



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 22nd FEBRUARY, 2010
COMMENCING AT 3.34PM IN THE
LESSER HALL, YORK**

MISSION STATEMENT

"To build on our history to create our future"

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE SPECIAL MEETING OF THE COUNCIL WILL BE
HELD ON MONDAY, 22 FEBRUARY 2010, COMMENCING AT
3.34PM IN THE LESSER HALL, JOAQUINA STREET, YORK.

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

- 1.1 Declaration of Opening
The Shire President, Cr Pat Hooper, welcomed everyone in attendance and declared the meeting open at 3.34pm.
- 1.2 Acting Chief Executive Officer to read the disclaimer
The Chief Executive Officer, Mr Ray Hooper, read the disclaimer.
- 1.3 Announcement of Visitors
Nil
- 1.4 Announcement of any Declared Financial Interests
Nil

2. ATTENDANCE

- 2.1 Members
Cr Pat Hooper, President; Cr Brian Lawrance, Deputy President; Cr Tony Boyle, Cr Trevor Randell, Cr Roy Scott and Cr Tricia Walters
- 2.2 Staff
R Hooper, Chief Executive Officer; T Cochrane, Acting Deputy Chief Executive Officer; P Ruettjes, Shire Planner; B Newman, Planning Officer; N McNamara, Development Services Officer.
- 2.3 Apologies
S Patterson, Engineer; L Oakley, Building Surveyor.
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.1 Previous Public Questions Taken on Notice

Nil

3.2 Written Questions

Nil

4. PUBLIC QUESTION TIME

Mr R Macey

Question 1: This question is on behalf of Ms Susan Schmidt – the owner of 60 Newcastle Street, York. *“When am I going to get an apology for the wrong information supplied to me by the Shire of York advising me that the house at 60 Newcastle Street I was purchasing had no heritage significance? This has caused me financial loss and stress”.*

Response: The property did have heritage significance; however the Municipal Inventory listed only one of the titles of the property. Ms Schmidt has been notified of this situation by previous correspondence.

Question 2: Agenda Item 9.1.1 – Renovations and Alterations to a Heritage Building – 60 Newcastle Street. Could you please advise where the information on page 29 quote “1975 Peter Little and Ron Macey built the attic on the eastern side”. It would not be possible for this work to be done by the people stated, as I was not a resident in W.A. in 1975. A written response would be appreciated.

Response: T Cochrane explained that owners provided information during the Municipal Inventory Review. The owners provided information and extracts as to the history of the property. The Shire will endeavour to find out why Mr Macey’s name was included or if it was a different Mr Macey and will rectify this issue. For now, Mr Macey’s name will be removed from the agenda and the minutes.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Not Applicable

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER’S REPORTS

9.1 Development Services

9. OFFICER'S REPORTS

9.1 DEVELOPMENT REPORTS

9.1.1 Renovations and Alterations to a Heritage Building – 60 Newcastle Street

When acting as a planning authority in accordance with the powers conferred by the Planning and Development Act 2005 and any relevant scheme, the Council of the Shire is entitled to make decisions based only on proper planning considerations.

FILE NO:	Ne4.60461
COUNCIL DATE:	22 February 2010
REPORT DATE:	17 February 2010
LOCATION/ADDRESS:	Lot 341 (60) Newcastle Street, York
APPLICANT:	S Schmidt
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Patrick Ruettjes
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A - Schedule of Submissions Appendix B - Application Plans
DOCUMENTS TABLED:	Nil

Summary:

Council is asked to consider an application for retrospective planning consent for alterations and renovations to a heritage listed building at Lot 341 (60) Newcastle Street, York. The application is recommended for retrospective planning consent subject to appropriate conditions.

Background:

The property in question, Lot 341 (60) Newcastle Street, York, covers an area of 2,025 m² and is zoned 'Residential R5' under the Shire of York Town Planning Scheme No. 2. The property is also known as 'Whiteley House' and listed in the Shire of York Municipal Heritage Inventory (see Appendix C).

A stop work order was issued on 25 September 2009 after the Shire was notified of a verandah being removed and renovations and alterations being undertaken at Lot 341 (60) Newcastle Street, York. No approvals have been issued for any work at the property. The landowner was asked to submit an application for a building licence and an application for planning consent, as the property is heritage listed.

The landowner disputed the fact that she was required to apply for a building licence and planning consent from the local government and lodged an application with the State Administrative Tribunal ('SAT').

The SAT hearing resulted in the advice that applications for building licence and planning consent were to be submitted to the local government to apply for retrospective approval for the unauthorised works commenced.

An application for planning consent and an application for building licence were submitted on 22 October 2009.

The applicant/landowner was requested several times to provide further details on the proposed works to enable the assessment of the applications. Further details were provided on 4 January 2010. The applicant/landowner was notified that the application was ready for advertising but some details requested had not been addressed by the amended plans received. Subsequently, the application was advertised in accordance with clause 7.3 of the scheme. Submissions received are detailed in the attached 'Schedule of Submissions'.

Following additional site inspections and discussions between officers, the applicant/landowner and the Shire's Heritage Advisor, it was agreed that further modifications to the plans were required in order to progress the application.

