

SHIRE OF CARNARVON

# SCHEDULES

COUNCIL MEETING  
Tuesday 15<sup>TH</sup> DECEMBER 2020

Council Chambers, Stuart Street  
CARNARVON, West Australia Phone: (08)  
9941 0000  
Fax: (08) 9941 1099  
Website – [www.carnarvon.wa.gov.au](http://www.carnarvon.wa.gov.au)

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No Report

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# SHIRE OF CARNARVON

# FREEDOM OF INFORMATION STATEMENT



Reviewed – 17<sup>th</sup> December 2019

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## INTRODUCTION

Section 96(1) of the Freedom of Information Act (1992) requires each government agency, including local government, to prepare and publish annually, an Information Statement.

The Information Statement must set out –

- The Agency's Mission Statement
- Details of Legislation administered
- Details of the agency structure
- Details of decision making functions
- Opportunities for public participation in the formulation of policy and performance of agency functions.
- Documents held by the agency
- The operation of FOI in the agency

This document has been prepared by the Shire of Carnarvon to satisfy Part 5 of the Act and is correct as at December 2018. Copies of this document may be obtained from –

Freedom of Information Co-ordinator  
Shire of Carnarvon  
PO Box 459  
CARNARVON WA 6701

Or on the Shire of Carnarvon website at [www.carnarvon.wa.gov.au](http://www.carnarvon.wa.gov.au)

Enquiries may be made to that office on telephone 99410000 Monday to Friday 8.00am to 5.00pm or by email at [hill.d@carnarvon.wa.gov.au](mailto:hill.d@carnarvon.wa.gov.au)

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## VISION AND VALUES

### *Vision Statement*

#### **Unity, Humanity, Nature**

- A connected community across leaders, cultures and generations
- A future for every young person
- A job rich economy, built on local strengths
- A still-natural environment, looked after and used

### *Core Values*

We have identified these key values and principles as integral in the achievement of our vision –

- Courage
- Authenticity
- Respect & Inclusion
- Passion
- Excellence
- Humility
- Cohesion

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# COUNCIL INFORMATION STATEMENT

## Freedom of Information THE COUNCIL INFORMATION STATEMENT ACCESS TO COUNCIL DOCUMENTS DOCUMENTS TO BE PROVIDED OUTSIDE OF FOI WHEREVER POSSIBLE

The Shire of Carnarvon is an open and accountable Local Government and wherever possible will make documents available for public inspection outside of the *Freedom of Information Act*. The general public can view a variety of Council publications at the Council Offices at 3 Francis Street Carnarvon or at the Carnarvon Library or online at Council's website address which is [www.carnarvon.wa.gov.au](http://www.carnarvon.wa.gov.au)

Documents are available for public inspection at either the Council Offices. If members of the public wish to obtain **copies** of any documents, then a **charge may apply** which is usually at a rate of 20 cents per page for photocopying plus any binding costs and postage and delivery charges if applicable.

Emailed copies of public documents will be provided free of charge.

### FOI PROCEDURES AND ACCESS ARRANGEMENTS

#### FOI Operations

The Shire of Carnarvon supports open and accountable local government and will endeavour to make information available promptly and at the least possible cost. As previously stated whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the *Freedom of Information Act 1992* provides the right to apply for documents held by the Shire and to enable the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

#### Freedom of Information Applications

Access applications have to:

- be in writing;
- give enough information so that the documents requested can be identified;
- give an Australian address to which notices can be sent; and
- be lodged at the Council Offices with any application fee payable.

Applications and enquiries should be addressed or delivered to:

Freedom Information Officer  
Shire of Carnarvon  
3 Francis Street  
CARNARVON WA 6701

#### Acknowledgment of Applications

Applications will be acknowledged in writing and you will be notified of the decision as quickly as possible and no later than 45 days after the application is received.

#### Freedom of Information Charges

A scale of fees and charges is set under the FOI Act Regulations. Apart from the application fee for non-personal information all charges are discretionary. The charges are as follows:

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No fees or charges apply for personal information or amendment of personal information about yourself (e.g. your medical records; details of employment etc).

Applications for other documents (i.e. which are non-personal in nature) require a \$30 application fee to be paid when the application is lodged, and there may be other charges imposed by the agency as follows:

- \$30 per hour of staff time or pro rata for part of an hour for dealing with an application. (Agencies cannot charge for locating the documents within the scope of your request.)
- \$30 per hour (or pro rata for part of an hour) for supervision by staff when access is given to view documents; or the time taken by staff to prepare a transcript from a tape or make photocopies.
- 20 cents per photocopy.
- Actual cost incurred by the agency for preparing a copy of a tape, film or computerised information, or arranging delivery, packaging and postage of documents.

#### **Deposits**

- Advance deposit may be required of the estimated charges 25%
- Further advance deposit may be required to meet the charges for dealing with the application 75%

For financially disadvantaged applicants or those issued with prescribed pensioner concession cards, the charge payable is reduced by 25% or may be waived in certain circumstances.

#### **Access Arrangements**

Access to documents can be granted by way of inspection, emailed electronic copy, a “hard” paper copy of a document, a copy of an audio or video tape, a computer disc, a transcript of a recorded, shorthand or encoded document from which words can be reproduced.

#### **Edited Copies of Documents**

As a general rule Council will provide edited copies of documents where part of the document may be subject under the schedule of exemptions of the Freedom of Information Act for various reasons (eg, commercial considerations) or where there would be disclosure of personal or private information about an individual.

#### **Notice of Decision**

As soon as possible but in any case within 45 days you will be provided with a notice of decision which will include details such as:

- The date which the decision was made;
- The name and the designation of the officer who made the decision. This is the Manager, Corporate Services
- If the document is an exempt document the reasons for classifying the matter exempt; or the fact that access is given to an edited document; and
- Information on the right to review and the procedures to be followed to exercise those rights.

#### **Refusal of Access**

Applicants who are dissatisfied with a decision will be able to seek an **internal review** by the Chief Executive Officer.

If you disagree with the result of the CEO’s decision then you can apply to the Information Commissioner for an **external review**, and details would be advised to applicants when the internal review decision is issued.



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## LEGISLATION ADMINISTERED

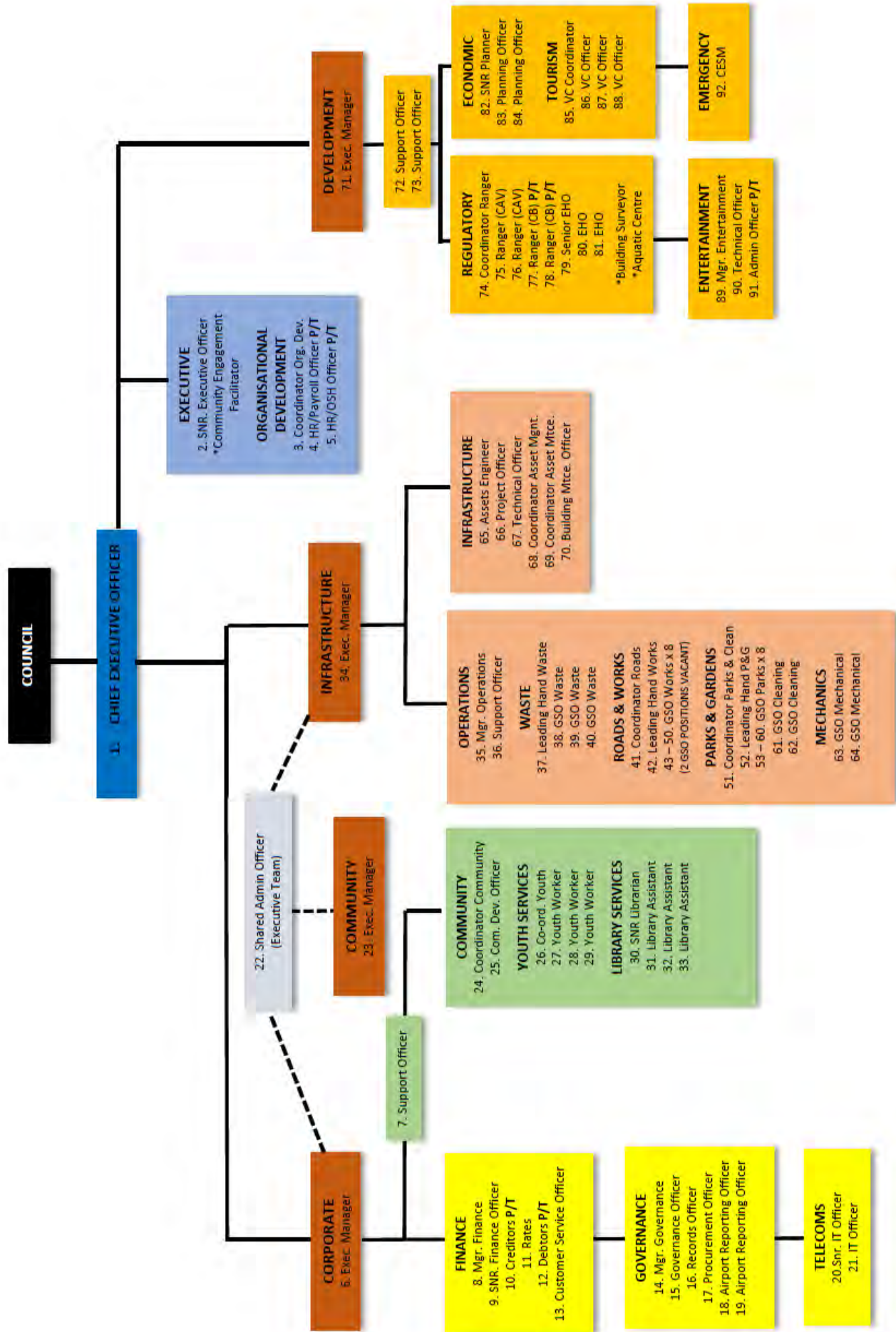
The Shire of Carnarvon is established under the Local Government Act 1995, and has the responsibility for the administration of this Act within the municipality. Other major legislation which the Shire of Carnarvon is wholly or partly responsible for administering is –

- Bush Fires Act
- Dog Act
- Litter Act
- Health Act
- Environmental Protection Act
- Town Planning & Development Act
- Dividing Fencings Act
- Off Road Vehicles Act
- Freedom of Information Act
- Occupational Health, Safety & Welfare Act
- Building Codes of Australia
- Library Board Act
- Road Traffic Act
- Main Roads Act
- Building Act
- Caravan and Camping Act
- Liquor Licensing Act
- Land Administration Act
- Town Planning Act

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## ORGANISATION STRUCTURE

Council is the policy making body of the Shire of Carnarvon. To implement Council decisions, it is necessary to employ professional staff. Management of the staff is through senior officers referred to as the Executive Leadership Team. The Chief Executive Officer, who is employed by the Council and has delegated authority, manages the day to day running of the Shire and provides advice to Council and directs the activities of staff through the Managers/Coordinators.



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## FUNCTIONS

The elected members of Council act as one body, dealing with the business of the Carnarvon local government area in accordance with relevant statutes, local laws and policies. As a body, Council meets on the fourth Tuesday of each month, except for in December where it meets on the third Tuesday.

Meetings commence at 8.30 am sharp and any member of the public is welcome to attend. Limited time (15 minutes) is set aside for the public to ask questions of the Council. Questions are generally taken on notice as a reply may not be immediately forthcoming due to the need to either research the matter raised or to seek clarification of the matter from a third-party. Desirably, questions should be submitted in writing at least 3 days before the Council meeting is to take place in order that a response can (hopefully) be provided at the meeting.

Occasionally, Council may hold a special meeting outside of these times, especially where it is required to deal with an urgent matter of business. Notice of a Special Meeting of Council will be advertised in the Midwest Times/Guardian newspaper 7 days beforehand. Again, any member of the public is welcome to attend a Special Meeting of Council and ask questions of the Council within the allotted public question time.

Where a person requests a matter to be dealt with by the Council, or is required to have a matter (such as a land development proposal or application) to be dealt with by the Council, such a request (or proposal or application) must be submitted in writing to the Chief Executive Officer (CEO) at least 30 days before the date of the Ordinary Meeting of Council (OCM) at which it is requested to be considered and determined. Inclusion of the matter in the meeting agenda will be subject to all relevant and pertinent information being provided by the person making the request (or by the proponent or applicant), all comments from relevant authorities and agencies who may be affected by the matter having been received, and either no public or stakeholder notification beforehand is required, or where required, such notification has been completed and the submission period has expired.

A request received less than 30 days before the next Ordinary Meeting of Council may be presented to Council for consideration and determination only at the discretion of the CEO and subject to the above criteria (where applicable).

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## DOCUMENTS HELD BY THE SHIRE OF CARNARVON

The following documents are available for public inspection at the Shire of Carnarvon free of charge. Members of the public may purchase copies of these documents. The charges for these documents are set annually by the Council and the Fees and Charges manual may be inspected at the Shire Offices during normal office hours. Some of the documents or related information is available online.

Policy Manual  
Annual Budget  
Annual Report  
Standing Orders  
Strategic Plan  
Freedom of Information Statement  
Tender Register  
Code of Conduct  
Council Minutes & Agendas (unless classified as confidential- and are also available in the Library)  
Electoral Rolls  
Rates and Charges  
Local Laws  
Various leaflets and brochures

The Shire of Carnarvon holds a number of different types of documents for which a Freedom of Information request for information should be submitted. These include letters and general correspondence, internal reports, external reports to other agencies, plans, memorandums, drawings and videos.

Information is held in the Shire's filing system, which is managed by an electronic records management system.

Personal information is held in personnel files in the Shire's records system.

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## OPERATION OF FOI IN THE SHIRE OF CARNARVON

### What is the Freedom of Information Act all about?

- It gives you the legally enforceable right to access records held by both State and Local Government agencies. You do not need to demonstrate any connection to or reason for seeking access to these records.
- It gives you the right to apply to have personal information we hold that you believe is inaccurate to be altered (at no cost).
- It obliges the Shire of Carnarvon to make available certain information about the way it operates.

### What are considered to be records?

The Act defines records as –

- Any paper based records eg. Memos, correspondence, maps, plans, photos etc.
- Any sound based records, eg. cds etc.
- Any image based records eg. Roll films, micrographics, video tapes, optical disks etc.
- Any digital based records eg. Computer tapes, floppy disks, cds etc.

