.

Consultation

Consultation has been undertaken with the following officers:

- Chief Executive Officer
- Executive Manager Corporate & Community Services
- Manager Corporate Services
- Rates Officer
- Rates Consultant
- Planning Officer.

Statutory Environment

The following statutory provisions apply:

- Local Government Act 1995 – Section 6.26 to Section 6.82
- Local Government (Financial Management) Regulations 1996 – Regulation 55 – Rate record, form of etc. (Act s.6.39(1))
- Department of Local Government, Sport and Cultural Industries – Rating Policy: Valuation of land

Policy Implications

A new policy is proposed to be adopted.

Financial Implications

Potentially up to 35 properties will be impacted by this policy, should it be adopted. These properties are currently rated on the basis of UV while being used for non-rural purposes. Therefore the Administration would seek to rate the properties on GRV. This action may or may not, increase the amount of rates payable to the Shire of Narrogin, depending on the GRV valuation determined for the affected properties. One property would be impacted that is currently rated as GRV that is above the UV lot size and would revert to UV if this policy is adopted. This property is subject of a separate report to Council in this agenda.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027		
Objective	1.	Economic Objective (Support growth and progress, locally and regionally)
Outcome:	1.4	Agriculture opportunities maintained and developed
Strategy:	1.4.1	Support development of agricultural services
Objective	4.	Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1	An efficient and effective organisation
Strategy:	4.1.1	Continually improve operational efficiencies and provide effective services

Voting Requirements

Simple majority

OFFICERS' RECOMMENDATION

That Council adopt as a policy of Council the draft "Rating Policy – Change in Predominant Use of Rural Land", contained in Attachment 1 and note that the Administration in giving effect to the Policy, will write to impacted owners informing them of the decision and providing them the opportunity to object to the proposal with all objections being referred to the Council for determination.

1.1 Rating – Change in Predominant Use of Rural Land

Statutory context	Local Government Act 1995 – - s.6.26 to s.6.82 Local Government (Financial Management) Regulations 1996 – - r.55 – Rate record, form of etc. (Act s.6.39(1))
Corporate context	Delegation 3.5 – Rates Record, Extensions and Objections
History	Adopted dd mmmm yyyy

Policy Statement

Where there is evidence that there has been a change in the predominant use of land, resulting from either the subdivision or amalgamation of rural land, or development of that land, the Shire will:

1. Ensure that any rural property where the valuation method is Unimproved Value (UV) is accurately assessed in the determination of its predominant use as that of rural, or otherwise.
2. Properties where the size is twenty (20) hectares or less, with evidence of a residential dwelling situated on the parcel, and without evidence that it is being used contiguously with a larger parcel of land held by the same landowner, nor being used for a declarable source of income for taxation purposes, resulting from a rural use; will be classified as non-rural purpose and subject to a valuation of Gross Rental Value (GRV).
3. All properties that are zoned Special Rural, which include Rural Residential and Rural Smallholdings, shall be subject to a valuation of GRV.
4. Those properties found where the predominant use of the land is that of non-rural purposes will be referred to the Minister for Local Government. Adequate information will be provided so that a determination can be made on the method of valuation to be applied.
5. Where rural land is subdivided into smaller lots such as that of subsection (2), the Shire will, upon receipt of the Western Australian Planning Commission approval for subdivision of the affected land, apply to the Minister for Local Government for a change in valuation methodology from UV to GRV.
6. Subject to ministerial approval in subsection (4), the Shire is to apply the valuation method of GRV for rural land used predominantly for non-rural purposes.
7. All landowners affected by the change in the valuation method and rating shall be notified and advised of their right of appeal, prior to reporting to the minutes for Council.

– End of Policy

Notes

Rural purpose is defined as land which is used exclusively for farming activities such as cropping, grazing and/or similar intensive use of land for agricultural purposes.

10.3.7 REQUEST FOR CHANGE IN RATING METHOD A414 (PT) LOT 22 WILLIAMS-KONDININ ROAD, HILLSIDE 6312

File Reference	A414, A340186
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	
Date	13 July 2020
Author	Karen Oborn – Manager Corporate Services
Authorising Officer	Frank Ludovico – Executive Manager Corporate & Community Services
Attachments	<ol style="list-style-type: none">1. Title DP411882.2. Copy of the Gazette 1997

Summary

In order to align with the reversal of previous sub-divisions and boundary changes and to align with the current title for Lot 22 Williams-Kondinin Road, Hillside 6312 Plan No: P411882, this report recommends Council apply to the Minister of Local Government, requesting a change to the rating method from GRV, back to the original UV, on the portion of Lot 22, being A414 Plan No: P411882/2 (4.0206 ha).