Finally, on 2 February 2010 amended plans were submitted that received the following comments from the Shire's Heritage Advisor:

"Below are specific comments relating to different aspects of the application:

- *The proposed skillion verandah, including the reuse of the original turned jarrah posts and iron lace, is appropriate to the era of the existing building;*
- *The installation of the fascia plate with timber detailing will be aesthetically pleasing and, importantly, serve to indicate the plate height of the original verandah;*
- *The repair and re-rendering of the external walls of the building appears to be in line with the guidelines;*
- *It is noted that those external walls that are plain facebrick will remain as existing, which is a good heritage outcome and supported in the guidelines;*
- *The repair and making good of the walls of the minor hall up to ceiling height is supported;*
- *Re: the above, it is noted that the walls of the minor hall from ceiling height to roof height will be left as existing, which is the best heritage outcome for the mud brick in this part of the building;*
- *The modernisation of the facilities in bath 1 is supported;*
- *Re: the above, it is noted that a timber frame has been installed to allow for the new plumbing and tiling to be completed. This is a practice encouraged in the renovation of heritage buildings as it allows for the core of the space and fabric to remain relatively unaltered; and,*
- *There are no heritage issues associated with the works to the space described as 'casual living & dining' on the floor plan as this room is a modern addition and of little heritage value."*

The relevant plans are attached to this report.

Consultation:

The development – which has partly commenced – has been advertised in accordance with clause 7.3.3 of the Scheme. Detailed plans of the proposed development and relevant documentation have been on display at the Council offices during the advertising period.

A total of two written submissions have been received which are detailed in the attached Schedule of Submissions.

The Heritage Advisor's comments are listed in the 'Background' section of this report.

Statutory Environment:

Planning and Development Act 2005;
Residential Design Codes of Western Australia (2002), Variation 1 (2008) [R-Codes];
Shire of York Town Planning Scheme No. 2; and

Shire of York Local Planning Policy Heritage Precincts and Places.

Policy Implications:

Nil.

Financial Implications:

The Shire has incurred costs for the hearing in the State Administrative Tribunal.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Yes

Several site inspections have been undertaken as part of the assessment of the application.

Triple bottom Line Assessment:

Economic Implications:

N/A

Social Implications:

While the loss of original fabric of a heritage listed building is very unfortunate, the landowner was made to reuse as much original fabric as possible, i.e. Jarrah posts and iron lace.

Environmental Implications:

N/A

Comment:

While it is highly regrettable that the changes have occurred – especially without seeking the necessary approvals first – and have altered the fabric of the heritage building, the applicant was made to submit modified plans to try to salvage as much original material as possible and available.

The numerous alterations and additions over the years have reduced the heritage value and resulted in the listing as a category 3 heritage building with no specific planning constraints.

The submissions to ask for a re-establishment of the original verandah and fabric are acknowledged and would have been a much better solution, but the heritage inventory does not stipulate any particular planning constraints.

It is therefore recommended to issue retrospective planning consent subject to conditions.

**RESOLUTION
260210**

Moved: Cr T Boyle

Seconded: Cr R Scott

“That Council advise the applicant that it retrospectively approves the application for renovations and alterations to a heritage building at Lot 341 (60) Newcastle Street, York, subject to the following conditions:

- 1. Development must substantially commence within one (1) year from the date of this decision;***
- 2. Development must take place in accordance with the approved plans;***
- 3. The on-site drainage system shall be maintained on an ongoing basis to the satisfaction of the local government;***
- 4. The development to be in accordance with the Shire of York’s Local Planning Policy on Heritage Precincts and Places;***
- 5. All rendering to be removed from external timber surfaces, i.e. all rendering being removed from windows and frames to the satisfaction of the local government; and***
- 6. All boundary fencing to be in accordance with the Shire of York Local Planning Policy on Heritage Precincts and Places, confined within the property boundaries and to the satisfaction of the local government.***

Advice Note:

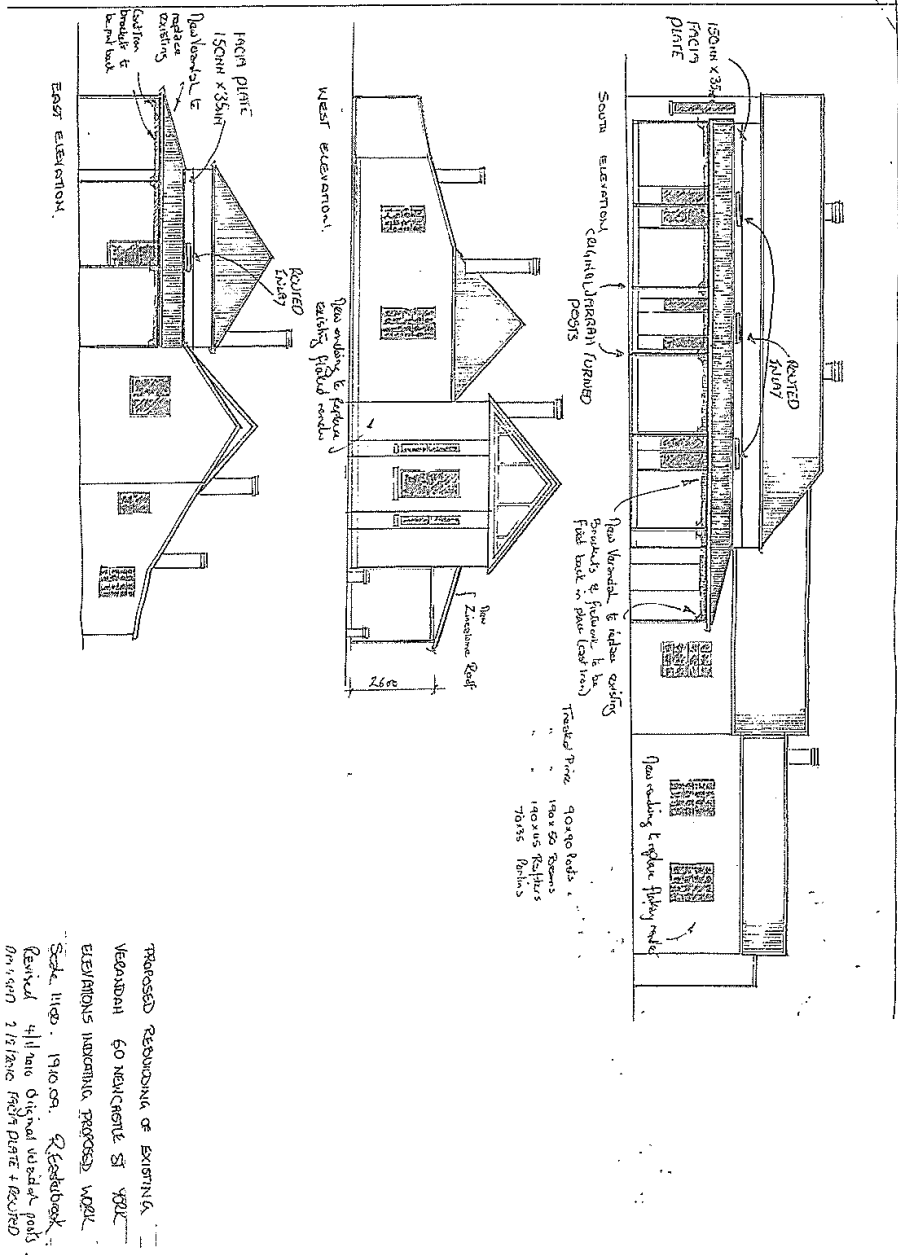
- a) In accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1960, an application for a building licence must be submitted to, and approval granted by the local government prior to the commencement of the development hereby permitted.***

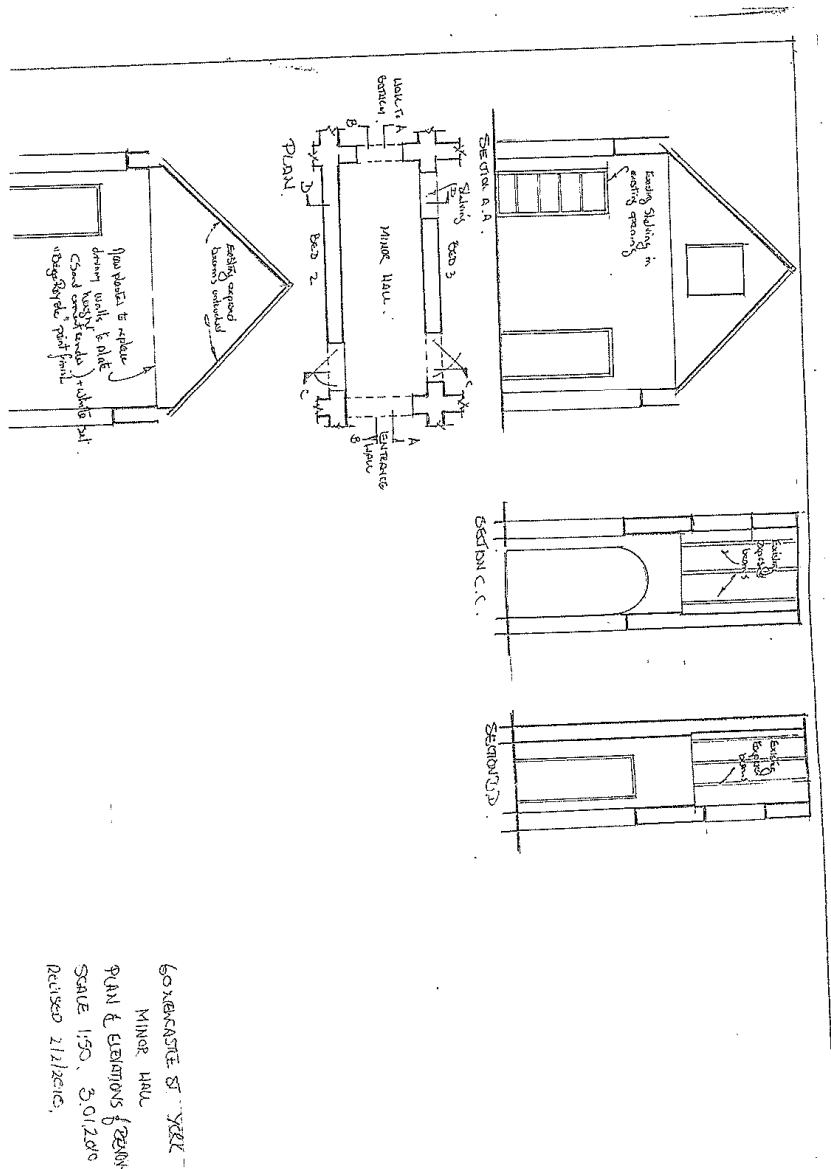
CARRIED (6/0)