### Who do I contact to make enquiries?

You may ring the Shire of Carnarvon Freedom of Information Co-ordinator on 99410050 between the hours of 8.00am to 5.00pm Monday to Friday if you have any queries. Alternatively, you can send an email to [hill.d@carnarvon.wa.gov.au](mailto:hill.d@carnarvon.wa.gov.au)

### How do I lodge an application?

You must lodge your application in writing –

- give enough information so that the documents can be identified
- give an Australian address to which notices can be sent
- be lodged at the Shire of Carnarvon with any application fee payable
- give enough information so that the documents can be identified

### Lodgement of Applications

Applications may be lodged –

**By Post, addressed to –**

FOI Co-ordinator  
Dannielle Hill  
Shire of Carnarvon  
PO Box 459  
CARNARVON WA 6701

**Or in Person to –**

Shire of Carnarvon  
Francis Street  
CARNARVON WA 6701

Shire of Carnarvon  
**APPLICATION FOR ACCESS  
TO DOCUMENTS**  
(under Freedom of Information Act  
1992, S.12)



Surname \_\_\_\_\_

Given Names \_\_\_\_\_

Australian Postal Address \_\_\_\_\_

Telephone Number(s) \_\_\_\_\_

Name of Organisation/Business \_\_\_\_\_  
(if application is on behalf of an organisation)

**DETAILS OF REQUEST (please tick)**       Personal Documents       Non-Personal Documents

I am applying for access to document(s) concerning \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**FORM OF ACCESS (please tick appropriate box)**

I wish to inspect the document(s)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
I require a copy of the document(s)	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
I require access in another form	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

(specify) \_\_\_\_\_

**FEES AND CHARGES**

Attached is a cheque/cash to the amount of \$\_\_\_\_\_ to cover the application fee. I understand that before I obtain access to documents I may be required to pay processing charges in respect of this application and that I will be supplied with a statement of charges if appropriate.

*In certain cases a reduction in fees and charges may apply – see section on fees and charges on the back of this form. If you consider you are entitled to a reduction, submit a request with copies of documents which address the criteria on the back of this form and support your application for a fee reduction.*

I am requesting a reduction in fees and charges  
(please tick appropriate box)       Yes       No

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Applicant's Signature \_\_\_\_\_

Date \_\_\_\_\_

Proof of Identify (f applicable)  
(A total of 100 points is required)

Driver's Licence = 40 Points

Birth Certificate = 70 Points

Passport = 70 Points

Sighted by \_\_\_\_\_

### NOTES

#### FOI APPLICATIONS

- Please provide sufficient information to enable the correct document(s) to be identified.
- The agency may request proof of your identity.
- If you are seeking access to a document(s) on behalf of another person, the agency will require authorisation, usually in writing.
- Your application will be dealt with as soon as practicable (and, in any case, within 45 days) after it is received.
- The Freedom of Information Act is available online at -  
[https://www.slp.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_353\\_homepage.html](https://www.slp.wa.gov.au/legislation/statutes.nsf/main_mrtitle_353_homepage.html)

#### FORM OF ACCESS

You can request access to documents by way of inspection, a copy of a document, a copy of an audio or video tape, a computer disk, a transcript of a recorded document or of works recorded in shorthand or encoded form, or a written document in the case of a document from which words can be reproduced in written form.

Where the agency is unable to grant access in the form requested, access may be given in a different form.

#### FEES AND CHARGES

1,	<b>Type of Fee</b>	
	Application Fee for Personal Information	Nil
	Application Fee under Section 12(1) of the Act	\$ 30.00
2.	<b>Type of Charge</b>	
(a)	charge for time by staff dealing with the application (per hour, or pro rata for a part of an hour)	\$ 30.00
(b)	charge for access time supervised by staff (per hour, or pro rata for a part of an hour)	\$ 30.00
	plus the actual additional cost to the agency of a special arrangements (eg hire of facilities or equipment).	
(c)	charges for photocopying –	
(i)	per hour, or pro rata for a part of an hour of staff time	\$ 30.00
(ii)	per copy	\$ 0.20
(d)	charge for time taken by staff transcribing information from a tape or other device (per hour, or pro rata for a part of an hour)	\$ 30.00



- 
- |     |   |                    |
|-----|---|--------------------|
| (e) | charge for duplicating a tape, film or computer information | <b>Actual Cost</b> |
| (f) | charge for delivery, packaging and postage                  | <b>Actual Cost</b> |

3. **Advance Deposits**

- |     |   |            |
|-----|---|------------|
| (a) | Advance deposit which may be required by an agency under Section 18(1) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee.         | <b>25%</b> |
| (b) | Further advance deposit which may be required by an agency under Section 18(4) of the Act, expressed as a percentage of the estimated charges which will be payable in excess of the application fee. | <b>75%</b> |

**LODGEMENT OF APPLICATIONS**

Applications may be lodged –

**By Post, addressed to –**

FOI Co-ordinator  
Dannielle Hill  
Shire of Carnarvon  
PO Box 459  
CARNARVON WA 6701

**Or in Person to –**

Shire of Carnarvon  
Francis Street  
CARNARVON WA 6701

# Shire of Carnarvon

## **MONTHLY FINANCIAL REPORT** **(Containing the Statement of Financial Activity)** **FOR THE PERIOD ENDED 31 OCTOBER 2020**

**LOCAL GOVERNMENT ACT 1995**  
**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

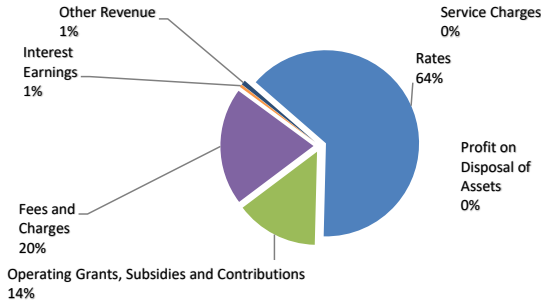
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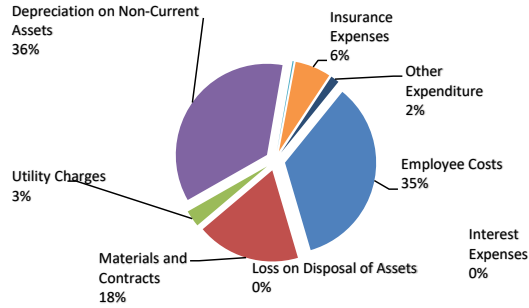
Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary with the completion of Year end processes.

OPERATING ACTIVITIES

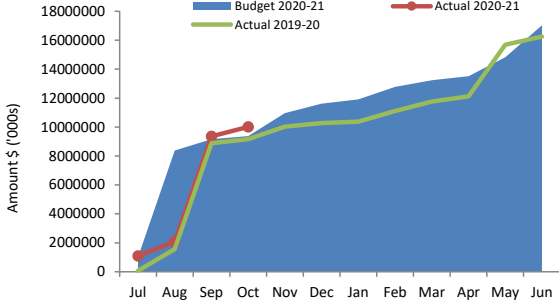
OPERATING REVENUE



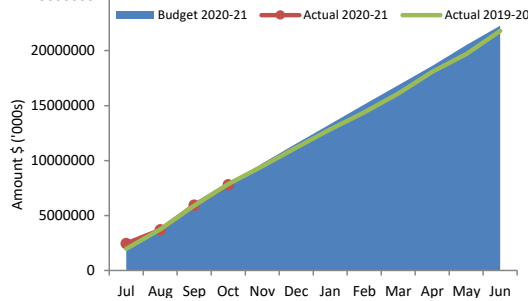
OPERATING EXPENSES



Budget Operating Revenues -v- Actual

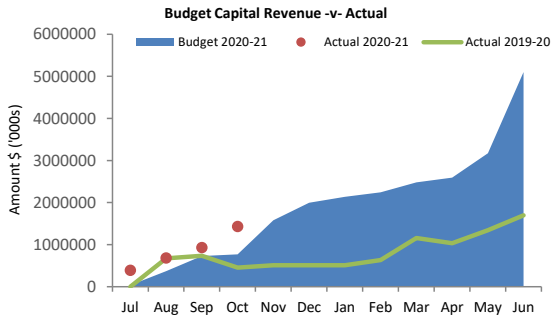


Budget Operating Expenses -v- YTD Actual

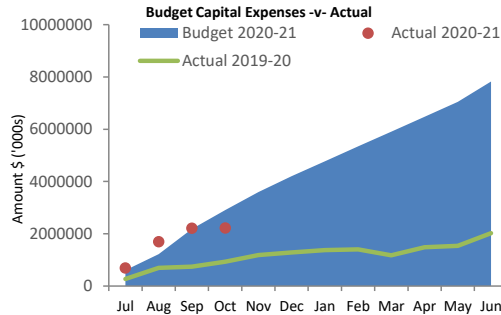


INVESTING ACTIVITIES

CAPITAL REVENUE



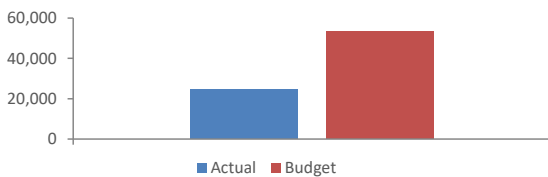
CAPITAL EXPENSES



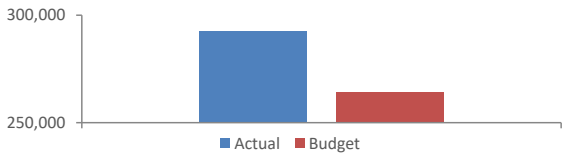
FINANCING ACTIVITIES

BORROWINGS

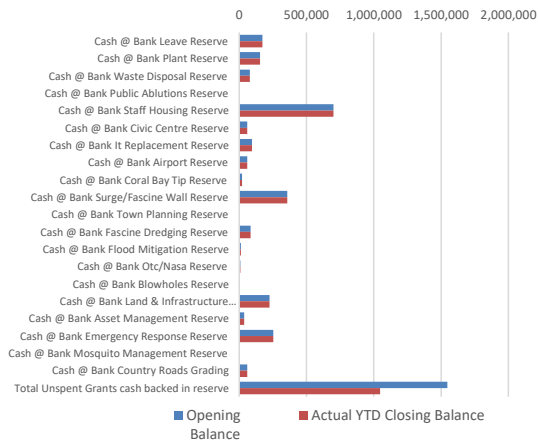
Principal Repayments



Principal Outstanding



RESERVES



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STATEMENT OF FINANCIAL ACTIVITY

BY PROGRAM

FOR THE PERIOD ENDED 31 OCTOBER 2020

		REG 34(1)(a)	REG 34(1)(b)	REG 34(1)(c)	0 REG 34(1)(d)	REG 34(1)(d)	
	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1	5,152,400	5,152,400	<b>4,630,065</b>	(522,335)	(10.14%)	▼
<b>Revenue from operating activities</b>							
Governance		148,705	24,234	<b>10,529</b>	(13,705)	(56.55%)	▼
General purpose funding - general rates	9	5,281,935	5,536,236	<b>5,491,775</b>	(44,461)	(0.80%)	
General purpose funding - other		2,473,900	381,644	<b>411,168</b>	29,524	7.74%	
Law, order and public safety		225,169	140,128	<b>139,014</b>	(1,114)	(0.80%)	
Health		43,442	12,520	<b>2,673</b>	(9,847)	(78.65%)	
Education and welfare		218,034	97,507	<b>94,595</b>	(2,912)	(2.99%)	
Housing		23,900	7,964	<b>5,734</b>	(2,230)	(28.01%)	
Community amenities		1,943,895	1,700,731	<b>1,756,029</b>	55,298	3.25%	
Recreation and culture		254,258	49,242	<b>24,647</b>	(24,595)	(49.95%)	▼
Transport		773,652	498,262	<b>564,436</b>	66,174	13.28%	▲
Economic services		408,663	115,250	<b>37,552</b>	(77,698)	(67.42%)	▼
Other property and services		127,937	33,352	<b>42,314</b>	8,962	26.87%	
		<b>11,923,490</b>	<b>8,597,070</b>	<b>8,580,465</b>	(16,605)		
<b>Expenditure from operating activities</b>							
Governance		(1,396,629)	(513,205)	<b>(482,839)</b>	30,366	5.92%	
General purpose funding		(204,795)	(68,268)	<b>(65,345)</b>	2,923	4.28%	
Law, order and public safety		(977,206)	(332,129)	<b>(450,517)</b>	(118,388)	(35.65%)	▼
Health		(672,783)	(224,290)	<b>(243,433)</b>	(19,143)	(8.53%)	
Education and welfare		(1,161,570)	(400,270)	<b>(341,129)</b>	59,141	14.78%	▲
Housing		(115,871)	(52,743)	<b>(38,094)</b>	14,649	27.77%	▲
Community amenities		(2,426,510)	(828,538)	<b>(744,496)</b>	84,042	10.14%	▲
Recreation and culture		(4,796,049)	(1,711,522)	<b>(1,527,126)</b>	184,396	10.77%	▲
Transport		(9,235,056)	(3,143,281)	<b>(3,282,473)</b>	(139,192)	(4.43%)	
Economic services		(1,188,272)	(396,341)	<b>(382,716)</b>	13,625	3.44%	
Other property and services		(130,611)	(132,795)	<b>(240,267)</b>	(107,472)	(80.93%)	▼
		<b>(22,305,352)</b>	<b>(7,803,382)</b>	<b>(7,798,435)</b>	4,947		
<b>Non-cash amounts excluded from operating activities</b>							
Less: Profit on asset disposals	6	0	0	<b>0</b>	0	0.00%	
Add: Loss on disposal of assets	6	0	0	<b>0</b>	0	0.00%	
Add: Depreciation on assets		8,286,606	2,762,196	<b>2,804,986</b>	42,790	1.55%	
Less: Movement in Contract Liabilities		399,695	0	<b>(455,000)</b>	(455,000)	0.00%	
<b>Amount attributable to operating activities</b>		<b>(1,695,561)</b>	<b>3,555,884</b>	<b>3,132,016</b>	<b>31,132</b>		
<b>Investing Activities</b>							
Non-operating grants, subsidies and contributions	7	4,258,072	769,665	<b>1,432,706</b>	663,041	86.15%	▲
<b>Net Non-Operating Grants</b>	7	<b>4,258,072</b>	<b>769,665</b>	<b>1,432,706</b>	<b>663,041</b>	<b>86.15%</b>	
Proceeds from disposal of assets	6	0	0	<b>0</b>	0	0.00%	
Payments for property, plant and equipment and infrastructure	5	(7,154,675)	(2,909,080)	<b>(2,219,974)</b>	689,107	23.69%	▲
<b>Amount attributable to investing activities</b>		<b>(2,896,603)</b>	<b>(2,139,415)</b>	<b>(787,268)</b>	<b>1,352,147</b>		
<b>Financing Activities</b>							
Transfer from reserves	4	1,512,110	500,000	<b>500,000</b>	0	0.00%	
Payments for principal portion of lease liabilities		(365,390)	(121,883)	<b>(121,883)</b>	0	0.00%	
Repayment of debentures	12	(53,244)	(24,784)	<b>(24,784)</b>	0	0.00%	
Transfer to reserves	4	(1,400,181)	(0)	<b>(0)</b>	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>(306,705)</b>	<b>353,333</b>	<b>353,333</b>	<b>0</b>		
<b>Closing funding surplus / (deficit)</b>	1	<b>253,531</b>	<b>6,922,202</b>	<b>7,328,146</b>	<b>405,944</b>		

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

Refer to Note 2 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020-21 year for Operating is \$10,000 and for Non-Operating \$20,000 or 10.00% whichever is the greater.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