Background

Previously, a subdivision and boundary realignment was undertaken, resulting to the formation of Lot 22 Williams-Kondinin Road, Hillside 6312 Plan No: P411882 (24.3047 ha) in two parts. Being A414 Plan No: P411882 /2 (4.0206 ha) and A340186 Plan No: P411882 /1 (20.2841 ha). Resulting in A414 being rated as GRV, following Ministerial approval and a gazetted change in 1997. This is in addition to A340186, as a 20.2841 ha portion of Lot 22, remaining as UV.

Following that however, the two parts of Lot 22, were then joined, to creating a single title for Lot 22, totalling an area of 24.3047 ha. However, at that time there was no application made to the Minister, to change the rating method back to UV for the portion of Lot 22 being A414 Plan No: P411882/2 of 4.0206 Ha.

As a result, this portion of 4.0206 ha, of Plan No: P411882 /2, is still rated as GRV and the remainder of Lot 22, is being rated as UV being Plan No: P411882 /1 (20.2841 ha.). To accommodate this, Landgate has two VEN (rate assessment valuations) recorded for the one Lot 22 Williams-Kondinin Road, Hillside 6312, that in combination cover an area of 24.3047 ha, shown on the current title for Lot 22.

These are VEN 2076908 for 20.2841 ha of Lot 22, rated as UV. In addition to VEN 2088573 for 4.0206 ha of Lot 22 rated as GRV. Both applying to Lot 22 totalling an area of 24.3047 ha.

As GRV and UV parcels, cannot be group rated, even if they are on the same title (Lot 22), two rates notices were issued for this one Lot 22. Based on the two Landgate VENs and valuations, for the two different portions of Lot 22.

In 2020, the owner contacted the Shire Administration to request an adjustment to the rates billing and for them to be group rated and or merged as one property like it indeed became.

The owner believed there was a double up and that the smaller portion of (A414) Plan No: P411882/2 - VEN 2088573 of 4.0206 ha (GRV) - was also included in the rates valuation, for the larger portion of Lot 22, being VEN 2076908 (20.2841 ha.) rated as UV.

However, an investigation into Landgate records clearly demonstrate the GRV valuation portion, only covers 4.0206 ha. Further, the UV valuation portion only applies to the remaining 20.2841 ha, not the total 24.3047 ha, which is included on the current title for Lot 22 (Attachment 1).

Comment

As a consequence, to complete the alignment and be reflective of the current title for Lot 22 Williams-Kondinin Road, Hillside 6312 Plan No: P411882, Council will need to authorise the Administration to apply to the Minister of Local Government, to change the rating method from GRV, back to UV, on the portion of Lot 22 being A414 Plan No: P411882/2 (4.0206 ha). This will then allow Council to re-join the two assessments back into one rate notice.

Consultation

Consultation has been undertaken with:

- The landowner
- Chief Executive Officer
- Executive Manager Corporate & Community Services
- Manager Corporate Services
- Rates Department
- Governance Officer
- Landgate

Statutory Environment

The following statutory provisions apply:

- Section 6.26 (2)(g) of the Local Government Act 1995
- Section 6.28 of the Local Government Act 1995
- Section 6.43. Rates and service charges are a charge on land of the Local Government Act 1995.

The relevant portion of Section 6.28 of the Act states:

“(1) The Minister is to —

(a) determine the method of valuation of land to be used by a local government as the basis for a rate; and

(b) publish a notice of the determination in the Government Gazette.

(2) In determining the method of valuation of land to be used by a local government the Minister is to have regard to the general principle that the basis for a rate on any land is to be —

- (a) where the land is used predominantly for rural purposes, the unimproved value of the land; and*
- (b) where the land is used predominantly for non-rural purposes, the gross rental value of the land”.*

Policy Implications

In a previous agenda item Council considered a policy that assessed the predominant use of land resulting from either a subdivision or an amalgamation of rural land.

That policy (if adopted) indicates if the land property size is less than 20 ha, and there is evidence of a residential dwelling situated on the parcel and there is no evidence that it is being used contiguously with a larger parcel of land held by the same landowner, will be classified as non-rural purpose and subject to a valuation of Gross Rental Value (GRV).

As total area of this property is greater than 20 ha the policy applies and should be rated UV.

Financial Implications

If the GRV portion of Lot 22, being A414 Plan No: P411882/2 (4.0206 ha), is changed back to UV, there will likely be a credit applied to the rates owing for the 2019/2020 year. This will be determined when a new valuation is received from Landgate.