**SCHEDULE OF SUBMISSIONS
RENOVATIONS AND ALTERATIONS TO A HERITAGE LISTED BUILDING
LOT 341 (60) NEWCASTLE STREET, YORK**

Submitter	Submission Received	Officer's Comments
<p>Landowner</p>	<p>"This correspondence is directed to all relevant Shire officers, the Shire of York's Heritage Advisor and all elected Shire Councillors.</p> <p>{...}</p> <p>We, the undersigned, [...] do strongly object to the above listed proposal by Susan Schmidt, in as far as the proposed development scheme that she has previously submitted for the Shire of York's approval, and / or consideration, is inappropriate.</p> <p>We have viewed Susan's proposal and submitted plans, and her intention to replace an unsafe verandah (quote) "like for like", is not in her submitted plans and application, and her disregard for the fabric of the building by spray rendering of the exterior (more than 3/4 of the building) is detrimental to the building in that it does not allow the colonial - Victorian hand-made bricks to breathe and move.</p> <p>We strongly implore the Shire of York, the Shire's Heritage Advisor and all Councillors to not accept Susan Schmidt's retrospective application for permission to continue work on the verandah of 60 Newcastle Street, York, in it's present form as submitted in her plans.</p> <p>This dwelling is listed in the "York Municipal Inventory list of Heritage Places and Precincts", as 58 Newcastle Street (it's original address until just recently when it was re-allocated a new street number by the Shire of York), in category 3 - "A place of some cultural heritage significance to Shire of York." It is described as contributing to the heritage of the locality, having some modified elements, not necessarily detracting from the over-all significance of the item.</p> <p>It goes on to state that conservation of the place is desirable. Any alterations or extensions should re-enforce the significance of the place, and original fabric should be retained wherever feasible"</p> <p>This dwelling was first constructed circa 1853, by James and Johanna Whiteley, prominent colonial settlers in the young town of York. This pioneering family went on to help establish Saint Patrick's Catholic Church in York. Johanna Whiteley was the first lay-teacher in a Catholic School in the state of Western Australia, and their children went on to become founding members of religious orders, whilst other family members went on to establish prominent buildings and businesses and houses.</p>	<p>Acknowledged.</p> <p>While it is highly regrettable that the changes have occurred and have altered the fabric of the heritage building, the modified plans try to salvage as much original material as possible and available.</p> <p>The numerous alterations and additions over the years have reduced the heritage value and resulted in the listing as a category 3 heritage building with no specific planning constraints.</p>

Submitter	Submission Received	Officer's Comments
Landowner (cont.)	<p>Another owner of the property was Mr Harvey, an owner of one of York's early flour mills and manager of another (currently the Old York Mill). Other owners have been: Chigper's, D'Ossogna's, Stirling's and Boyle's, among others. These people have been prominent and successful people who have contributed to the community in York, over the years.</p> <p>This information was given to us by the late Mrs Shirley Lutz, a well recognised archivist and historian. As you can see, this property has a right to be on the York Municipal Inventory of Heritage Places, and it deserves the dignity of appropriate and sympathetic attention.</p> <p>Susan Schmidt's proposal for a new skillion roofed verandah, (which does not meet the original brick drip-course) with insignificant square pine support posts, is in our humble opinion in-appropriate.</p> <p>We propose the Shire of York, its Heritage Advisor and elected Councillors to insist that the verandah be rebuilt as it was, with bull-nose corrugated iron roof, turned (Victorian?) jarrah support posts and re-instated cast-metal fretze and brackets. Further more, we consider the colour of the spray-render to the exterior of the building, to be too yellow and not appropriate to a building of this age. We would like to see this toned down to a heritage cream colour, if this is indeed now possible.</p> <p>We take this opportunity to thank you for taking the time to read our correspondence, and for considering our objections.</p> <p>We hope you will back us in our objections to Susan Schmidt's retrospective proposals in their current form".</p>	
Landowner	<p>"In response to request for Public Comment re 60 Newcastle St, No 8350 on Municipal Inventory. Please note the following:</p> <ol style="list-style-type: none"> 1. The bull-nosed verandah with turned posts that have been removed, should be replaced as they were with same design and fabric. 2. Original roof could have been skillion, but as the bull-nosed profile was introduced in the second half of the 19th century, either skillion or bull-nosed roofline is acceptable, as long as the replacement roof matches the pitch of the existing roofline. The verandah posts need to be turned as was originally built, or square columns to be erected with an average dimension of 100mm x 100mm. 3. The skillion roof and verandah posts as built by the present developer, do not fulfil heritage guidelines." 	<p>Acknowledged.</p> <p>As above.</p> <p>The Shire's Heritage Advisor advises that the verandah under construction meets heritage guidelines after modifications to the plans were made.</p>





9.2 Administration Reports

9. OFFICER'S REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Monger Street Closure – Rescind Resolution

FILE NO: Mo 2
COUNCIL DATE: 22 February 2010
REPORT DATE: 17 February 2010
LOCATION/ADDRESS: Monger Street
APPLICANT: Shire of York
SENIOR OFFICER: Mr R Hooper, CEO
REPORTING OFFICER: Mrs T Cochrane, A/DCEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix A – Location
Appendix B - Submissions
DOCUMENTS TABLED: Nil

Summary:

Council at its Ordinary Council Meeting held on the 15th June 2009 resolved to formally close a portion of Monger Street in accordance with Section 58 of the Land Administration Act.