STATUTORY STATEMENT Local Government (Financial Management) Regulations 34

STATEMENT OF FINANCIAL ACTIVITY

BY NATURE OR TYPE

FOR THE PERIOD ENDED 31 OCTOBER 2020

		REG 34(1)(a)	REG 34(1)(b)	REG 34(1)(c)	REG 34(1)(d)	REG 34(1)(d)	
	Ref	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	Note						
		\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1	5,152,400	5,152,400	4,630,065	(522,335)	(10.14%)	▼
<b>Revenue from operating activities</b>							
Rates	9	5,523,129	5,536,236	5,491,775	(44,461)	(0.80%)	
Operating grants, subsidies and contributions	8	3,287,310	1,176,773	1,231,037	54,264	4.61%	
Fees and charges		2,737,910	1,792,160	1,746,960	(45,200)	(2.52%)	
Interest earnings		68,584	22,029	41,589	19,560	88.79%	▲
Other revenue		306,557	69,872	69,103	(769)	(1.10%)	
		<b>11,923,490</b>	<b>8,597,070</b>	<b>8,580,465</b>	(16,605)		
<b>Expenditure from operating activities</b>							
Employee costs		(7,171,944)	(2,371,791)	(2,699,829)	(328,038)	(13.83%)	▼
Materials and contracts		(5,003,286)	(1,622,709)	(1,432,393)	190,316	11.73%	▲
Utility charges		(809,328)	(269,929)	(229,973)	39,956	14.80%	▲
Depreciation on non-current assets		(8,286,606)	(2,762,196)	(2,804,986)	(42,790)	(1.55%)	
Interest expenses		(35,164)	(8,663)	(16,486)	(7,823)	(90.31%)	
Insurance expenses		(496,958)	(495,732)	(495,943)	(211)	(0.04%)	
Other expenditure		(502,066)	(272,362)	(118,825)	153,537	56.37%	▲
		<b>(22,305,352)</b>	<b>(7,803,382)</b>	<b>(7,798,435)</b>	4,947		
<b>Non-cash amounts excluded from operating activities</b>							
Less: Profit on asset disposals	6	0	0	0	0	0.00%	
Add: Loss on disposal of assets	6	0	0	0	0	0.00%	
Add: Depreciation on assets		8,286,606	2,762,196	2,804,986	42,790	1.55%	
Less: Movement in Contract Liabilities		399,695	0	(455,000)			
<b>Amount attributable to operating activities</b>		<b>(1,695,561)</b>	<b>3,555,884</b>	<b>3,132,016</b>	31,132		
<b>Investing activities</b>							
Non-operating grants, subsidies and contributions	7	4,258,072	769,665	1,432,706	663,041	86.15%	▲
Less UnSpent Non-Operating Grants (Contract Liabilities)	7	0	0	0			
<b>Net Non-Operating Grants</b>	7	<b>4,258,072</b>	<b>769,665</b>	<b>1,432,706</b>			
Payments for property, plant and equipment and infrastructure	5	(7,154,675)	(2,909,080)	(2,219,974)	689,107	23.69%	▲
<b>Amount attributable to investing activities</b>		<b>(2,896,603)</b>	<b>(2,139,415)</b>	<b>(787,268)</b>	1,352,147		
<b>Financing Activities</b>							
Transfer from reserves	4	1,512,110	500,000	500,000	0	0.00%	
Payments for principal portion of lease liabilities		(365,390)	(121,883)	(121,883)	0	0.00%	
Repayment of debentures	12	(53,244)	(24,784)	(24,784)	0	0.00%	
Transfer to reserves	4	(1,400,181)	(0)	(0)	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>(306,705)</b>	<b>353,333</b>	<b>353,333</b>	0		
<b>Closing funding surplus /(deficit) REG 34(1)(e)</b>	1	<b>253,531</b>	<b>6,922,202</b>	<b>7,328,146</b>	405,944		

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold.

Refer to Note 2 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020-21 year is \$10,000 or 10.00% whichever is greater.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

Statutory document REG 34(2)(a)  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 OCTOBER 2020**

**Note 1**

**Explanation of the composition of net current assets**

	Notes	Last Years Actual Closing 30/6/2020	Adopted Budget	This time last month 30/09/2020	YTD Actual (b) 31/10/2020
		\$	\$	\$	\$
<b>Net current assets used in the Statement of Financial Activity</b>					
<b>Current assets</b>					
Cash and cash equivalents	3	3,878,811	2,337,115	2,037,478	4,303,634
Cash backed Reserves		3,935,469	5,477,167	3,935,469	3,435,469
Unspent Grants	3	0	1,617,607	0	0
Rates receivables	10	1,324,996	1,723,915	6,926,472	3,345,215
Receivables	10	321,339	0	489,130	232,912
Inventories		72,459	72,460	74,644	76,248
<b>Total Current assets</b>		<b>9,533,074</b>	<b>11,228,264</b>	<b>13,463,194</b>	<b>11,393,478</b>
<b>Less: Current liabilities</b>					
Payables		(967,540)	(598,697)	(1,150,107)	(629,863)
Contract liabilities	7	(1,534,018)	(1,234,273)	(2,079,018)	(1,079,018)
Borrowings	12	(53,244)	(54,534)	(50,042)	(28,460)
Lease liabilities	13	(364,862)	527	(271,884)	(242,979)
Employee Provisions		(969,072)	(689,059)	(969,072)	(969,072)
<b>Total Current liabilities</b>		<b>(3,888,736)</b>	<b>(2,576,036)</b>	<b>(4,520,124)</b>	<b>(2,949,392)</b>
<b>Net Currents Assets</b>		<b>5,644,338</b>	<b>8,652,228</b>	<b>8,943,070</b>	<b>8,444,086</b>
<b>Less: Adjustments to net current assets</b>					
Less: Reserves - restricted cash	4	(3,935,469)	(5,477,167)	(5,477,167)	(3,435,470)
Add: Contract liabilities (Grants received but not spent)	7	1,534,018	1,234,273	2,079,018	1,079,018
Add: Borrowings included in Budget	12	53,244	54,534	50,042	28,460
Add: Lease liabilities included in Budget	13	364,862	(527)	271,884	242,979
Add: Provisions - employee	11	969,072	689,059	969,072	969,072
<b>Total adjustments to net current assets</b>		<b>(1,014,273)</b>	<b>(3,499,828)</b>	<b>(2,107,150)</b>	<b>(1,115,941)</b>
<b>Closing funding surplus / (deficit) (NET CURRENT ASSETS)</b>		<b>4,630,065</b>	<b>5,152,400</b>	<b>6,835,920</b>	<b>7,328,146</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Note: This statement is prepared based on all transactions recorded in the financial system at the time of preparation.

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.

The material variance adopted by Council for the 2020-21 year for Operating is \$10,000 and for Non-Operating \$20,000 or 10.00% whichever is the greater.

This is indicated by the triangular symbols ▲ ▼

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
<b>Revenue from operating activities</b>				
Governance	(13,705)	(56.55%)	▼ Timing	Reimbursements of legal fees and general reimbursements not yet due.
General purpose funding - rates	(44,461)	(0.80%)		Within variance threshold
General purpose funding - other	29,524	7.74%		Within variance threshold
Law, order and public safety	(1,114)	(0.80%)		Within variance threshold
Health	(9,847)	(78.65%)		Within variance threshold
Education and welfare	(2,912)	(2.99%)		Within variance threshold
Housing	(2,230)	(28.01%)		Within variance threshold
Community amenities	55,298	3.25%		Within variance threshold
Recreation and culture	(24,595)	(49.95%)	▼ Timing	\$25k lower revenue to ytd budget in public halls and civic centres - mainly relating to cinema revenue and kiosk sales.
Transport	66,174	13.28%	▲ Timing	Airport lease revenue is higher than ytd budget. This may be a timing issue and even out over the year.
Economic services	(77,698)	(67.42%)	▼ Timing	Tourism revenue collected via Visitor centre requires transfer to three shires accounts.
Other property and services	8,962	26.87%		Within variance threshold
<b>Expenditure from operating activities</b>				
Governance	30,366	5.92%		Within variance threshold
General purpose funding	2,923	4.28%		Within variance threshold
Law, order and public safety	(118,388)	(35.65%)	▼ Timing	Employee Costs are \$83k higher than budget, in the main due to the termination of staff. Some of these costs will be offset by provisions. Staff will reallocate these prior to the budget review. And vehicle operating expenses are \$14k lower than budget.
Health	(19,143)	(8.53%)		Within variance threshold
Education and welfare	59,141	14.78%	▲ Timing	The major variance in this area is \$43k lower expenditure due to ytd budget for the Community Connect Maya Mia account. Festivals and events are also 17k lower than ytd budget. It is expected that this is a timing issue and will even out over the year.
Housing	14,649	27.77%	▲ Timing	\$15K lower staff housing maintenance - this may even out over the year.
Community amenities	84,042	10.14%	▲ Timing	Refuse costs are \$125k, Cemetery \$24k and Public conveniences \$21K and Protection of the environment \$20k lower than ytd budget. These costs may even out over the year.
Recreation and culture	184,396	10.77%	▲ Timing	Other recreation expense are \$219k lower than ytd budget, mainly in the parks and gardens budgets. These may even out as the warmer months arrive. Public halls \$21K lower than ytd budget, Other Culture \$30K and Library \$14K lower than ytd budget. In the main these relate to lower operational and maintenance costs of facilities.
Transport	(139,192)	(4.43%)		Within variance threshold
Economic services	13,625	3.44%		Within variance threshold
Other property and services	(107,472)	(80.93%)	▼ Timing	Public Works and Plant Overheads are under recovered by \$82k. This is considered a timing issue as budget are spread evenly over 12 months. Staff will monitor recoveries over the next few months. Salaries and wages unallocated/accrual \$22k. Staff will review.
<b>Non-cash amounts excluded from operating activities</b>				
Less: Profit on asset disposals	0	0.00%		Within variance threshold
Add: Loss on disposal of assets	0	0.00%		Within variance threshold
Add: Depreciation on assets	42,790	1.55%		Within variance threshold
<b>Investing activities</b>				
Proceeds from non-operating grants, subsidies and contributions	663,041	86.15%	▲ Timing	R2R revenue is higher than ytd budget. Refer to Note 7.
Proceeds from disposal of assets	0	0.00%		Within variance threshold
Payments for property, plant and equipment and infrastructure	689,107	23.69%	▲ Timing	Refer to Capital expenditure Note 5 for Details
<b>Financing activities</b>				
Proceeds from new debentures	0	0.00%		Within variance threshold
Transfer from reserves	0	0.00%		Within variance threshold
Payments for principal portion of lease liabilities	0	0.00%		Within variance threshold
Repayment of debentures	0	0.00%		Within variance threshold
Transfer to reserves	0	0.00%		Within variance threshold

## Shire of Carnarvon

### SUPPORTING INFORMATION THE MONTHLY STATEMENTS PROVIDED FOR COUNCILLORS INFORMATION REG 34(2)(c) FOR THE PERIOD ENDED 31 OCTOBER 2020

The Local Government (Financial Management) Regulations provide at 34.(2) that:  
(2) Each Statement of financial activity is to be accompanied by documents containing —  
(c) such other supporting information as is considered relevant by the local government;  
as such the following supporting information is provided.

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**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**OPERATING ACTIVITIES  
Note 3  
CASH AND FINANCIAL ASSETS**

Description	Classification	Unrestricted	Restricted	Total	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	Cash \$				
<b>Cash on hand</b>								
Municipal Bank Account - 4334-09426	Cash and cash equivalents	4,342,606	99,049	4,441,655	0	ANZ Bank	0.00%	On Call
Municipal Online Account - 4510-69349	Cash and cash equivalents	155,227	1,200,000	1,355,227	0	ANZ Bank	0.05%	On Call
Municipal Bank Account - 2602-72504 - Civic	Cash and cash equivalents	1,436	0	1,436	0	ANZ Bank	0.00%	On Call
Municipal Bank Account - 2982-96501 - Waste	Cash and cash equivalents	123,894	0	123,894	0	ANZ Bank	0.00%	On Call
Municipal Bank Account - 3781-67777 - Visitor Centre	Cash and cash equivalents	271,066	0	271,066	0	ANZ Bank	0.00%	On Call
Trust Bank Account - 4334-09434	Cash and cash equivalents	0	0	0	323,240	ANZ Bank	0.00%	On Call
Reserve Bank Account-433475677	Cash and cash equivalents	0	271	271	0	ANZ Bank	0.00%	On Call
Reserve Online Account - 451672666	Cash and cash equivalents	0	1,602,663	1,602,663	0	ANZ Bank	0.05%	On Call
Term Deposit - No.2 Blowholes	Cash and cash equivalents	0	533,486	533,486	0	WATC	0.20%	31.10.2020
<b>Total</b>		<b>4,894,229</b>	<b>3,435,470</b>	<b>8,329,699</b>	<b>323,240</b>			
<b>Comprising</b>								
Cash and cash equivalents		4,894,229	3,435,470	8,329,699	323,240			
		<b>4,894,229</b>	<b>3,435,470</b>	<b>8,329,699</b>	<b>323,240</b>			

**KEY INFORMATION**

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

Restricted cash includes outstanding reserve transfers.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**FINANCING ACTIVITIES**

**Note 4**

**CASH RESERVES**

**Reserves**

<b>Reserve name</b>	<b>Opening Balance</b>	<b>Original Budget Transfers In (+)</b>	<b>Actual Transfers In (+)</b>	<b>Original Budget Transfers Out (-)</b>	<b>Actual Transfers Out (-)</b>	<b>Budget Closing Balance</b>	<b>Actual YTD Closing Balance</b>
	\$	\$	\$	\$	\$	\$	\$
Cash @ Bank Leave Reserve	172,529	230,000	0	0	0	402,529	172,529
Cash @ Bank Plant Reserve	154,881	150,000	0	0	0	304,881	154,881
Cash @ Bank Waste Disposal Reserve	78,279	100,000	0	0	0	178,279	78,279
Cash @ Bank Public Ablutions Reserve	1,764	0	0	0	0	1,764	1,764
Cash @ Bank Staff Housing Reserve	700,219	0	0	0	0	700,219	700,219
Cash @ Bank Civic Centre Reserve	60,487	0	0	0	0	60,487	60,487
Cash @ Bank It Replacement Reserve	94,522	50,000	0	0	0	144,522	94,522
Cash @ Bank Airport Reserve	59,275	0	0	0	0	59,275	59,275
Cash @ Bank Coral Bay Tip Reserve	21,850	0	0	0	0	21,850	21,850
Cash @ Bank Surge/Fascine Wall Reserve	356,382	231,500	0	0	0	587,882	356,382
Cash @ Bank Town Planning Reserve	1,451	0	0	0	0	1,451	1,451
Cash @ Bank Fascine Dredging Reserve	84,654	0	0	0	0	84,654	84,654
Cash @ Bank Flood Mitigation Reserve	11,880	0	0	0	0	11,880	11,880
Cash @ Bank Otc/Nasa Reserve	8,850	50,000	0	0	0	58,850	8,850
Cash @ Bank Blowholes Reserve	2,748	0	0	0	0	2,748	2,748
Cash @ Bank Land & Infrastructure Development Reserve	225,248	230,000	0	(58,000)	0	397,248	225,248
Cash @ Bank Asset Management Reserve	36,879	8,000	0	0	0	44,879	36,879
Cash @ Bank Emergency Response Reserve	252,787	50,000	0	0	0	302,787	252,787
Cash @ Bank Mosquito Management Reserve	3,845	681	0	0	0	4,526	3,845
Cash @ Bank Country Roads Grading	60,000	300,000	0	0	0	360,000	60,000
<b>Reserve Funds</b>	<b>2,388,530</b>	<b>1,400,181</b>	<b>0</b>	<b>(58,000)</b>	<b>0</b>	<b>3,730,711</b>	<b>2,388,530</b>
<b>Unspent Grants</b>	0	0	0	0	0	0	0
Cash @ Bank Unspent Grants & Contributions Reserve	7,690,297	0	0	0	0	7,690,297	7,690,297
Investments Unspent Grants & Contributions Reserve	(6,143,357)	0	0	(1,454,110)	(500,000)	(7,597,467)	(6,643,357)
<b>Total Unspent Grants cash backed in reserve</b>	<b>1,546,940</b>	<b>0</b>	<b>0</b>	<b>(1,454,110)</b>	<b>(500,000)</b>	<b>92,830</b>	<b>1,046,940</b>
<b>TOTAL CASH BACKED RESERVES</b>	<b>3,935,470</b>	<b>1,400,181</b>	<b>0</b>	<b>(1,512,110)</b>	<b>(500,000)</b>	<b>3,823,541</b>	<b>3,435,470</b>