Strategic Implications

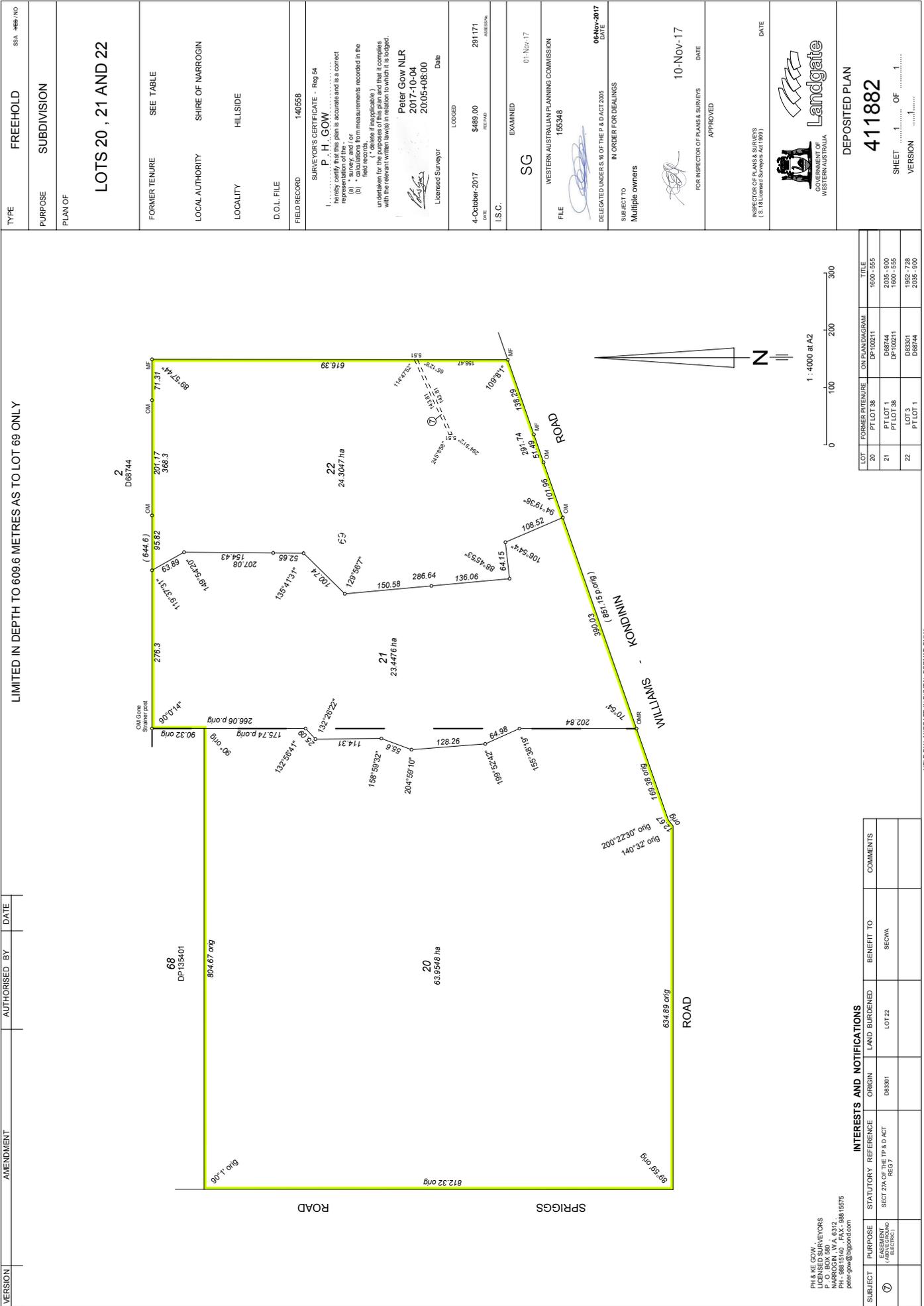
Nil

Voting Requirements

Simple Majority

OFFICERS' RECOMMENDATION

That with respect to the request of the landowner to revert to the Unimproved Valuation (UV) method of rating, on all of Lot 22 Williams-Kindinin Rd, Hillside, being Assessment A414, Plan No: P411882/2 (4.0206 ha), Council request the Chief Executive Officer to apply to the Minister of Local Government, requesting a change to the rating method from GRV, back to UV, and to give effect to the amendment to the rate book if that approval is forthcoming.