It is proposed to rescind this resolution based on advice received from the Department of Regional Development and Lands, due to power and water services being located within the road reserve.

Background:

Council at the Ordinary Council Meeting held on the 15 June 2009 resolved as follows:

“That Council:

- 1. accede to the proposed road closure of a portion of the road reserve known as Monger Street that is not constructed being from Balladong Road to Stephen Street, as shown on the attached map labelled “Appendix A”, for the purpose of facilitating public advertising in accordance with Section 58 of the Land Administration Act 1997 (as amended); and***
- 2. in the event that no adverse submissions are received during the advertising period, delegate authority to the Chief Executive Officer to finalise the road closure and commence negotiations regarding the purchase of the land.”***

Consultation:

Council wrote to all the service agencies as per the Lands Administration Act on the 23 June 2009.

All responses received were sent to the Department of Regional Development and Lands with the following correspondence:

“Please be advised that Council at its Ordinary Meeting held on 12th June 2009 resolved as follows:

“That Council:

- 1. accede to the proposed road closure of a portion of the road reserve known as Monger Street that is not constructed being from Balladong Road to Stephen Street, as shown on the attached map labelled “Appendix A”, for the purpose of facilitating public advertising in accordance with Section 58 of the Land Administration Act 1997 (as amended); and***

2. *in the event that no adverse submissions are received during the advertising period, delegate authority to the Chief Executive Officer to finalise the road closure and commence negotiations regarding the purchase of the land."*

Please be advised that the advertising period has closed and a copy of the advert is attached for your records.

Attached are the responses from the relevant service authorities. Council is aware that it is required to consider the options put forward from the Water Corporation.

The adjoining landowner was requested to put in writing any interest in purchasing the land, no response has been provided."

The Department of Regional Development and Lands responded as follows:

"I refer to your letter of 04 September. I apologise for the delay in replying.

The Shire has requested closure of a portion of Monger Street. After reviewing the supporting material presented, I offer the following remarks.

*The **Water Corporation** states that it has water and sewer mains on the road that the Shire wishes to close. **Western Power** has also stated its opposition to the closure as it requires road frontage to provide supply to lots 16 – 19 in future.*

The Shire has not provided information as to how it would deal with the above two concerns.

*The Shire has not adequately described the **disposition** of the road upon closure. It is noted that many adjoining lots are owned by the Shire. Perhaps a development or subdivision is envisaged. If so, more details, including a layout plan, would be helpful.*

*Closure of the road as requested would leave numerous freehold lots including privately-owned Lot 20 without **legal access**. On general principles, freehold lots must have legal access.*

Given the above concerns, the Shire's request to close portion of Monger Street is not granted. The matter is returned for the Shire's re-consideration, if it wishes to pursue the road closure."

Statutory Environment:

Lands Administration Act.

Policy Implications:

Nil.

Financial Implications:

Potentially there could be high costs associated with closing the road if service infrastructure needs to be relocated.

Strategic Implications:

Nil.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Yes

Triple bottom Line Assessment:

Economic Implications:

Discussed under Financial Implications.

Social Implications:

Not applicable.

Environmental Implications:

Not applicable.

Comment:

Due to further research and advice from the Department of Regional Development and Lands in relation to closure of a portion of Monger Street it is now deemed unsuitable for closure. It is therefore proposed that the original motion of Council be rescinded.