**KEY INFORMATION**

Reserves transfers to and from the Muni bank are in progress

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**INVESTING ACTIVITIES**

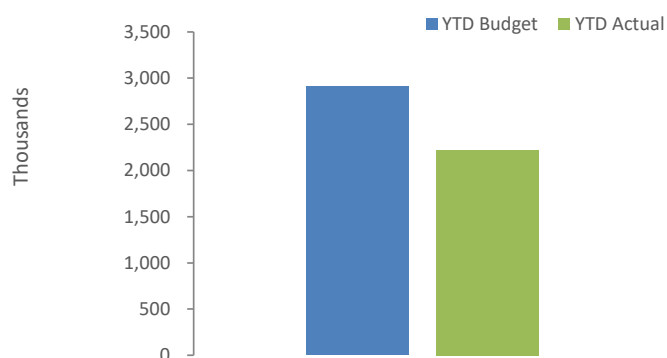
**Note 5**

**CAPITAL ACQUISITIONS SUMMARY**

Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land & Buildings	321,360	62,420	60,985	(1,435)
Furniture & Equipment	50,000	33,332	13,440	(19,892)
Plant & Equipment	205,000	65,000	11,637	(53,364)
Roads	3,137,125	1,622,900	1,613,424	(9,476)
Footpaths	232,040	77,348	2,782	(74,566)
Drainage	37,000	12,332	0	(12,332)
Parks & Ovals	1,142,046	444,016	71,415	(372,601)
Airport	756,731	252,244	126,627	(125,617)
Other Infrastructure	1,099,461	339,488	319,664	(19,824)
Landfill	173,912	0	0	0
<b>Payments for Capital Acquisitions</b>	<b>7,154,675</b>	<b>2,909,080</b>	<b>2,219,974</b>	<b>(689,107)</b>
Right of use assets	0	0	0	0
<b>Total Capital Acquisitions</b>	<b>7,154,675</b>	<b>2,909,080</b>	<b>2,219,974</b>	<b>(689,107)</b>
<b>Capital Acquisitions Funded By:</b>				
	\$	\$	\$	\$
Capital grants and contributions	4,258,072	769,665	1,432,706	663,041
Cash backed reserves				
CASH @ BANK UNSPENT GRANTS & CONTRIBUTIONS RESERVE	1,454,110	1,454,110	500,000	(954,110)
CASH @ BANK LAND & INFRASTRUCTURE DEVELOPMENT RESERVE	58,000	58,000	0	(58,000)
Contribution - operations	1,384,494	627,305	287,268	(340,037)
<b>Capital funding total</b>	<b>7,154,675</b>	<b>2,909,080</b>	<b>2,219,974</b>	<b>(689,107)</b>

**SIGNIFICANT ACCOUNTING POLICIES**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.



Adopted							
Account	Job	Account Description	Original Budget	YTD Budget	YTD Actual	Variance (Under)/Over	Comments
<b>Land &amp; Buildings</b>							
0964		Land & Buildings	10,000	3,332	0	(3,332)	
1224		Land & Buildings - Dfes	134,100	0	31,848	31,848	
2974	0410	7 Airport Cres (Capital Exp)	20,000	6,668	0	(6,668)	
3154	3157	Civic Centre Toilets - Refurbishment	0	0	28,066	28,066	
3680	1501	Depot Improvements	22,310	7,436	0	(7,436)	
3764	1172	Ticket Box - Festival Grounds	0	0	662	662	
3764	G034	Fascine Completion	99,950	33,316	0	(33,316)	
4154	0415	Main Airport Terminal	35,000	11,668	409	(11,259)	
			<b>321,360</b>	<b>62,420</b>	<b>60,985</b>	<b>(1,435)</b>	
<b>Furniture &amp; Equipment</b>							
0594		Furn & Equip (Admin)	50,000	33,332	13,440	(19,892)	
			<b>50,000</b>	<b>33,332</b>	<b>13,440</b>	<b>(19,892)</b>	
<b>Plant &amp; Equipment</b>							
3274	1564	Other Plant And Equipment - Aquatic Centre	15,000	15,000	11,580	(3,420)	
3344		Plant And Equipment Muni	20,000	6,668	57	(6,612)	
4114		Plant & Equipment (Airport)	40,000	0	0	0	
4284		Plant & Equipment	130,000	43,332	0	(43,332)	
			<b>205,000</b>	<b>65,000</b>	<b>11,637</b>	<b>(53,364)</b>	
<b>Roads</b>							
3740	R2R174	MINILYA LYNDON ROAD - ROADS TO RECOVERY	0	0	624,140	624,140	
3740	R2R209	HARBOUR ROAD - ROADS TO RECOVERY	807,725	269,240	0	(269,240)	
3760	C174	MINILYA/LYNDON ROAD	406,068	406,068	408,727	2,659	
3760	C209	HARBOUR ROAD (GREYS PLAIN)	1,192,775	397,592	0	(397,592)	
3760	C702	Grid Construction & Approches	150,000	50,000	0	(50,000)	
3760	C710	Blowholes Road - Construction	580,557	500,000	580,557	80,557	
			<b>3,137,125</b>	<b>1,622,900</b>	<b>1,613,424</b>	<b>(9,476)</b>	
<b>Footpaths</b>							
3850	9004	Temporary Budget Job No - Footpaths Asset Renewals (Coa 38)	232,040	77,348	0	(77,348)	
			<b>232,040</b>	<b>77,348</b>	<b>2,782</b>	<b>(74,566)</b>	
<b>Drainage</b>							
3770	D002	Storm Water Pumps	37,000	12,332	0	(12,332)	
			<b>37,000</b>	<b>12,332</b>	<b>0</b>	<b>(12,332)</b>	
<b>Parks &amp; Ovals</b>							
3294	1562	Upgrades To Swimming Pool Bowl	45,000	45,000	2,651	(42,349)	
3294	1565	Shade Sails	50,000	50,000	0	(50,000)	
3474	0615	Playground Equipment	35,000	11,668	0	(11,668)	
3690	1154	Blowholes Development Project (Capital Works)	1,012,046	337,348	68,765	(268,583)	
			<b>1,142,046</b>	<b>444,016</b>	<b>71,415</b>	<b>(372,601)</b>	
<b>Airport</b>							
4124	A001	Runway Lighting - Capital Upgrades (Renewal)	60,000	20,000	9,290	(10,710)	
4124	A009	Carnarvon Airport Fencing	0	0	106,337	106,337	
4124	A011	Upgrades To Airport Apron	267,421	89,140	0	(89,140)	
4124	A012	Coral Bay Airstrip Upgrade	429,310	143,104	11,000	(132,104)	
			<b>756,731</b>	<b>252,244</b>	<b>126,627</b>	<b>(125,617)</b>	
<b>Other Infrastructure</b>							
3124	0495	Brown'S Range Cemetery - Niche Wall (Columbarium)	10,000	3,332	0	(3,332)	
3604	3615	Infrastructure For Integrated Water Supply	733,461	244,488	318,471	73,983	
3604	3616	Fascine Wall (Capital Works)	275,000	91,668	1,193	(90,475)	
3974	1176	Lock Hospital Healing Space	81,000	0	0	0	
			<b>1,099,461</b>	<b>339,488</b>	<b>319,664</b>	<b>(19,824)</b>	
<b>Landfill</b>							
2414	0385	New Refuse Site Development At Coral Bay	173,912	0	0	0	
			<b>173,912</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>TOTAL</b>			<b>7,154,675</b>	<b>2,909,080</b>	<b>2,219,974</b>	<b>(689,107)</b>	

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**OPERATING ACTIVITIES  
Note 6  
DISPOSAL OF ASSETS**

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$

The Current budget has no proposed Asset disposals

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020

Note 7  
NON-OPERATING GRANTS AND CONTRIBUTIONS

Non operating grants, subsidies and contributions revenue

	Type	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual	YTD Expense Actual	Comment
		\$	\$	\$	\$	
<b>Non-operating grants and subsidies</b>						
<b>Law, order, public safety</b>						
Emergency Services Grant - State Emergency Services (Ses Income)	Tied	134,100	0	28,598	0	
<b>Health</b>						
Grants (Mosquito Funding)	Tied	0	0	5,312	0	Operating Grant to be Journalled to correct account
<b>Recreation and culture</b>						
Local Roads & Community Infrastructure Grant	Tied	0	0	0	0	
Grants	Tied	1,111,996	0	500,000	580,557	
Local Roads & Community Infrastructure Grant	Tied	0	0	0	0	
Grant - Pool	Tied	22,500	0	0	0	
Grants - Other	Tied	311,250	0	0	0	
Other Grants	Tied	81,000	0	0	0	
<b>Transport</b>						
Local Roads & Community Infrastructure Grant	Tied	0	0	0	0	
Regional Road Group	Tied	1,009,630	645,696	604,630	0	
Roads To Recovery	Tied	1,101,390	50,085	294,166	624,140	
R.A.D.S Grant	Tied	243,103	73,884	0	0	
R.A.U.P. Grant	Tied	243,103	0	0	0	
Local Roads & Community Infrastructure Grant	Tied	0	0	0	0	
<b>Economic services</b>						
Local Roads & Community Infrastructure Grant	Tied	0	0	0	0	
		<b>4,258,072</b>	<b>769,665</b>	<b>1,432,705</b>	<b>1,204,697</b>	

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020

Operating Revenue  
Note 8  
OPERATING GRANTS AND CONTRIBUTION

Operating grants, subsidies and contributions revenue						
Provider	Type	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual	YTD Expense Actual	Contract Liability Actual
		\$	\$	\$	\$	\$
<b>Operating grants and subsidies</b>						
<b>Governance</b>						
Grant Income	Untied	33,460	0	0	tbc	tbc
<b>General purpose funding</b>						
Financial Assistance Grant - General Purpose	Untied	1,749,015	437,254	451,134	n/a	n/a
Financial Assistance Grant - Roads	Untied	619,719	154,930	141,066	n/a	n/a
<b>Law, order, public safety</b>						
Emergency Services Grant - Bush Fire Brigade (Bfb)		31,155	8,652	7,789	tbc	tbc
Emergency Services Grant - State Emergency Services (Ses Inco)	Untied	35,608	11,868	8,902	tbc	tbc
Grants And Contributions	Untied	125,816	109,000	108,599	tbc	tbc
<b>Health</b>						
Grants (Mosquito Funding)	Untied	8,000	0	0	n/a	n/a
<b>Education and welfare</b>						
Grants- Service Agreement	Untied	167,000	83,499	84,595	tbc	n/a
Aged Care Contributions	Untied	15,000	0	0	tbc	tbc
Other Grants	Untied	15,000	0	0	tbc	tbc
Seniors Grant (Income)	Untied	2,000	1,000	0	tbc	tbc
<b>Community amenities</b>						
Grant	Untied	0	0	54,349	tbc	tbc
<b>Recreation and culture</b>						
Grants (Civic Centre)		66,289	0	0	tbc	tbc
<b>Transport</b>						
Mrwa Direct Grant	Untied	319,570	319,570	319,570	n/a	n/a
Street Lighting	Untied	16,000	16,000	20,034	n/a	n/a
Mrd Sweeping	Untied	10,000	10,000	10,000	n/a	n/a
Mrd Median/Verges	Untied	15,000	15,000	15,000	n/a	n/a
<b>Economic services</b>						
Grant	Untied	25,000	0	0	tbc	tbc
Other Grant Income - Economic Development	Untied	23,678	0	0	tbc	tbc
Grant Income	Untied	10,000	0	0	tbc	tbc
		<b>3,287,310</b>	<b>1,176,773</b>	<b>1,231,037</b>	<b>0</b>	<b>0</b>

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020

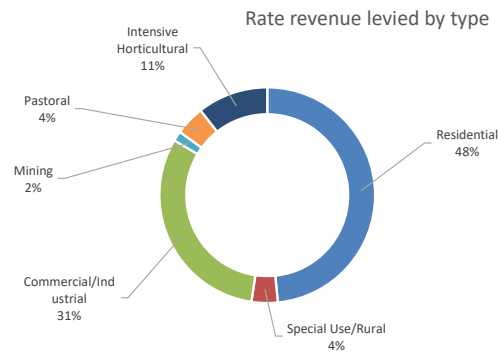
OPERATING ACTIVITIES  
Note 9  
RATE REVENUE

General rate revenue	Budget						YTD Actual				
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
<b>RATE TYPE</b>				\$	\$	\$	\$	\$	\$	\$	\$
<b>Gross rental value</b>											
Residential	0.104740	1,287	22,181,769	2,323,318	10,330	4,464	2,338,112	2,315,584	(8,155)	(35,209)	2,272,220
Special Use/Rural	0.104740	56	1,772,882	185,692	0	0	185,692	184,105	0	0	184,105
Commercial/Industrial	0.094266	259	15,560,477	1,466,824	5,000	0	1,471,824	1,460,762	0	0	1,460,762
<b>Unimproved value</b>											
Mining	0.119933	24	586,410	70,330	0	(4,459)	65,871	70,137	0	0	70,137
Pastoral	0.039737	31	5,210,865	207,064	0	(10,050)	197,014	207,064	0	0	207,064
Intensive Horticultural	0.014728	167	33,494,000	493,300	0	(28,018)	465,282	497,792	0	0	497,792
<b>Sub-Total</b>		<b>1,824</b>	<b>78,806,403</b>	<b>4,746,528</b>	<b>15,330</b>	<b>(38,063)</b>	<b>4,723,795</b>	<b>4,735,444</b>	<b>(8,155)</b>	<b>(35,209)</b>	<b>4,692,080</b>
<b>Minimum payment</b>	<b>Minimum \$</b>										
<b>Gross rental value</b>											
Residential	1,093	392	3,261,558	428,456	0	0	428,456	428,456	0	0	428,456
Special Use/Rural	1,093	46	367,533	50,278	0	0	50,278	51,371	0	0	51,371
Commercial/Industrial	1,093	63	497,096	68,859	0	0	68,859	68,859	0	0	68,859
<b>Unimproved value</b>											
Mining	229	24	29,719	5,496	0	0	5,496	4,351	0	0	4,351
Pastoral	461	9	3,070	4,149	0	0	4,149	4,149	0	0	4,149
Intensive Horticultural	902	1	50,000	902	0	0	902	1,804	0	0	1,804
<b>Sub-total</b>		<b>535</b>	<b>4,208,976</b>	<b>558,140</b>	<b>0</b>	<b>0</b>	<b>558,140</b>	<b>558,990</b>	<b>0</b>	<b>0</b>	<b>558,990</b>
<b>Amount from general rates</b>							<b>5,281,935</b>	<b>5,294,434</b>	<b>(8,155)</b>	<b>(35,209)</b>	<b>5,251,070</b>
Ex-gratia rates							6,231	6,231			6,231
<b>Total general rates</b>							<b>5,288,166</b>	<b>5,300,665</b>	<b>(8,155)</b>	<b>(35,209)</b>	<b>5,257,301</b>
<b>Specified area rates</b>	<b>Rate in \$ (cents)</b>										
GRV Coral Bay	0.069530		3,379,403	234,970	(7)		234,963	234,474	0	0	234,474
<b>Total specified area rates</b>			<b>3,379,403</b>	<b>234,970</b>	<b>(7)</b>	<b>0</b>	<b>234,963</b>	<b>234,474</b>	<b>0</b>	<b>0</b>	<b>234,474</b>
<b>Total</b>							<b>5,523,129</b>	<b>5,535,139</b>	<b>(8,155)</b>	<b>(35,209)</b>	<b>5,491,775</b>

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.