TYPE FREEHOLD
 PURPOSE SUBDIVISION
 PLAN OF LOTS 20, 21 AND 22

FORMER TENURE SEE TABLE
 LOCAL AUTHORITY SHIRE OF NARROGIN
 LOCALITY HILLSIDE
 D.O.L. FILE
 FIELD RECORD 140558

SURVEYOR'S CERTIFICATE - Reg 54
 P. H. GOW
 I hereby certify that this plan is accurate and is a correct representation of the land shown on the plan and that the calculations (or field records) from measurements recorded in the undertaking for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.
 Peter Gow NLR
 2017-10-04
 20105-08-00
 Licensed Surveyor

LOGGED
 DATE 4-October-2017
 REF NO \$489.00
 ADDRESS 291171

I.S.C. EXAMINED
 DATE 01-Nov-17
 SG
 WESTERN AUSTRALIAN PLANNING COMMISSION
 FILE 155348

DELEGATED UNDER S 10 OF THE P & D ACT 2005
 DATE 06-Nov-2017

SUBJECT TO IN ORDER FOR DEALINGS
 Multiple owners
 APPROVED
 DATE 10-Nov-17

FOR INSPECTOR OF PLANS & SURVEYS
 DATE
 REGISTERED PLANNING SURVEYOR
 (S 18 Licensed Surveyor Act 1980)

DEPOSITED PLAN
411882
 SHEET 1 OF 1
 VERSION 1

LIMITED IN DEPTH TO 609.6 METRES AS TO LOT 69 ONLY

1 : 4000 @A2

INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
①	(ELECTRICITY)	SECTION 27A OF THE TP & D ACT 2005	D83301	LOT 22	SEWA	

PH & KE GOW
 LICENSED SURVEYORS
 110000
 NARROGIN, W.A. 6312.
 PH - 98815146, FAX - 98815575
 peter.gow@landgate.com

HELD BY LANDGATE IN DIGITAL FORMAT ONLY



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

3089



PERTH, FRIDAY, 27 JUNE 1997 No. 99

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

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Government Gazette—(Special)	
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In all cases notices are published on page 2 and readers are urged to check accordingly prior to contacting State Law Publisher.

JOHN A. STRIJK,
Government Printer.

LG406

LOCAL GOVERNMENT ACT 1995*Shire of Derby / West Kimberley*

(Basis of Rates)

Department of Local Government,
Perth 27 June 1997.

LG: DW 5-4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the Local Government Act, the Minister for Local Government has determined that the method of valuing the land described in the schedule hereunder shall be unimproved values for the purpose of rating with effect from 1 July 1997.

JOHN LYNCH, Executive Director, Department of Local Government.

Schedule

All that portion of land comprised within the Kulin Island Townsite as promulgated in the *Government Gazettes* dated 23 February 1962 page 523 and 9 September 1988 page 3495.

LG407

LOCAL GOVERNMENT ACT 1995*Shire of Narrogin*

(Basis of Rates)

Department of Local Government,
Perth 27 June 1997.

LG: NO 5-4

It is hereby notified for public information that in accordance with the provisions of section 6.28 of the Local Government Act, the Minister for Local Government has determined that the method of valuing the land described in the schedule hereunder shall be gross rental values for the purpose of rating with effect from 1 July 1997.

JOHN LYNCH, Executive Director, Department of Local Government.

Schedules

Gross Rental Value Areas

Shire of Narrogin

Schedule 1

All those portions of land comprised in—

Land Titles	Dumberning Agricultural Area Lot	Land Titles Dia./Plan No.	
Office Lot			
1	151 & 152	Dia 71828	
2	152	Dia 71828	
11 to 13 incl. & 15 to 18 incl.	152	Plan 20538	
14	151 & 152	Plan 20538	
12	76 & 77	Dia 61504	
14	76	Dia 61504	
1	78 & 79	Dia 57550	
1	77	Dia 55826	
1	114	Dia 36320	
	90, 97 & 155		
Land Titles	Narrogin Agricultural Area Lot	Land Titles Dia./Plan No.	
Office Lot			
3	69	Dia 83301	
Land Titles	Williams Location	Land Titles Dia./Plan No.	Cert/Title
Office Lot			
1	335	Dia 27780	
2	335	Dia 35938	
11, 18	153 & 1437	Dia 70375	
12, 13 & 15 to 17 incl.	153	Dia 70375	
4	153	Dia 49201	
1	1136	Plan 7786	
1	3804	Dia 14818	
	Pt 339		2072/494

Public Plans—

- Narrogin Townsite BJ31 (2) 11.34, 11.37, 11.38, 12.36 & 12.37
- Narrogin Regional BJ (10) Pt 2.7, 2.8, 3.7 & 3.8
- Narrogin (SE) 1:25000

Schedule 2

All those portions of land comprised in Highbury Lots 1 to 10 inclusive, 19 to 25 inclusive, 28, 66 to 69 inclusive, 72, 133, 134 and 136 to 141 inclusive.

Public Plans—

- Highbury (2) BJ31 Pt 14.22, 14.23, 15.22 & 15.23

Schedule 3

All those portions of land comprised in Yilliminning Lots 45 & 48.