RESOLUTION

270210

Moved: Cr B Lawrance

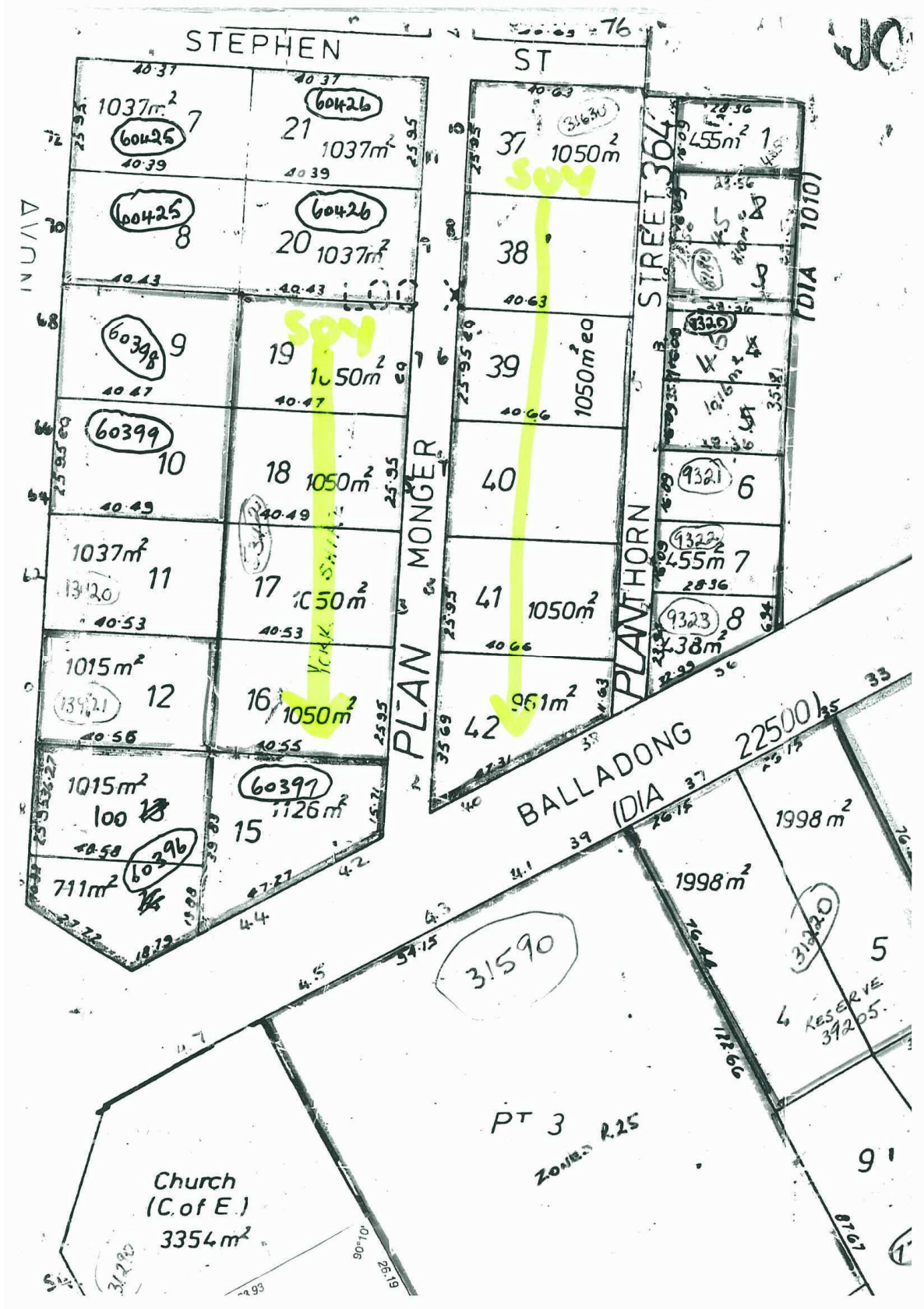
Seconded: Cr T Boyle

“That Council by an absolute majority, rescind motion 050609 of the Ordinary Council meeting held on the 15th June 2009, which states as follows:

“That Council:

- 1. accede to the proposed road closure of a portion of the road reserve known as Monger Street that is not constructed being from Balladong Road to Stephen Street, as shown on the attached map labelled “Appendix A”, for the purpose of facilitating public advertising in accordance with Section 58 of the Land Administration Act 1997 (as amended); and***
- 2. in the event that no adverse submissions are received during the advertising period, delegate authority to the Chief Executive Officer to finalise the road closure and commence negotiations regarding the purchase of the land.”***

CARRIED (6/0)





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Our ref: 6213994 & 6213982
Contact: Enquiries – 13 10 87

25/06/09

Graham Stanley
Acting Chief Executive Officer
Shire of York
PO Box 22, York
WA 6302

Dear Sir

RE: Proposed Road Closure – Monger Street - York

Thank you for your correspondence dated 23rd June 2009. Western Power opposes this proposal if in the future individual electricity supplies are required for Lots 16 -19. Western Power usually requires a road frontage to reticulate low voltage power lines or cables to provide supplies to lots.

If the Shire intends on amalgamating these lots with the Monger Street road reserve, then a supply can be made available from Balladong Road to service the amalgamated lot, and Western Power would have no objection to the current proposal.

Should you have any further queries, please contact our Enquiries on 13 10 87.

Yours faithfully


Jaimal Kika
Networks Engineer

FILED M02
JUL 2009
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PREFILED
D. C. 1001



R2515
Jon Park
08 9622 4830 (Fax 08 9622 4868)

14 August, 2009

Chief Executive Officer
Shire of York
PO Box 22
YORK 6302

Mo2
Cynsna
10 AUG 2009
11041510

Agricultural Region
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Northam WA 6401

PO Box 265
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Tel (08) 9622 4888
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www.watercorporation.com.au
ABN 28 003 434 917

Dear Sir

PARTIAL ROAD CLOSURE - MONGER STREET, YORK

Further to your letter dated 23 June 2009 regarding the proposed road closure.

The Water Corporation has a sewerage main and sewer pressure main located in Monger Street between Balladong Road and Stephen Street which are highlighted on the attached plan.

It is a Corporation requirement that sewer pressure mains are located in public land. The alternatives to consider are a) not close Monger Street, b) relocate pressure main at proponents cost, c) cede a reserve to the Water Corporation for the sewer pressure main.