Rate Revenue by Rate Type





**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**OPERATING ACTIVITIES  
Note 10  
RECEIVABLES**

Rates receivable	30 Jun 2020	31 Oct 2020
	\$	\$
Opening arrears previous years		1,324,996
Levied this year		5,491,775
Less - collections to date		(3,471,556)
Equals current outstanding	<b>1,324,996</b>	<b>3,345,215</b>
<b>Net rates collectable</b>	<b>1,324,996</b>	<b>3,345,215</b>
% Collected	0%	50.9%

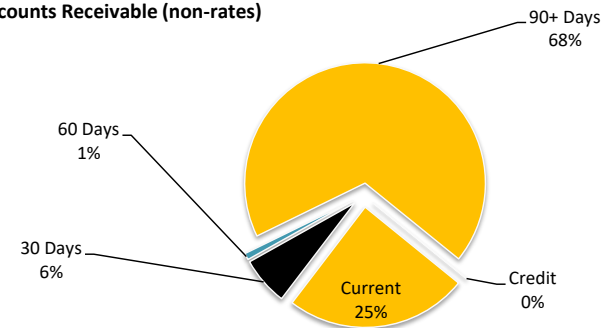
Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(17)	16,889	4,479	609	46,886	68,847
Percentage	0.0%	24.5%	6.5%	0.9%	68.1%	
<b>Balance per trial balance</b>						
Sundry receivable	(17)	16,889	4,479	609	46,886	68,847
GST receivable	0	143,388	0	0	0	143,388
Provision for Doubtful Debts	0	0	0	0	(36,800)	(36,800)
FESA Control	0	0	0	0	0	(22,297)
Accrued Income	0	0	0	0	0	1,052
Other funds	0	78,722	0	0	0	78,722
<b>Total receivables general outstanding</b>	<b>(17)</b>	<b>238,999</b>	<b>4,479</b>	<b>609</b>	<b>10,086</b>	<b>232,912</b>

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.

**Accounts Receivable (non-rates)**



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020**

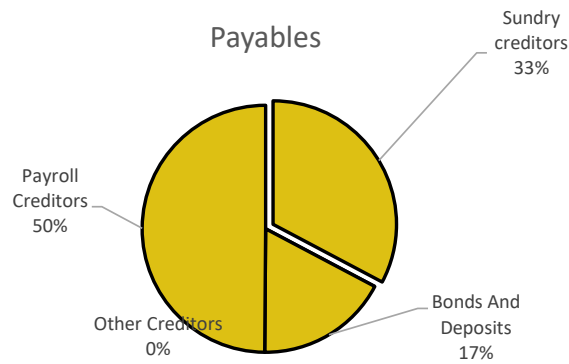
**OPERATING ACTIVITIES  
Note 11  
Payables**

<b>Payables - general</b>	<b>Credit</b>	<b>Current</b>	<b>30 Days</b>	<b>60 Days</b>	<b>90+ Days</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Payables - general	0	97,340	9,556	5,490	3,286	115,673
Percentage	0%	84.2%	8.3%	4.7%	2.8%	
<b>Balance per trial balance</b>						
Sundry creditors	(3,129)	97,340	9,556	5,490	3,286	112,544
Other Creditors	0	0	0	0	0	0
Bonds And Deposits	0	59,741	0	0	0	59,741
Payroll Creditors	0	171,448	0	0	0	171,448
Accrued Expenses	0	286,130	0	0	0	286,130
<b>Total payables general outstanding</b>						<b>629,863</b>

**Amounts shown above include GST (where applicable)**

**KEY INFORMATION**

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**FINANCING ACTIVITIES  
Note 12  
BORROWINGS**

**Repayments - borrowings**

Information on borrowings Particulars	Loan No.	1 July 2020	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Housing</b>										
Staff Housing	213	9,751	0	0	3,202	9,750	6,549	1	216	296
<b>Transport</b>										
Airport Corrective works	216	307,732	0	0	21,582	43,494	286,150	264,238	5,826	9,057
<b>Total</b>		<b>317,483</b>	<b>0</b>	<b>0</b>	<b>24,784</b>	<b>53,244</b>	<b>292,699</b>	<b>264,239</b>	<b>6,042</b>	<b>9,353</b>
Current borrowings		53,244					28,460			
Non-current borrowings		264,240					264,240			
		<b>317,484</b>					<b>292,700</b>			

All debenture repayments were financed by general purpose revenue.

**New borrowings 2020-21**

The Shire does not intend to undertake any new borrowings for the year ended 30 June 2021.

**Unspent borrowings**

The Shire has no unspent debenture funds as at 30th June 2020, nor is it expected to have unspent funds as at 30th June 2021.

**KEY INFORMATION**

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**FINANCING ACTIVITIES  
NOTE 13  
LEASE LIABILITIES**

**Movement in carrying amounts**

Information on leases Particulars	Lease No.	1 July 2020	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
<b>Other property and services</b>										
Various Plant & Equipment		1,055,065	0	0	121,883	365,390	933,182	689,675	0	0
<b>Total</b>		<b>1,055,065</b>	<b>0</b>	<b>0</b>	<b>121,883</b>	<b>365,390</b>	<b>933,182</b>	<b>689,675</b>	<b>0</b>	<b>0</b>
Current lease liabilities		364,862					242,979			
Non-current lease liabilities		690,203					690,203			
		<u>1,055,065</u>					<u>933,182</u>			

All lease repayments were financed by general purpose revenue.

**KEY INFORMATION**

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 OCTOBER 2020**

**Note 14  
BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	<b>Budget adoption</b>		Budgeted Closing surplus/(deficit)				\$ 253,531
	There has been no budget amendments to date						
				0	0	0	

## **BASIS OF PREPARATION**

### **REPORT PURPOSE**

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996*, Regulation 34. Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

### **BASIS OF ACCOUNTING**

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government (Financial Management) Regulations 1996* take precedence over Australian Accounting Standards. Regulation 16 prohibits a local government from recognising as assets Crown land that is a public thoroughfare, such as land under roads, and land not owned by but under the control or management of the local government, unless it is a golf course, showground, racecourse or recreational facility of State or regional significance. Consequently, some assets, including land under roads acquired on or after 1 July 2008, have not been recognised in this financial report. This is not in accordance with the requirements of *AASB 1051 Land Under Roads paragraph 15* and *AASB 116 Property, Plant and Equipment paragraph 7*.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

### **PREPARATION TIMING AND REVIEW**

Date prepared: All known transactions up to 09 December 2020

## **SIGNIFICANT ACCOUNTING POLICES**

### **CRITICAL ACCOUNTING ESTIMATES**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

### **THE LOCAL GOVERNMENT REPORTING ENTITY**

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies

### **GOODS AND SERVICES TAX**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

### **ROUNDING OFF FIGURES**

All figures shown in this statement are rounded to the nearest dollar.

**KEY TERMS AND DESCRIPTIONS**  
**FOR THE PERIOD ENDED 31 OCTOBER 2020**

**STATUTORY REPORTING PROGRAMS**

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

**PROGRAM NAME AND OBJECTIVES**

**ACTIVITIES**

**GOVERNANCE**

To provide a decision making process for the efficient allocation of scarce resources.

Includes the activities of members of Council and the administrative support available to the Council for the provision of governance to the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific council services.

**GENERAL PURPOSE FUNDING**

To collect revenue to allow for the provision of services.

Rates, general purpose government grants and interest revenue.

**LAW, ORDER, PUBLIC SAFETY**

To provide services to help ensure a safer and environmentally conscious community.

Supervision and enforcement of various local laws relating to fire prevention, animal control and other aspects of public safety including emergency services.

**HEALTH**

To provide an operational framework for environmental and community health.

Inspection of food outlets and their control, provision of meat inspection services, noise control and waste disposal compliance. Administration of the ROEROC health scheme and provision of various medical facilities.

**EDUCATION AND WELFARE**

To provide services to disadvantaged persons, the elderly, children and youth.

Maintenance and support of child minding and playgroup centres, senior citizen and aged care facilities.

**HOUSING**

To provide housing to staff.

Provision and maintenance of staff, community and joint venture housing.

**COMMUNITY AMENITIES**

To provide services required by the community.

Rubbish collection services, operation of rubbish disposal sites, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes, cemetery, public conveniences and community bus.

**RECREATION AND CULTURE**

To establish and effectively manage infrastructure and resources which help the social well being of the community.

Maintenance of public halls, aquatic centres, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens, reserves and playgrounds. Provision of library services (contract). Support of museum and other cultural facilities and services.

**TRANSPORT**

To provide safe, effective and efficient transport services to the community.

Construction and maintenance of roads, streets, footpaths, cycling ways, airstrip, parking facilities and traffic control. Cleaning of streets and maintenance of street trees, street lighting etc.

**ECONOMIC SERVICES**

To help promote the Shire and its economic wellbeing.

Tourism and area promotion including the maintenance and operation of a caravan park. Provision of rural services including weed control, vermin control and standpipes. Building control.

**OTHER PROPERTY AND SERVICES**

To monitor and control Council's overhead operating accounts.

Private works operation, plant repair and operation costs, administration and engineering operation costs.

## KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 31 OCTOBER 2020

### REVENUE

#### RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

#### OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

#### NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

#### REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

#### FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

#### SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

#### INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

#### OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

#### PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

## NATURE OR TYPE DESCRIPTIONS

### EXPENSES

#### EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

#### MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

#### UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

#### INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

#### LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

#### DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

#### INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

#### OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.



## Shire of Carnarvon

### **MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) FOR THE PERIOD ENDED 30 NOVEMBER 2020**

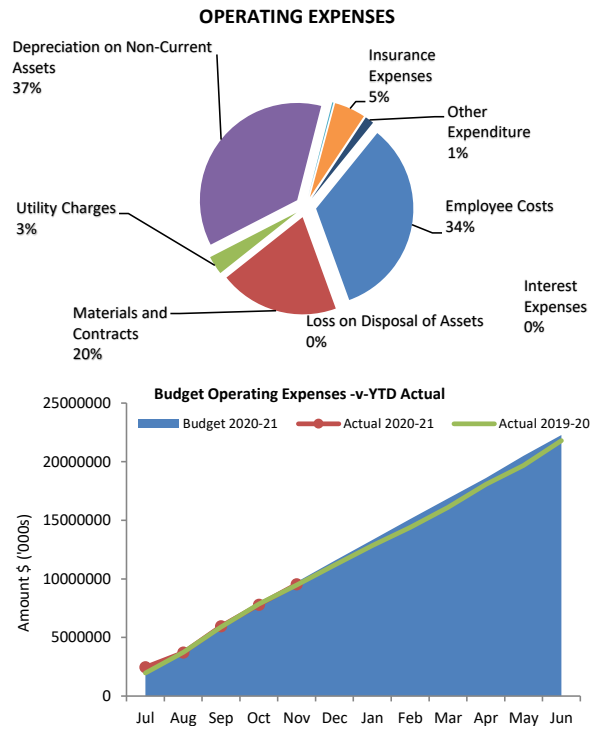
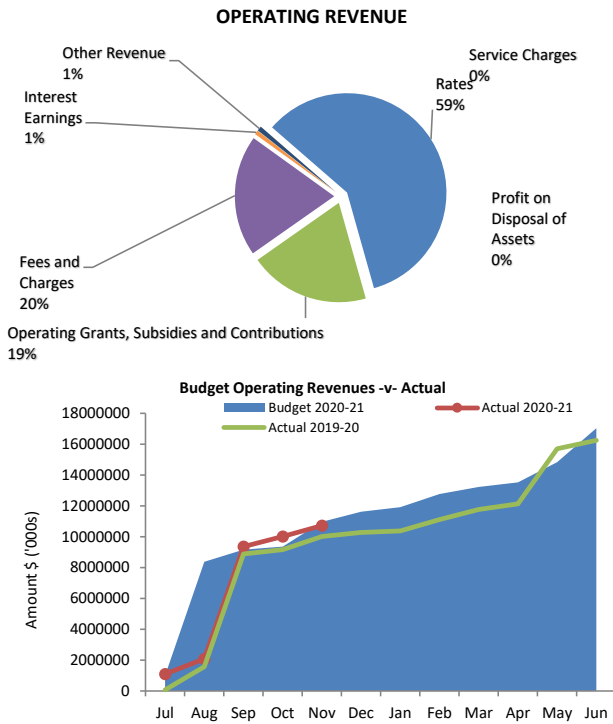
**LOCAL GOVERNMENT ACT 1995  
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

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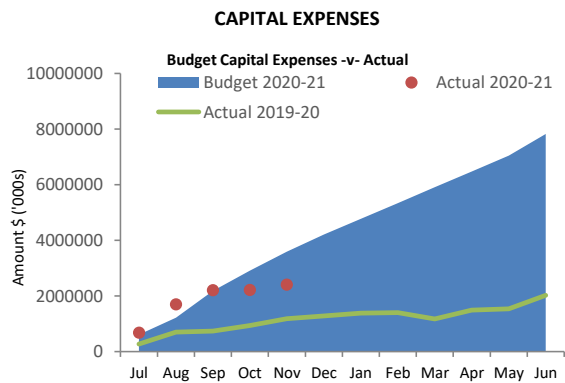
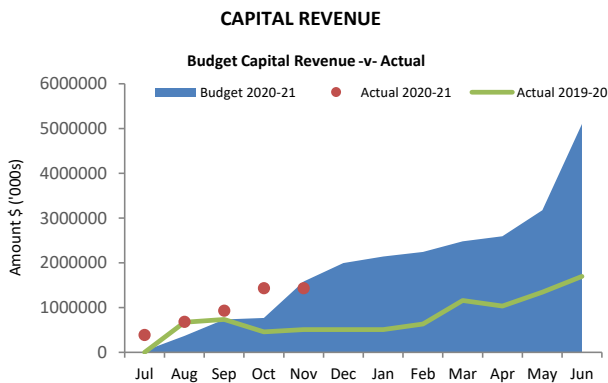
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Statement of Financial Activity by Nature or Type	4
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Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary with the completion of Year end processes.