Public Plans—

- Yilliminning Townsite.

LG408

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1960

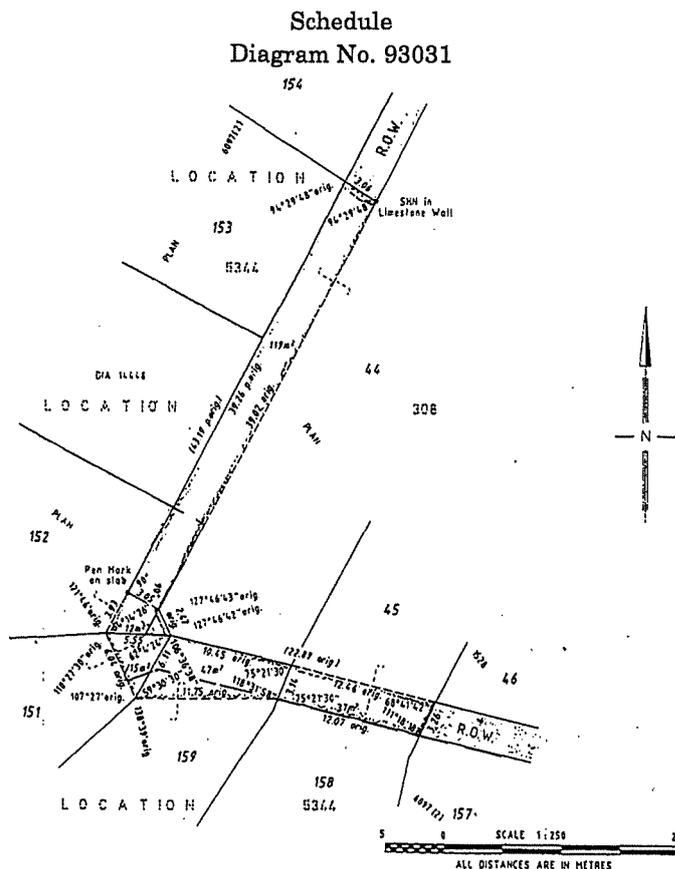
City of South Perth
CLOSURE OF PRIVATE STREET

Department of Local Government,
Perth 27 June 1997.

LG: SP4-12

It is hereby notified for public information that His Excellency the Governor has approved under section 297A of the *Local Government (Miscellaneous Provisions) Act, 1960*, the resolution passed by the City of South Perth that portion of the private street which is described as being portion of Swan Location 308 and being the portion of the land coloured brown and marked "ROW" on Plan 6097 and being portion of the land contained in Certificate of Title Volume 1407 Folio 131 be closed, and the land contained therein be amalgamated with the adjoining Lots 44 and 45 Douglas Avenue, Lots 151 and 152 Bland Street and Lot 159 Mabel Street, Kensington, as shown in the Schedule hereunder.

JOHN LYNCH, Executive Director, Department of Local Government.



10.3.8 ADOPTION OF 2020/21 DRAFT ANNUAL BUDGET

File Reference	12.4.1
Disclosure of Interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure.
Applicant	Shire of Narrogin
Previous Item Numbers	Item 10.4.2, 28 April 2020 Res 0420.010 and 0420.011 Item 10.3.6, 26 May 2020 Res. 0520.019 Item 10.3.4, 28 June 2020 Res. 0619.009
Date	20 July 2020
Author	Karen Oborn – Manager Corporate Services
Authorising Officer	Frank Ludovico - Executive Manager Corporate & Community Services
Attachments	1. 2020/21 Draft Annual Budget (Under separate cover)

Summary

The 2020/21 Draft Annual Budget for the year ending 30 June 2021 is prepared and delivers on many strategies adopted by the Council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure, as well as on renewing and maintaining all assets at sustainable levels.

The document is now submitted to Council for formal consideration and adoption.

Background

The 2020/21 Draft Annual Budget is a balanced budget and has been converted into the statutory format since the Council's Budget workshops held in May, June and 14 July 2020.

The 2020/21 Draft Annual Budget has been prepared in a COVID19 environment. Economic forecasting is challenging and impacts wide ranging and more difficult to predict than usual. Federal and State Governments support and stimulus packages have been announced in order to support economic activity in the community with the Shire of Narrogin benefiting with a specific one off \$411,911 commonwealth grant, which is being applied to the Railway Station Adaptive Reuse Restoration Project.

From a local point of view, the Shire has already provided \$220,000 in the \$Narrogin stimulus package to support local business including providing rent relief and waiver of fees to several businesses and community and sporting groups worth well over \$40,000.

The Draft Budget has increased the Community Chest grant funding pool from \$41,000 in 2019/20 to \$100,000 in 2020/21 and provided matching funding for community events of \$40,700 to continue to support our district during these unusual circumstances.