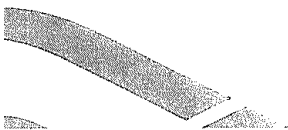
Reserves and easements should be located centrally about the centre line of the main. The minimum width of reserve for these size mains shall be 3.0 m.

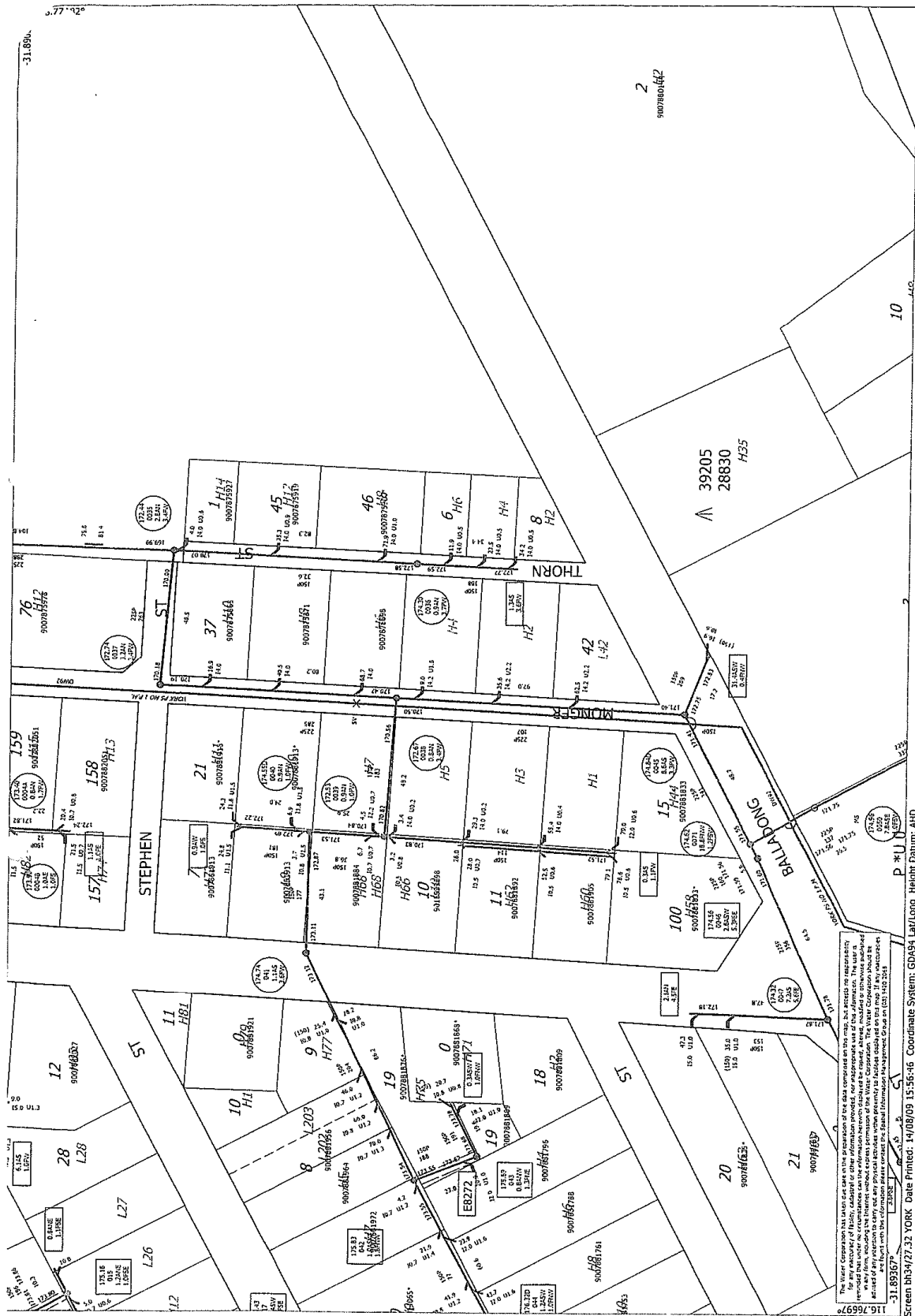
A gravity sewer main is also located in Monger Street. If the road was closed this main must be protected by a sewer easement. The sewer main is some 3.5 metres deep which would require a 5 metre wide easement. Therefore the combined width of the reserve and easement would be 7 metres.

Please contact me on 9622 4830 if you have any questions.

Yours faithfully


Jon Park
Land Servicing Consultant
Agricultural Region





9. OFFICER'S REPORTS

9.2 ADMINISTRATION REPORTS

9.2.2 Traffic Management for Events – Main Roads WA authorisation

FILE NO:	TR.RDT3
COUNCIL DATE:	22 February 2010
REPORT DATE:	17 February 2010
LOCATION/ADDRESS:	N/A
APPLICANT:	N/A
SENIOR OFFICER:	Ray Hooper, CEO
REPORTING OFFICER:	Simon Patterson, Engineer & Works Manager
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Instrument of Authorisation
DOCUMENTS TABLED:	

Summary:

Under the Road Traffic Code 2000, the Commissioner of Main Roads is the sole authority that may erect, establish or display, and may alter or take down any road sign or traffic control signal. Main Roads WA is able to delegate this authority to Council for specific purposes subject to an Instrument of Agreement being signed by Council and Main Roads WA.