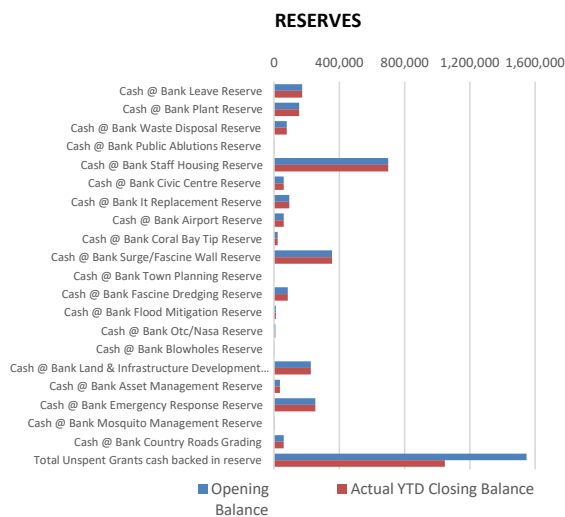
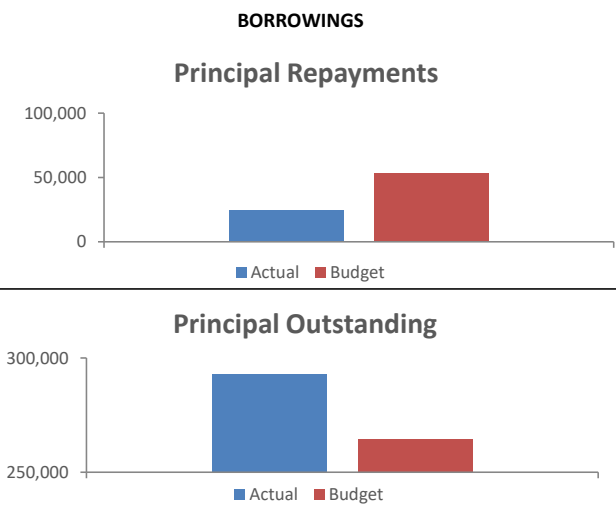
OPERATING ACTIVITIES



INVESTING ACTIVITIES



FINANCING ACTIVITIES



STATUTORY STATEMENT Local Government (Financial Management) Regulations 34

STATEMENT OF FINANCIAL ACTIVITY

BY PROGRAM

FOR THE PERIOD ENDED 30 NOVEMBER 2020

		REG 34(1)(a)	REG 34(1)(b)	REG 34(1)(c)	0	REG 34(1)(d)	REG 34(1)(d)	
	Ref	Adopted Budget	YTD Budget (a)	YTD Actual (b)		Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	Note							
<b>Opening funding surplus / (deficit)</b>	1	\$ 5,152,400	\$ 5,152,400	\$ 4,630,065		\$ (522,335)	% (10.14%)	▼
<b>Revenue from operating activities</b>								
Governance		148,705	81,174	10,073		(71,102)	(87.59%)	▼
General purpose funding - general rates	9	5,281,935	5,534,596	5,502,436		(32,160)	(0.58%)	
General purpose funding - other		2,473,900	984,827	1,026,961		42,134	4.28%	
Law, order and public safety		225,169	143,530	142,361		(1,169)	(0.81%)	
Health		43,442	13,940	3,228		(10,712)	(76.84%)	▼
Education and welfare		218,034	99,259	94,606		(4,653)	(4.69%)	
Housing		23,900	9,955	6,254		(3,701)	(37.18%)	
Community amenities		1,943,895	1,731,630	1,765,482		33,852	1.95%	
Recreation and culture		254,258	66,008	28,716		(37,292)	(56.50%)	▼
Transport		773,652	532,685	625,317		92,632	17.39%	▲
Economic services		408,663	143,215	39,901		(103,314)	(72.14%)	▼
Other property and services		127,937	43,440	43,285		(155)	(0.36%)	
		<b>11,923,490</b>	<b>9,384,259</b>	<b>9,288,620</b>		(95,639)		
<b>Expenditure from operating activities</b>								
Governance		(1,396,629)	(683,992)	(585,037)		98,955	14.47%	▲
General purpose funding		(204,795)	(85,335)	(81,569)		3,766	4.41%	
Law, order and public safety		(977,206)	(421,990)	(512,464)		(90,474)	(21.44%)	▼
Health		(672,783)	(282,839)	(295,703)		(12,864)	(4.55%)	
Education and welfare		(1,161,570)	(508,173)	(412,633)		95,540	18.80%	▲
Housing		(115,871)	(64,005)	(50,783)		13,222	20.66%	▲
Community amenities		(2,426,510)	(1,035,385)	(945,395)		89,990	8.69%	
Recreation and culture		(4,796,049)	(2,111,993)	(1,854,319)		257,674	12.20%	▲
Transport		(9,235,056)	(3,909,852)	(4,058,080)		(148,228)	(3.79%)	
Economic services		(1,188,272)	(502,317)	(473,471)		28,846	5.74%	
Other property and services		(130,611)	(128,968)	(278,125)		(149,157)	(115.65%)	▼
		<b>(22,305,352)</b>	<b>(9,734,849)</b>	<b>(9,547,578)</b>		187,271		
<b>Non-cash amounts excluded from operating activities</b>								
Less: Profit on asset disposals	6	0	0	0		0	0.00%	
Add: Loss on disposal of assets	6	0	0	0		0	0.00%	
Add: Depreciation on assets		8,286,606	3,452,745	3,489,168		36,423	1.05%	
Less: Movement in Contract Liabilities		399,695	0	(455,000)		(455,000)	0.00%	
<b>Amount attributable to operating activities</b>		<b>(1,695,561)</b>	<b>3,102,155</b>	<b>2,775,211</b>		<b>128,055</b>		
<b>Investing Activities</b>								
Non-operating grants, subsidies and contributions	7	4,258,072	1,579,309	1,432,706		(146,604)	(9.28%)	
<b>Net Non-Operating Grants</b>	7	<b>4,258,072</b>	<b>1,579,309</b>	<b>1,432,706</b>		<b>(146,604)</b>	<b>(9.28%)</b>	
Proceeds from disposal of assets	6	0	0	0		0	0.00%	
Payments for property, plant and equipment and infrastructure	5	(7,154,675)	(3,590,265)	(2,411,514)		1,178,751	32.83%	▲
<b>Amount attributable to investing activities</b>		<b>(2,896,603)</b>	<b>(2,010,956)</b>	<b>(978,808)</b>		<b>1,032,148</b>		
<b>Financing Activities</b>								
Transfer from reserves	4	1,512,110	500,000	500,000		0	0.00%	
Payments for principal portion of lease liabilities		(365,390)	(149,643)	(149,643)		0	0.00%	
Repayment of debentures	12	(53,244)	(24,784)	(24,784)		0	0.00%	
Transfer to reserves	4	(1,400,181)	(0)	(0)		0	0.00%	
<b>Amount attributable to financing activities</b>		<b>(306,705)</b>	<b>325,573</b>	<b>325,573</b>		<b>0</b>		
<b>Closing funding surplus / (deficit)</b>	1	<b>253,531</b>	<b>6,569,172</b>	<b>6,752,040</b>		<b>182,868</b>		

KEY INFORMATION

▲▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

Refer to Note 2 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020-21 year for Operating is \$10,000 and for Non-Operating \$20,000 or 10.00% whichever is the greater.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

**STATUTORY STATEMENT Local Government (Financial Management) Regulations 34**
**STATEMENT OF FINANCIAL ACTIVITY**
**BY NATURE OR TYPE**
**FOR THE PERIOD ENDED 30 NOVEMBER 2020**

		REG 34(1)(a)	REG 34(1)(b)	REG 34(1)(c)	REG 34(1)(d)	REG 34(1)(d)	
	Ref	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Note							
		\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1	5,152,400	5,152,400	<b>4,630,065</b>	(522,335)	(10.14%)	▼
<b>Revenue from operating activities</b>							
Rates	9	5,523,129	5,534,596	<b>5,502,436</b>	(32,160)	(0.58%)	
Operating grants, subsidies and contributions	8	3,287,310	1,769,957	<b>1,823,237</b>	53,280	3.01%	
Fees and charges		2,737,910	1,905,590	<b>1,828,282</b>	(77,308)	(4.06%)	
Interest earnings		68,584	28,161	<b>63,054</b>	34,893	123.91%	▲
Other revenue		306,557	145,955	<b>71,609</b>	(74,346)	(50.94%)	▼
		<b>11,923,490</b>	<b>9,384,259</b>	<b>9,288,620</b>	(95,639)		
<b>Expenditure from operating activities</b>							
Employee costs		(7,171,944)	(3,074,243)	<b>(3,210,446)</b>	(136,203)	(4.43%)	
Materials and contracts		(5,003,286)	(2,056,762)	<b>(1,896,576)</b>	160,186	7.79%	
Utility charges		(809,328)	(342,832)	<b>(296,880)</b>	45,952	13.40%	▲
Depreciation on non-current assets		(8,286,606)	(3,452,745)	<b>(3,489,168)</b>	(36,423)	(1.05%)	
Interest expenses		(35,164)	(15,524)	<b>(18,676)</b>	(3,152)	(20.31%)	
Insurance expenses		(496,958)	(495,732)	<b>(495,943)</b>	(211)	(0.04%)	
Other expenditure		(502,066)	(297,011)	<b>(139,888)</b>	157,124	52.90%	▲
		<b>(22,305,352)</b>	<b>(9,734,849)</b>	<b>(9,547,578)</b>	187,271		
<b>Non-cash amounts excluded from operating activities</b>							
Less: Profit on asset disposals	6	0	0	<b>0</b>	0	0.00%	
Add: Loss on disposal of assets	6	0	0	<b>0</b>	0	0.00%	
Add: Depreciation on assets		8,286,606	3,452,745	<b>3,489,168</b>	36,423	1.05%	
Less: Movement in Contract Liabilities		399,695	0	<b>(455,000)</b>			
<b>Amount attributable to operating activities</b>		<b>(1,695,561)</b>	<b>3,102,155</b>	<b>2,775,211</b>	128,055		
<b>Investing activities</b>							
Non-operating grants, subsidies and contributions	7	4,258,072	1,579,309	<b>1,432,706</b>	(146,604)	(9.28%)	
Less UnSpent Non-Operating Grants (Contract Liabilities)	7	0	0	<b>0</b>	0	0.00%	
<b>Net Non-Operating Grants</b>	7	<b>4,258,072</b>	<b>1,579,309</b>	<b>1,432,706</b>	(146,604)		
Payments for property, plant and equipment and infrastructure	5	(7,154,675)	(3,590,265)	<b>(2,411,514)</b>	1,178,751	32.83%	▲
<b>Amount attributable to investing activities</b>		<b>(2,896,603)</b>	<b>(2,010,956)</b>	<b>(978,808)</b>	1,032,148		
<b>Financing Activities</b>							
Transfer from reserves	4	1,512,110	500,000	<b>500,000</b>	0	0.00%	
Payments for principal portion of lease liabilities		(365,390)	(149,643)	<b>(149,643)</b>	0	0.00%	
Repayment of debentures	12	(53,244)	(24,784)	<b>(24,784)</b>	0	0.00%	
Transfer to reserves	4	(1,400,181)	(0)	<b>(0)</b>	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>(306,705)</b>	<b>325,573</b>	<b>325,573</b>	0		
<b>Closing funding surplus / (deficit) REG 34(1)(e)</b>	1	<b>253,531</b>	<b>6,569,172</b>	<b>6,752,040</b>	182,868		

**KEY INFORMATION**

▲▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold.

Refer to Note 2 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2020-21 year is \$10,000 or 10.00% whichever is greater.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.

Statutory document REG 34(2)(a)  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**Note 1**

**Explanation of the composition of net current assets**

	Notes	Last Years Actual Closing 30/6/2020	Adopted Budget	This time last month 31/10/2020	YTD Actual (b) 30/11/2020
		\$	\$	\$	\$
<b>Net current assets used in the Statement of Financial Activity</b>					
<b>Current assets</b>					
Cash and cash equivalents	3	3,878,811	2,337,115	4,303,634	4,527,966
Cash backed Reserves		3,935,469	5,477,167	3,435,469	3,435,469
Unspent Grants	3	0	1,617,607	0	0
Rates receivables	10	1,324,996	1,723,915	3,345,215	2,836,413
Receivables	10	321,339	0	232,912	324,488
Inventories		72,459	72,460	76,248	78,400
<b>Total Current assets</b>		<b>9,533,074</b>	<b>11,228,264</b>	<b>11,393,478</b>	<b>11,202,736</b>
<b>Less: Current liabilities</b>					
Payables		(967,540)	(598,697)	(629,863)	(988,135)
Contract liabilities	7	(1,534,018)	(1,234,273)	(1,079,018)	(1,079,018)
Borrowings	12	(53,244)	(54,534)	(28,460)	(28,460)
Lease liabilities	13	(364,862)	527	(242,979)	(215,219)
Employee Provisions		(969,072)	(689,059)	(969,072)	(996,164)
<b>Total Current liabilities</b>		<b>(3,888,736)</b>	<b>(2,576,036)</b>	<b>(2,949,392)</b>	<b>(3,306,996)</b>
<b>Net Currents Assets</b>		<b>5,644,338</b>	<b>8,652,228</b>	<b>8,444,086</b>	<b>7,895,740</b>
<b>Less: Adjustments to net current assets</b>					
Less: Reserves - restricted cash	4	(3,935,469)	(5,477,167)	(3,435,469)	(3,435,470)
Add: Contract liabilities (Grants received but not spent)	7	1,534,018	1,234,273	1,079,018	1,079,018
Less: Movement in Leave Liabilities		0	0	0	(27,092)
Add: Borrowings included in Budget	12	53,244	54,534	28,460	28,460
Add: Lease liabilities included in Budget	13	364,862	(527)	242,979	215,219
Add: Provisions - employee	11	969,072	689,059	969,072	996,164
<b>Total adjustments to net current assets</b>		<b>(1,014,273)</b>	<b>(3,499,828)</b>	<b>(1,115,940)</b>	<b>(1,143,701)</b>
<b>Closing funding surplus / (deficit) (NET CURRENT ASSETS)</b>		<b>4,630,065</b>	<b>5,152,400</b>	<b>7,328,146</b>	<b>6,752,040</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. Unless otherwise stated assets or liabilities are classified as current if expected to be settled within the next 12 months, being the Council's operational cycle.

Restricted cash includes outstanding reserve transfers.

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially. The material variance adopted by Council for the 2020-21 year for Operating is \$10,000 and for Non-Operating \$20,000 or 10.00% whichever is the greater.