Owing to the pandemic, the Council has already determined that rates income should remain at 2019/20 levels and for all fees and charges to also remain at 2019/20 levels.

The Executive and Council have also determined that there will be zero automatic increase for employees who ordinarily earn an annual salary above \$75,000. For those on the minimum wage, any increase will be limited to that approved by the Fair Work Commission and for those earning above minimum wages and less than \$75,000 annual salary, a maximum 1% increase, or the Fair Work Commission's determination, whichever is the lesser.

The Pandemic, nor any of these measures, were contemplated or factored in when the Community Strategic and Corporate Business Plans were adopted.

The Budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

The Significant Projects program for 2020/2021 totalling \$8.023 million has been provided for with investment in, for example:

Significant Projects	Value (\$)	Funding
Joint Emergency Services Facility	1,500,000	G
Narrogin Regional Homecare (Respite facilities)	70,000	G
Renovation of the following Toilets: CBD May St Thomas Hogg	125,000	
Gnarrogin Park (Cultural Heritage Plan, Landscape Design, Electrical Design)	138,440	
Railway Dam Improvements including conversion to RV Friendly	61,000	
Highbury Tennis Courts – contribution to resurfacing	50,000	G
Town Water Irrigation System (TWIS) Effluent re-use upgrade	180,000	
Narrogin Bowling Club (synthetic turf)	335,109	G
Narrogin Railway Station – complete restoration with carparking	750,000	PF
Narrogin Regional Leisure Centre Automated Building management system HVAC Replacement Carparking and Tree Planting Improvements Project Shade sails Conversion of former outdoor pool to a grassed area	452,898	
Subsidies to ArTS Narrogin and Dryandra Country Visitor Centre	115,000	

Roadworks – Manaring Bridge	270,000	G
Roadworks - Roads to Recovery	378,839	G
Roadworks - Regional Road Group (Wagin Wickepin Rd)	787,500	PF
Roadworks – Municipal (Dongolocking Rd 101K, Narrogin Valley Rd 170k)	731,162	
Footpath Construction (Argus St and Park St)	75,360	
Narrogin Caravan Park resealing line marking, grassing areas.	110,000	IP
Plant Purchases	736,000	
Community Chest (increased from \$41k)	100,000	
Landcare Community Projects	25,000	

(In Progress – “IP”, Partially Funded – “PF”, Grant Dependent – “G”). All others are funded by municipal

Efficiency Gains

An important feature of this Budget is the various ongoing efficiency gains, business and or service improvement changes either made by the Organisation prior to budget adoption and/or planned for the coming year in the following areas:

- Zero increase in Elected Members Allowances;
- Zero increase in Executive Salaries;
- Reviewing the need for and remuneration of each position as vacancies arise;
- Disposal of under-utilised light fleet and plant;
- Disposal of surplus minor plant and equipment;
- Construction of a number of new assets as detailed in the Capital Works Program; and
- Expanding the provision of services to other local governments on a fee-for-service basis.

Key Operational Changes from 2019/20

The following operational changes are noted in this and upcoming Budgets:

- The need to consider operational costs of the Railway Station, landscaping and carpark once refurbished;
- No increase in Rates from 2018/19 levels;
- No increase in fees and charges from 2018/19 levels;
- No new additional employee numbers from 2018/19 levels;
- Elected Members remuneration and allowances unchanged from 2018/19 levels;
- Introduction of a closed loop funding model for Bridge maintenance and construction and creation of a Bridge Asset Management Reserve;
- Introduction of a closed loop funding model for Treated Waste Water System (TWIS) for maintenance and construction and creation of a Water Reuse Facilities Asset Management Reserve;
- Interest and Principal on a new loan for the TWIS Upgrade Project; and
- No provision for a Biennial Local Government Election this year.

Rating

Due to the COVID19 pandemic, Rates income has been kept to 2019/20 levels. This in effect has suspended the memorandum of understanding (MOU) between the former Town and Shire of Narrogin, regarding the phase in the additional rate increase to allow the rural ward GRV ratepayers to gradually achieve parity with the urban ward GRV ratepayers. Details of the MOU can be found at <http://www.narrogin.wa.gov.au/live/services/rates.aspx>.

The proposed differential general rates were approved by the Council on 26 May 2020 and advertised for public comment on Council website (in accordance Clause 12 Local Government (COVID19 Response) Order 2020 (Order) published 8 May 2020).

No submissions have been received.