In order to manage traffic related to events on roads such as on-street festivals, fairs and street races, Council is required to enter an Instrument of Authorisation with Main Roads WA.

Background:

New Australian Standards regarding traffic management were introduced in 2009 which has prompted Main Roads WA to review delegations regarding traffic management during events. In summary, the Instrument requires the following commitments from Council:-

1. That Council will follow the relevant standards when managing traffic during events
2. That Council will develop and follow appropriate procedures to ensure it follows relevant standards when managing traffic during events.

It is recommended that Council approves the signing of the Instrument of Authorisation as it will enable events to be managed efficiently. No new undertakings are required by Council because the agreement only requires Council to work within safety parameters that it is already committed to.

Consultation:

Nil

Statutory Environment:

Road Traffic Act 1974
Road Traffic Code 2000
Road Traffic (Events on Roads) Regulations 1991
Australian Standard 1742.3-2009

Policy Implications:

Nil

Financial Implications:

Delegated authority to Council to oversee traffic management during events will increase planning efficiency and therefore is likely to reduce costs to Council.

Strategic Implications:

This Instrument of Authorisation will enable Council to manage traffic during events on Council's roads into the future

Voting Requirements:

Absolute Majority Required: No

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Entering into this agreement will gain Council ongoing savings as it will negate the need for Council to make individual applications to Main Roads WA each time an event is proposed.

Social Implications:

Shorter lead in times will be required to plan events which is likely to improve customer service when Council staff liaise with community members during event planning.

Environmental Implications:

Nil

Comment:

**RESOLUTION
280210**

Moved: Cr T Randell

Seconded: Cr T Boyle

"That Council:

Authorises the Chief Executive Offer to sign and seal the Main Roads WA "Instrument of Authorisation Relating to Traffic Management for Events".

CARRIED (6/0)

**WESTERN AUSTRALIA
ROAD TRAFFIC CODE 2000
REGULATION 297(2)
INSTRUMENT OF AUTHORISATION**

RELATING TO
TRAFFIC MANAGEMENT FOR EVENTS

Pursuant to Regulation 297(2) of the *Road Traffic Code 2000* the Commissioner of Main Roads ("the Commissioner") hereby authorises
(Insert name of Local Government)

(Authorised Body") by itself, its employees, consultants, agents and contractors (together "Representatives") to, from the date indicated below, erect, establish, display, alter or take down such road signs of whatsoever type or class (except for permanent traffic control signals) as may be required for the purpose and duration of any:

- i) "event" subject to an order from the Commissioner of Police pursuant to Part VA of the *Road Traffic Act 1974*;
- ii) race meeting or speed test for which the Minister referred to in section 83 of the *Road Traffic Act 1974* has, under that provision, temporarily suspended the operation of any provisions of the *Road Traffic Act 1974* or regulations made under that Act; or
- iii) public meeting or procession the subject of a permit granted by the Commissioner of Police under the *Public Order in Streets Act 1984*;

or as may be required for the purpose of controlling traffic on a road adjacent to, or in the vicinity of, any event or organised activity approved by the Authorised Body under its local laws, on a road (other than a main road or highway) within its jurisdiction, SUBJECT ALWAYS to the following terms and conditions:

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from www.mainroads.wa.gov.au or by contacting Main Roads by phone;
- (b) the Authorised Body shall develop and implement procedures that will satisfy the Commissioner that traffic management implemented by the Authorised Body, its employees, agents and contractors will in all respects conform to and comply with the requirements of the Code; and
- (c) the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as if they were named in those paragraphs in place of the Authorised Body.

By executing and returning the acknowledgment at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.

The powers in this Instrument of Authorisation do not change or replace:

- 1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and
- 2) any powers and responsibilities of a local government provided in regulation 9 of the *Road Traffic (Events on Roads) Regulations 1991*.

Dated:

THE COMMON SEAL OF THE)
COMMISSIONER OF MAIN ROADS)
)
WAS AFFIXED BY)
)
)
)
COMMISSIONER OF MAIN ROADS)
)
FOR THE TIME BEING IN THE)
PRESENCE OF:)

Signature of Witness

Name of Witness (please print)

ACKNOWLEDGMENT BY AUTHORISED BODY

..... agrees to unconditionally observe,
(Insert name of Local Government)
perform and be bound by the above conditions.

THE COMMON SEAL of)
)
)
)

[Insert name of Local Government])
)
Was hereunto affixed pursuant to a)
resolution of the Council in the)
presence of:)
)

Signature of Chief Executive Officer

Signature of Witness

Name of Witness (please print)

9.3 Finance Reports

9.4 Confidential Reports

9.5 Late Reports

10. NEXT MEETING

RESOLUTION

290210

Moved: Cr T Randell

Seconded: Cr R Scott

“That Council:

hold the next Special Meeting of the Council on February 25, 2010 at 3.30pm in the Lesser Hall , York.”

“That Council:

hold the next Ordinary Meeting of the Council on March 15, 2010 at 3.00pm in the Lesser Hall , York.”

CARRIED (6/0)

11. CLOSURE

The Shire President, Cr Pat Hooper, thanked everyone for their attendance and declared the meeting closed at 4.06pm.