This is indicated by the symbols ▲ ▼

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
<b>Revenue from operating activities</b>				
Governance	(71,102)	(87.59%)	▼ Timing	Reimbursements of legal fees and general reimbursements \$71k below ytd budget. This is considered a timing issue with budgets spread over 12 months
General purpose funding - rates	(32,160)	(0.58%)		Within variance threshold
General purpose funding - other	42,134	4.28%		Within variance threshold
Law, order and public safety	(1,169)	(0.81%)		Within variance threshold
Health	(10,712)	(76.84%)	▼ Timing	\$7k lower lease income from Infant Health Clinic, \$3k lower food business registration income
Education and welfare	(4,653)	(4.69%)		Within variance threshold
Housing	(3,701)	(37.18%)		Within variance threshold
Community amenities	33,852	1.95%		Within variance threshold
Recreation and culture	(37,292)	(56.50%)	▼ Timing	\$37k lower revenue to ytd budget in public halls and civic centres - mainly relating to cinema revenue and kiosk sales.
Transport	92,632	17.39%	▲ Timing	Airport lease revenue is higher than ytd budget. This may be a timing issue and even out over the year.
Economic services	(103,314)	(72.14%)	▼ Timing	Tourism revenue collected via Visitor centre requires transfer to the shires accounts.
Other property and services	(155)	(0.36%)		Within variance threshold
<b>Expenditure from operating activities</b>				
Governance	98,955	14.47%	▲ Timing	Donated rates expense from Community Growth Fund not yet processed
General purpose funding	3,766	4.41%		Within variance threshold
Law, order and public safety	(90,474)	(21.44%)	▼ Timing	Employee Costs are \$73k higher than budget, in the main due to the termination of staff. Some of these costs will be offset by provisions. Staff will reallocate these prior to the budget review. \$11k additional fire fighting costs, \$6k higher vehicle operating costs
Health	(12,864)	(4.55%)		Within variance threshold
Education and welfare	95,540	18.80%	▲ Timing	Youth Development Strategy Maya Mia lower than ytd budget by \$52k . Seniors week function less than ytd budget by \$5k. Festival and events lower than ytd budget by \$19k and community newsletter lower than ytd budget by \$11k. Youth Outreach events lower than ytd budget by \$8k. It is expected that these are timing issues and will even out over the year.
Housing	13,222	20.66%	▲ Timing	\$13K lower staff housing maintenance - this may even out over the year.
Community amenities	89,990	8.69%		Within variance threshold
Recreation and culture	257,674	12.20%	▲ Timing	Other recreation expense are \$221k lower than ytd budget, mainly in the parks and gardens budgets. These may even out as the warmer months arrive. Public halls \$18k lower than ytd budget, Other Culture \$3k and Library \$15K lower than ytd budget. In the main these relate to operations and maintenance of facilities.
Transport	(148,228)	(3.79%)		Within variance threshold
Economic services	28,846	5.74%		Within variance threshold
Other property and services	(149,157)	(115.65%)	▼ Timing	Public Works and Plant Overheads are under recovered by \$121k. This is considered a timing issue as budgets are spread evenly over 12months. Staff will monitor recoveries over the next few months. Salaries and wages unallocated/accrual \$28k. Staff will review.
<b>Non-cash amounts excluded from operating activities</b>				
Less: Profit on asset disposals	0	0.00%		Within variance threshold
Add: Loss on disposal of assets	0	0.00%		Within variance threshold
Add: Depreciation on assets	36,423	1.05%		Within variance threshold
<b>Investing activities</b>				
Proceeds from non-operating grants, subsidies and contributions	(146,604)	(9.28%)		Within variance threshold
Proceeds from disposal of assets	0	0.00%		Within variance threshold
Payments for property, plant and equipment and infrastructure	1,178,751	32.83%	▲ Timing	Refer to Capital expenditure Note 5 for Details
<b>Financing activities</b>				
Proceeds from new debentures	0	0.00%		Within variance threshold
Transfer from reserves	0	0.00%		Within variance threshold
Payments for principal portion of lease liabilities	0	0.00%		Within variance threshold
Repayment of debentures	0	0.00%		Within variance threshold
Transfer to reserves	0	0.00%		Within variance threshold

## Shire of Carnarvon

### **SUPPORTING INFORMATION THE MONTHLY STATEMENTS PROVIDED FOR COUNCILLORS INFORMATION REG 34(2)(c) FOR THE PERIOD ENDED 30 NOVEMBER 2020**

The Local Government (Financial Management) Regulations provide at 34.(2) that:  
(2) Each Statement of financial activity is to be accompanied by documents containing —  
(c) such other supporting information as is considered relevant by the local government;  
as such the following supporting information is provided.

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**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**OPERATING ACTIVITIES  
Note 3  
CASH AND FINANCIAL ASSETS**

Description	Classification	Unrestricted	Restricted	Total	Trust	Institution	Interest Rate	Maturity Date
		\$	\$	Cash \$				
<b>Cash on hand</b>								
Municipal Bank Account - 4334-09426	Cash and cash equivalents	4,225,551	98,891	4,324,442	0	ANZ Bank	0.00%	On Call
Municipal Online Account - 4510-69349	Cash and cash equivalents	155,285	1,200,000	1,355,285	0	ANZ Bank	0.05%	On Call
Municipal Bank Account - 2602-72504 - Civic	Cash and cash equivalents	1,386	0	1,386	0	ANZ Bank	0.00%	On Call
Municipal Bank Account - 2982-96501 - Waste	Cash and cash equivalents	165,102	0	165,102	0	ANZ Bank	0.00%	On Call
Municipal Bank Account - 3781-67777 - Visitor Centre	Cash and cash equivalents	313,083	0	313,083	0	ANZ Bank	0.00%	On Call
Trust Bank Account - 4334-09434	Cash and cash equivalents	0	0	0	259,359	ANZ Bank	0.00%	On Call
Reserve Bank Account-433475677	Cash and cash equivalents	0	271	271	0	ANZ Bank	0.00%	On Call
Reserve Online Account - 451672666	Cash and cash equivalents	0	1,602,731	1,602,731	0	ANZ Bank	0.05%	On Call
Term Deposit - No.2 Blowholes	Cash and cash equivalents	0	533,577	533,577	0	WATC	0.05%	30.11.2020
<b>Total</b>		<b>4,860,406</b>	<b>3,435,470</b>	<b>8,295,876</b>	<b>259,359</b>			
<b>Comprising</b>								
Cash and cash equivalents		4,860,406	3,435,470	8,295,876	259,359			
		<b>4,860,406</b>	<b>3,435,470</b>	<b>8,295,876</b>	<b>259,359</b>			

**KEY INFORMATION**

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts. Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

Restricted cash includes outstanding reserve transfers.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**FINANCING ACTIVITIES**

**Note 4**

**CASH RESERVES**

**Reserves**

<b>Reserve name</b>	<b>Opening Balance</b>	<b>Original Budget Transfers In (+)</b>	<b>Actual Transfers In (+)</b>	<b>Original Budget Transfers Out (-)</b>	<b>Actual Transfers Out (-)</b>	<b>Budget Closing Balance</b>	<b>Actual YTD Closing Balance</b>
	\$	\$	\$	\$	\$	\$	\$
Cash @ Bank Leave Reserve	172,529	230,000	0	0	0	402,529	172,529
Cash @ Bank Plant Reserve	154,881	150,000	0	0	0	304,881	154,881
Cash @ Bank Waste Disposal Reserve	78,279	100,000	0	0	0	178,279	78,279
Cash @ Bank Public Ablutions Reserve	1,764	0	0	0	0	1,764	1,764
Cash @ Bank Staff Housing Reserve	700,219	0	0	0	0	700,219	700,219
Cash @ Bank Civic Centre Reserve	60,487	0	0	0	0	60,487	60,487
Cash @ Bank It Replacement Reserve	94,522	50,000	0	0	0	144,522	94,522
Cash @ Bank Airport Reserve	59,275	0	0	0	0	59,275	59,275
Cash @ Bank Coral Bay Tip Reserve	21,850	0	0	0	0	21,850	21,850
Cash @ Bank Surge/Fascine Wall Reserve	356,382	231,500	0	0	0	587,882	356,382
Cash @ Bank Town Planning Reserve	1,451	0	0	0	0	1,451	1,451
Cash @ Bank Fascine Dredging Reserve	84,654	0	0	0	0	84,654	84,654
Cash @ Bank Flood Mitigation Reserve	11,880	0	0	0	0	11,880	11,880
Cash @ Bank Otc/Nasa Reserve	8,850	50,000	0	0	0	58,850	8,850
Cash @ Bank Blowholes Reserve	2,748	0	0	0	0	2,748	2,748
Cash @ Bank Land & Infrastructure Development Reserve	225,248	230,000	0	(58,000)	0	397,248	225,248
Cash @ Bank Asset Management Reserve	36,879	8,000	0	0	0	44,879	36,879
Cash @ Bank Emergency Response Reserve	252,787	50,000	0	0	0	302,787	252,787
Cash @ Bank Mosquito Management Reserve	3,845	681	0	0	0	4,526	3,845
Cash @ Bank Country Roads Grading	60,000	300,000	0	0	0	360,000	60,000
<b>Reserve Funds</b>	<b>2,388,530</b>	<b>1,400,181</b>	<b>0</b>	<b>(58,000)</b>	<b>0</b>	<b>3,730,711</b>	<b>2,388,530</b>
<b>Unspent Grants</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Cash @ Bank Unspent Grants & Contributions Reserve	7,690,297	0	0	0	0	7,690,297	7,690,297
Investments Unspent Grants & Contributions Reserve	(6,143,357)	0	0	(1,454,110)	(500,000)	(7,597,467)	(6,643,357)
<b>Total Unspent Grants cash backed in reserve</b>	<b>1,546,940</b>	<b>0</b>	<b>0</b>	<b>(1,454,110)</b>	<b>(500,000)</b>	<b>92,830</b>	<b>1,046,940</b>
<b>TOTAL CASH BACKED RESERVES</b>	<b>3,935,470</b>	<b>1,400,181</b>	<b>0</b>	<b>(1,512,110)</b>	<b>(500,000)</b>	<b>3,823,541</b>	<b>3,435,470</b>

**KEY INFORMATION**

Reserves transfers to and from the Muni bank are in progress

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**INVESTING ACTIVITIES**

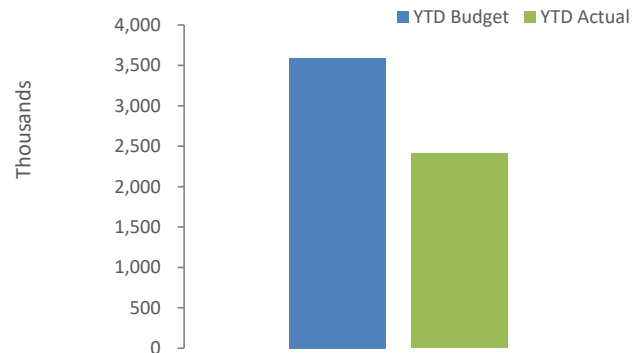
**Note 5**

**CAPITAL ACQUISITIONS SUMMARY**

Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land & Buildings	321,360	96,150	61,805	(34,345)
Furniture & Equipment	50,000	41,665	13,440	(28,225)
Plant & Equipment	205,000	77,500	11,580	(65,920)
Roads	3,137,125	1,888,915	1,619,079	(269,836)
Footpaths	232,040	96,685	14,836	(81,849)
Drainage	37,000	15,415	0	(15,415)
Parks & Ovals	1,142,046	531,270	219,394	(311,876)
Airport	756,731	315,305	126,627	(188,678)
Other Infrastructure	1,099,461	527,360	344,752	(182,608)
Landfill	173,912	0	0	0
<b>Payments for Capital Acquisitions</b>	<b>7,154,675</b>	<b>3,590,265</b>	<b>2,411,514</b>	<b>(1,178,751)</b>
Right of use assets	0	0	0	0
<b>Total Capital Acquisitions</b>	<b>7,154,675</b>	<b>3,590,265</b>	<b>2,411,514</b>	<b>(1,178,751)</b>
<b>Capital Acquisitions Funded By:</b>				
	\$	\$	\$	\$
Capital grants and contributions	4,258,072	1,579,309	1,432,706	(146,604)
Cash backed reserves				
CASH @ BANK UNSPENT GRANTS & CONTRIBUTIONS RESERVE	1,454,110	1,454,110	500,000	(954,110)
CASH @ BANK LAND & INFRASTRUCTURE DEVELOPMENT RESERVE	58,000	58,000	0	(58,000)
Contribution - operations	1,384,494	498,846	478,808	(20,038)
<b>Capital funding total</b>	<b>7,154,675</b>	<b>3,590,265</b>	<b>2,411,514</b>	<b>(1,178,751)</b>

**SIGNIFICANT ACCOUNTING POLICIES**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.



Adopted							
Account	Job	Account Description	Original Budget	YTD Budget	YTD Actual	Variance (Under)/Over	Comments
<b>Land &amp; Buildings</b>							
0964		Land & Buildings	10,000	4,165	0	(4,165)	
1224		Land & Buildings - Dfes	134,100	0	31,848	31,848	
2974	0410	7 Airport Cres (Capital Exp)	20,000	8,335	0	(8,335)	
3154	3157	Civic Centre Toilets - Refurbishment	0	0	28,066	28,066	
3680	1501	Depot Improvements	22,310	9,295	0	(9,295)	
3764	1172	Ticket Box - Festival Grounds	0	0	662	662	
3764	G034	Fascine Completion	99,950	41,645	0	(41,645)	
4154	0415	Main Airport Terminal	35,000	14,585	409	(14,176)	
			<b>321,360</b>	<b>96,150</b>	<b>61,805</b>	<b>(34,345)</b>	
<b>Furniture &amp; Equipment</b>							
0594		Furn & Equip (Admin)	50,000	41,665	13,440	(8,225)	
			<b>50,000</b>	<b>41,665</b>	<b>13,440</b>	<b>(8,225)</b>	
<b>Plant &amp; Equipment</b>							
3274	1564	Other Plant And Equipment - Aquatic Centre	15,000	15,000	11,580	(3,420)	
3344		Plant And Equipment Muni	20,000	8,335	0	(8,335)	
4114		Plant & Equipment (Airport)	40,000	0	0	0	
4284		Plant & Equipment	130,000	54,165	0	(54,165)	
			<b>205,000</b>	<b>77,500</b>	<b>11,580</b>	<b>(65,920)</b>	
<b>Roads</b>							
3740	R2R174	MINILYA LYNDON ROAD - ROADS TO RECOVERY	0	0	624,140	624,140	
3740	R2R209	HARBOUR ROAD - ROADS TO RECOVERY	807,725	336,550	0	(336,550)	
3760	C174	MINILYA/LYNDON ROAD	406,068	406,068	414,382	8,314	
3760	C209	HARBOUR ROAD (GREYS PLAIN)	1,192,775	496,990	0	(496,990)	
3760	C702	Grid Construction & Approches	150,000	62,500	0	(62,500)	
3760	C710	Blowholes Road - Construction	580,557	580,557	580,557	0	
			<b>3,137,125</b>	<b>1,888,915</b>	<b>1,619,079</b>	<b>(269,836)</b>	
<b>Footpaths</b>							
3850	9004	Temporary Budget Job No - Footpaths Asset Renewals (Coa 38)	232,040	96,685	0	(96,685)	
			<b>232,040</b>	<b>96,685</b>	<b>14,836</b>	<b>(81,849)</b>	
<b>Drainage</b>							
3770	D002	Storm Water Pumps	37,000	15,415	0	(15,415)	
			<b>37,000</b>	<b>15,415</b>	<b>0</b>	<b>(15,415)</b>	
<b>Parks &amp; Ovals</b>							
3294	1562	Upgrades To Swimming Pool Bowl	45,000	45,000	2,651	(42,349)	
3294	1565	Shade Sails	50,000	50,000	0	(50,000)	
3474	0615	Playground Equipment	35,000	14,585	0	(14,585)	
3690	1154	Blowholes Development Project (Capital Works)	1,012,046	421,685	216,743	(204,942)	
			<b>1,142,046</b>	<b>531,270</b>	<b>219,394</b>	<b>(311,876)</b>	
<b>Airport</b>							
4124	A001	Runway Lighting - Capital Upgrades (Renewal)	60,000	25,000	9,290	(15,710)	
4124	A009	Carnarvon Airport Fencing	0	0	106,337	106,337	
4124	A011	Upgrades To Airport Apron	267,421	111,425	0	(111,425)	
4124	A012	Coral Bay Airstrip Upgrade	429,310	178,880	11,000	(167,880)	
			<b>756,731</b>	<b>315,305</b>	<b>126,627</b>	<b>(188,678)</b>	
<b>Other Infrastructure</b>							
3124	0495	Brown'S Range Cemetery - Niche Wall (Columbarium)	10,000	4,165	0	(4,165)	
3604	3615	Infrastructure For Integrated Water Supply	733,461	305,610	318,471	12,861	
3604	3616	Fascine Wall (Capital Works)	275,000	114,585	1,193	(113,392)	
3974	1176	Lock Hospital Healing Space	81,000	0	0	0	
			<b>1,099,461</b>	<b>527,360</b>	<b>344,752</b>	<b>(182,608)</b>	
<b>Landfill</b>							
2414	0385	New Refuse Site Development At Coral Bay	173,912	0	0	0	
			<b>173,912</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>TOTAL</b>			<b>7,154,675</b>	<b>3,590,265</b>	<b>2,411,514</b>	<b>(1,178,751)</b>	