Employees

No additional employee positions has been included in the Draft Budget:

Fees and Charges

Since Council adopted the 2020/21 Fees and Charges at its 26 May 2020 and 23 June 2020 Council meetings additional charges are proposed. These are detailed below:

Rates

Description	Fee or Charge	Comment
Debt collection fee - Landgate title search fee (per search)	At cost	Previously 30.00
Debt collection fee - caveat withdrawal	At cost	Previously 183.00
Debt collection fee - caveat lodgement	At cost	Previously 183.00
Debt collection fee - property seize & sale order	At cost	Previously 183.00

Consultation

Consultation has been undertaken with:

- Elected Members;
- Executive Management Group and;
- Officers from relevant functional areas.

Statutory Environment

Section 6.2 Local Government Act 1995 of requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on the next following 30 June.

Section 5.63 (1)(b) The Local Government Act 1995 specifically excludes the need for Elected Members to "Declare a Financial Interest" in imposing a rate, charge or fee.

The Section reads as follows:

"5.63(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter –

(b) an interest arising from the imposition of any rate, charge or fee by the local government;"

Additionally, the declaration provisions of the Act do not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

Divisions 5 and 6 Local Government Act 1995 refer to the setting of budgets and raising of rates and charges. The Local Government (Financial Management) Regulations 1996 details the form and content of the budget. The 2020/21 Draft Annual Budget as presented is considered to meet statutory requirements.

There is no legislative requirement to re-advertise differential rates, even if they are changed from the advertised figures.

Regulation 34(5) Local Government (Financial Management) Regulations 1996 requires each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS (Australian Accounting Standards), to be used in statements of financial activity for reporting material variances.

Local Government (COVID19 Response) Order 2020 gazetted 8 May 2020.

Policy Implications

The following policies apply:

- Policy 3.6 Rating – Merger Parity Transition. Due to COVID19 the policy has not be used in the 2020/21 Budget.
- Policy 3.7 Investments Policy
- 3.11 Significant Accounting Policies
- Proposed Financial Hardship Policy

Financial Implications

The financial implications of the budget are based upon the objective of achieving a balanced budget at 30 June 2021 after carrying out normal operational requirements and an extensive capital program.

Strategic Implications

Shire of Narrogin Strategic Community Plan 2017-2027	
Objective	4. Civic Leadership Objective (Continually enhance the Shire's organisational capacity to service the needs of a growing community)
Outcome:	4.1 An efficient and effective organisation
Strategy:	4.1.1 Continually improve operational efficiencies and provide effective services

Voting Requirements

Absolute Majority

OFFICERS' RECOMMENDATION

That with respect to the Budget for the 2020/21 Financial Year, Council:

- Notes no submissions were received regarding the advertised 2020/21 Differential Rating model.
- For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part 1 above, Council pursuant to the Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995 and clause 9 of the Local Government (COVID19 Response) Order 2020 (gazette on 8 May 2020), impose the following differential general and minimum rates on Gross Rental and Unimproved Values.

Differential Rate Category	Rate in the \$	General Minimum Payment \$	Lesser Minimum Payment \$
GRV – Urban	11.3035c	1,105.00	
GRV – Rural	7.0754c	799.00	713.00
UV	0.5768c	799.00	

- Pursuant to the Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, adopt the following due dates for the payment in full by instalments:

Option 1

Due Date Thursday 10 September 2020

Option 2

1st Instalment Due Thursday 10 September 2020

2nd Instalment Due Thursday, 14 January 2021

Option 3

1st Instalment Due Thursday 10 September 2020

2nd Instalment Due Thursday 12 November 2020

3rd Instalment Due Thursday, 14 January 2021

4th Instalment Due Thursday, 18 March 2021

- Pursuant to the Section 6.13 of the Local Government Act 1995 and Regulation 19A of the Local Government (Financial Management) Regulations 1996, and clause 8 of the Local Government (COVID19 Response) Ministerial Order 2020 (gazetted on 8 May 2020), adopt an interest rate of 8% pa for any amount of money (other than rates and service charges) owing to the Local Government that remains unpaid after 35 days from the date of issue, subject to:

- a. This interest rate cannot be applied to a person who is considered by the Shire of Narrogin to be suffering financial hardship as a consequence of the COVID19 pandemic.
5. Pursuant to the Section 6.45 of the Local Government Act 1995, Regulation 67 of the Local Government (Financial Management) Regulations 1996 and clause 13 of the Local Government (COVID19 Response) Ministerial Order 2020 (gazetted on 8 May 2020), adopt an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$52.50 for the four (Statutory) instalment option, subject to:
 - a. This charge cannot be applied to an excluded person, as defined in the Local Government (COVID-19 Response) Ministerial Order 2020, that has been determined by the Shire of Narrogin as suffering financial hardship as a consequence of the COVID-19 pandemic.
6. Pursuant to the Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996 and clause 13 of the Local Government (COVID19 Response) Order 2020 (gazette on 8 May 2020) adopt an interest rate of 5.5% pa where the owner has elected to pay rates and service charges through an instalment option subject to:
 - a. This interest rate cannot be applied to an excluded person, as defined in the Local Government (COVID-19 Response) Ministerial Order 2020, that has been determined by the Shire of Narrogin as suffering financial hardship as a consequence of the COVID-19 pandemic.
7. Pursuant to the Section 6.51(1) and subject to Section 6.51(4) of the Local Government Act 1995, Regulation 70 of the Local Government (Financial Management) Regulations 1996 and clause 14 of the Local Government (COVID19 Response) Order 2020 (gazette on 8 May 2020), adopt an interest rate of 8% pa for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable, subject to:
 - a. This interest rate cannot be applied to a person who is considered by the Shire of Narrogin to be suffering financial hardship as a consequence of the COVID19 pandemic.
8. Pursuant to the Section 6.12 of the Local Government Act 1995, adopt the following rates incentive scheme including a contribution of \$3,000 from municipal funds towards this scheme:
 - 1st Prize - \$1,000 of Chamber of Commerce Vouchers;
 - 2nd Prize - \$500 of Chamber of Commerce Vouchers; and
 - 15 Prizes of \$100 each Chamber of Commerce Vouchers.

9. Elected Member Allowances (payable quarterly, in arrears, pro-rata)

- a. Pursuant to the Section 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration) Regulations 1996, adopt the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

- President \$20,000 pa
- Councillors (x8) \$ 8,500 each pa

- b. Pursuant to the Section 5.99A of the Local Government Act 1995 and Regulation 31 of the Local Government (Administration) Regulations 1996 adopt the following annual local government allowance for elected members:

Information & Communications Technology (ICT) Allowance

- President \$ 1,600 pa
- Councillors (x8) \$ 500 each pa

- c. Pursuant to the Section 5.99A of the Local Government Act 1995 and Regulation 31 of the Local Government (Administration) Regulations 1996, adopt the following annual local government allowance for elected members:

- Child Care the actual cost per hour or \$25 per hour, whichever is the lesser amount.

- d. Pursuant to the Section 5.99A of the Local Government Act 1995 and Regulation 32 Local Government (Administration) Regulations 1996, adopt the following annual local government allowance for elected members:

- Travelling Expenses rate applicable to the reimbursement of travel and accommodations costs are those applicable at the date of the current determination of the Salaries and Allowances Tribunal for Local Government Elected Council Members.

- e. Pursuant to the Section 5.98(5) of the Local Government Act 1995, adopt the following annual local government allowance to be paid in addition to the annual meeting allowance:

- President \$23,500 pa

- f. Pursuant to the Section 5.98(5) of the Local Government Act 1995, adopt the following annual local government allowance to be paid in addition of the annual meeting allowance:

- Deputy President \$5,875 pa

10. Pursuant to the Section 6.16 of the Local Government Act 1995, adopt the Fees and Charges included in the 2020/21 Draft Annual Budget ATTACHMENT 1 (under separate cover).
11. Pursuant to section 6.47 of the Local Government Act 1995, provide a 100% waiver on rates (not refuse or ESL) to properties leased to Not for Profit Community groups, subject to it being provided for in their lease or being previously waived / applied in the 2019/20 financial year.
12. In accordance with the Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, adopt the following materiality reporting thresholds:

Condition	Action
Actual variances to Budget up to 5% of Budget	No reporting required
Actual variances to Budget between 5% and 10% of Budget	Use Management Discretion
Actual Variance exceeding 10% and a greater value greater than \$15,000	Must Report

13. Pursuant to the provisions of the Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, adopt the Municipal Fund Budget as contained in ATTACHMENT 1 (under separate cover) of this agenda and the minutes, for the Shire of Narrogin for the 2020/21 financial year which includes the following:
 - Statement of Comprehensive Income by Nature and Type;
 - Statement of Comprehensive Income by Program;
 - Statement of Cash Flows;
 - Rate Setting Statement;
 - Notes to and Forming Part of the Budget and;
 - Capital Expenditure Program.

10.4 OFFICE OF THE CHIEF EXECUTIVE OFFICER

There are no reports requiring a Council decision for the current month.

11. ELECTED MEMBERS' MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION OF THE MEETING

13. CLOSURE OF MEETING

There being no further business to discuss, the Presiding Member declared the meeting closed at ____ pm and pursuant to Resolution 1219.010 of 18 December 2019, reminded Councillors of the next Ordinary Meeting of the Council, scheduled for 7.00 pm on Tuesday 25 August 2020, at this same venue.



Shire of
Narrogin
Love the life

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