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**OPERATING ACTIVITIES  
Note 6  
DISPOSAL OF ASSETS**

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$

The Current budget has no proposed Asset disposals

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020

Note 7  
NON-OPERATING GRANTS AND CONTRIBUTIONS

Non operating grants, subsidies and contributions revenue					
Type	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual	YTD Expense Actual	Comment
	\$	\$	\$	\$	
<b>Non-operating grants and subsidies</b>					
<b>Law, order, public safety</b>					
Emergency Services Grant - State Emergency Services (Ses Income)	Tied	134,100	134,100	28,598	0
<b>Health</b>					
Grants (Mosquito Funding)	Tied	0	0	5,312	0
Operating Grant to be Journalled to correct account					
<b>Recreation and culture</b>					
Local Roads & Community Infrastructure Grant	Tied	0	1,875	0	0
Grants	Tied	1,111,996	0	500,000	580,557
Local Roads & Community Infrastructure Grant	Tied	0	53,625	0	0
Grant - Pool	Tied	22,500	0	0	0
Grants - Other	Tied	311,250	0	0	0
Other Grants	Tied	81,000	0	0	0
<b>Transport</b>					
Local Roads & Community Infrastructure Grant	Tied	0	6,250	0	0
Regional Road Group	Tied	1,009,630	645,696	604,630	0
Roads To Recovery	Tied	1,101,390	620,129	294,166	624,140
R.A.D.S Grant	Tied	243,103	73,884	0	0
R.A.U.P. Grant	Tied	243,103	0	0	0
Local Roads & Community Infrastructure Grant	Tied	0	15,000	0	0
<b>Economic services</b>					
Local Roads & Community Infrastructure Grant	Tied	0	28,750	0	0
		<b>4,258,072</b>	<b>1,579,309</b>	<b>1,432,705</b>	<b>1,204,697</b>

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020

Operating Revenue  
Note 8  
OPERATING GRANTS AND CONTRIBUTIONS

Operating grants, subsidies and contributions revenue

Provider	Type	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual	YTD Expense Actual	Contract Liability Actual
		\$	\$	\$	\$	\$
<b>Operating grants and subsidies</b>						
<b>Governance</b>						
Grant Income	Untied	33,460	0	0	tbc	tbc
<b>General purpose funding</b>						
Financial Assistance Grant - General Purpose	Untied	1,749,015	874,508	902,269	n/a	n/a
Financial Assistance Grant - Roads	Untied	619,719	309,860	282,132	n/a	n/a
<b>Law, order, public safety</b>						
Emergency Services Grant - Bush Fire Brigade (Bfb)		31,155	8,652	7,789	tbc	tbc
Emergency Services Grant - State Emergency Se	Untied	35,608	11,868	8,902	tbc	tbc
Grants And Contributions	Untied	125,816	109,000	108,599	tbc	tbc
<b>Health</b>						
Grants (Mosquito Funding)	Untied	8,000	0	0	n/a	n/a
<b>Education and welfare</b>						
Grants- Service Agreement	Untied	167,000	83,499	84,595	tbc	n/a
Aged Care Contributions	Untied	15,000	0	0	tbc	tbc
Other Grants	Untied	15,000	0	0	tbc	tbc
Seniors Grant (Income)	Untied	2,000	2,000	0	tbc	tbc
<b>Community amenities</b>						
Grant	Untied	0	0	54,349	tbc	tbc
<b>Recreation and culture</b>						
Grants (Civic Centre)		66,289	0	0	tbc	tbc
<b>Transport</b>						
Mrwa Direct Grant	Untied	319,570	319,570	319,570	n/a	n/a
Street Lighting	Untied	16,000	16,000	20,034	n/a	n/a
Mrd Sweeping	Untied	10,000	10,000	10,000	n/a	n/a
Mrd Median/Verges	Untied	15,000	15,000	15,000	n/a	n/a
<b>Economic services</b>						
Grant	Untied	25,000	0	0	tbc	tbc
Other Grant Income - Economic Development	Untied	23,678	0	0	tbc	tbc
Grant Income	Untied	10,000	0	0	tbc	tbc
		<b>3,287,310</b>	<b>1,769,957</b>	<b>1,823,237</b>	<b>0</b>	<b>0</b>

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020

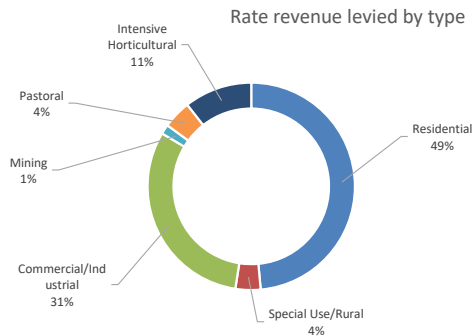
OPERATING ACTIVITIES  
Note 9  
RATE REVENUE

General rate revenue	Budget							YTD Actual			
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
<b>RATE TYPE</b>				\$	\$	\$	\$	\$	\$	\$	\$
<b>Gross rental value</b>											
Residential	0.104740	1,287	22,181,769	2,323,318	10,330	4,464	2,338,112	2,315,584	(5,695)	(27,008)	2,282,881
Special Use/Rural	0.104740	56	1,772,882	185,692	0	0	185,692	184,105	0	0	184,105
Commercial/Industrial	0.094266	259	15,560,477	1,466,824	5,000	0	1,471,824	1,460,762	0	0	1,460,762
<b>Unimproved value</b>											
Mining	0.119933	24	586,410	70,330	0	(4,459)	65,871	70,137	0	0	70,137
Pastoral	0.039737	31	5,210,865	207,064	0	(10,050)	197,014	207,064	0	0	207,064
Intensive Horticultural	0.014728	167	33,494,000	493,300	0	(28,018)	465,282	497,792	0	0	497,792
<b>Sub-Total</b>		<b>1,824</b>	<b>78,806,403</b>	<b>4,746,528</b>	<b>15,330</b>	<b>(38,063)</b>	<b>4,723,795</b>	<b>4,735,444</b>	<b>(5,695)</b>	<b>(27,008)</b>	<b>4,702,741</b>
<b>Minimum payment</b>	<b>Minimum \$</b>										
<b>Gross rental value</b>											
Residential	1,093	392	3,261,558	428,456	0	0	428,456	428,456	0	0	428,456
Special Use/Rural	1,093	46	367,533	50,278	0	0	50,278	51,371	0	0	51,371
Commercial/Industrial	1,093	63	497,096	68,859	0	0	68,859	68,859	0	0	68,859
<b>Unimproved value</b>											
Mining	229	24	29,719	5,496	0	0	5,496	4,351	0	0	4,351
Pastoral	461	9	3,070	4,149	0	0	4,149	4,149	0	0	4,149
Intensive Horticultural	902	1	50,000	902	0	0	902	1,804	0	0	1,804
<b>Sub-total</b>		<b>535</b>	<b>4,208,976</b>	<b>558,140</b>	<b>0</b>	<b>0</b>	<b>558,140</b>	<b>558,990</b>	<b>0</b>	<b>0</b>	<b>558,990</b>
<b>Amount from general rates</b>							<b>5,281,935</b>	<b>5,294,434</b>	<b>(5,695)</b>	<b>(27,008)</b>	<b>5,261,731</b>
Ex-gratia rates							6,231	6,231	0	0	6,231
<b>Total general rates</b>							<b>5,288,166</b>	<b>5,300,665</b>	<b>(5,695)</b>	<b>(27,008)</b>	<b>5,267,962</b>
<b>Specified area rates</b>	<b>Rate in \$ (cents)</b>										
GRV Coral Bay	0.069530		3,379,403	234,970	(7)		234,963	234,474	0	0	234,474
<b>Total specified area rates</b>			<b>3,379,403</b>	<b>234,970</b>	<b>(7)</b>	<b>0</b>	<b>234,963</b>	<b>234,474</b>	<b>0</b>	<b>0</b>	<b>234,474</b>
<b>Total</b>							<b>5,523,129</b>	<b>5,535,139</b>	<b>(5,695)</b>	<b>(27,008)</b>	<b>5,502,436</b>

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2020 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.

Rate Revenue by Rate Type



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**OPERATING ACTIVITIES  
Note 10  
RECEIVABLES**

Rates receivable	30 Jun 2020	30 Nov 2020
	\$	\$
Opening arrears previous years		1,324,996
Levied this year		5,502,436
Less - collections to date		(3,991,019)
Equals current outstanding	<b>1,324,996</b>	<b>2,836,413</b>
<b>Net rates collectable</b>	<b>1,324,996</b>	<b>2,836,413</b>
% Collected	0%	58.5%

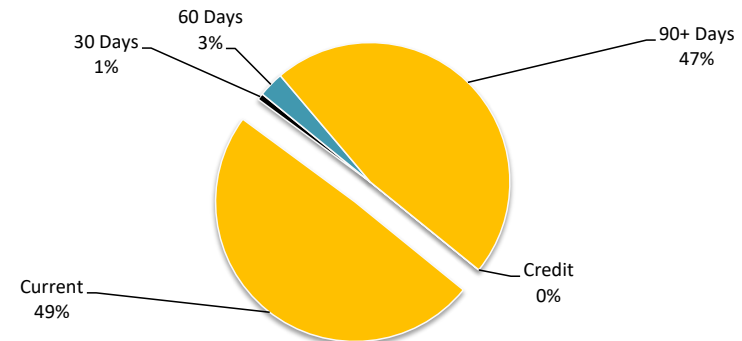
Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(17)	44,619	687	2,668	42,584	90,541
Percentage	0.0%	49.3%	0.8%	2.9%	47%	
<b>Balance per trial balance</b>						
Sundry receivable	(17)	44,619	687	2,668	42,584	90,541
GST receivable	0	206,472	0	0	0	206,472
Provision for Doubtful Debts	0	0	0	0	(36,800)	(36,800)
FESA Control	0	0	0	0	0	41,584
Accrued Income	0	0	0	0	0	772
Other funds	0	21,920	0	0	0	21,920
<b>Total receivables general outstanding</b>	<b>(17)</b>	<b>273,011</b>	<b>687</b>	<b>2,668</b>	<b>5,784</b>	<b>324,489</b>

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.

**Accounts Receivable (non-rates)**





**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

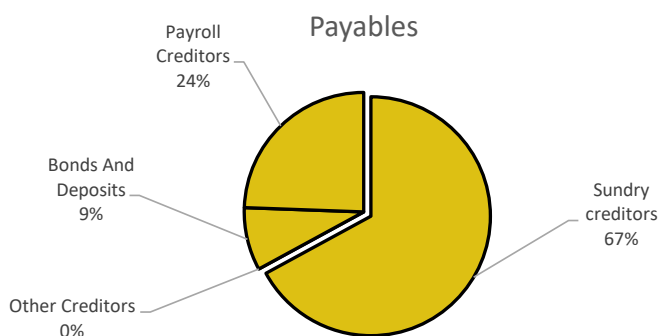
**OPERATING ACTIVITIES  
Note 11  
Payables**

<b>Payables - general</b>	<b>Credit</b>	<b>Current</b>	<b>30 Days</b>	<b>60 Days</b>	<b>90+ Days</b>	<b>Total</b>
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
Payables - general	0	434,008	24,578	14,556	64,712	537,853
Percentage	0%	80.7%	4.6%	2.7%	12%	
<b>Balance per trial balance</b>						
Sundry creditors	(3,129)	434,008	24,578	14,556	64,712	470,816
Other Creditors	0	0	0	0	0	0
Bonds And Deposits	0	59,741	0	0	0	59,741
Payroll Creditors	0	171,448	0	0	0	171,448
Accrued Expenses	0	286,130	0	0	0	286,130
<b>Total payables general outstanding</b>						<b>988,135</b>

**Amounts shown above include GST (where applicable)**

**KEY INFORMATION**

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**FINANCING ACTIVITIES  
Note 12  
BORROWINGS**

**Repayments - borrowings**

Information on borrowings Particulars	Loan No.	1 July 2020	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Housing</b>										
Staff Housing	213	9,751	0	0	3,202	9,750	6,549	1	216	296
<b>Transport</b>										
Airport Corrective works	216	307,732	0	0	21,582	43,494	286,150	264,238	5,826	9,057
<b>Total</b>		<b>317,483</b>	<b>0</b>	<b>0</b>	<b>24,784</b>	<b>53,244</b>	<b>292,699</b>	<b>264,239</b>	<b>6,042</b>	<b>9,353</b>
Current borrowings		53,244					28,460			
Non-current borrowings		264,240					264,240			
		<b>317,484</b>					<b>292,700</b>			

All debenture repayments were financed by general purpose revenue.

**New borrowings 2020-21**

The Shire does not intend to undertake any new borrowings for the year ended 30 June 2021.

**Unspent borrowings**

The Shire has no unspent debenture funds as at 30th June 2020, nor is it expected to have unspent funds as at 30th June 2021.

**KEY INFORMATION**

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**FINANCING ACTIVITIES  
NOTE 13  
LEASE LIABILITIES**

**Movement in carrying amounts**

Information on leases Particulars	Lease No.	1 July 2020	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	
<b>Other property and services</b>										
Various Plant & Equipment		1,055,065	0	0	149,643	365,390	905,422	689,675	0	0
<b>Total</b>		1,055,065	0	0	149,643	365,390	905,422	689,675	0	0
Current lease liabilities		364,862					215,219			
Non-current lease liabilities		690,203					690,203			
		1,055,065					905,422			

All lease repayments were financed by general purpose revenue.

**KEY INFORMATION**

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2020**

**Note 14  
BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	<b>Budget adoption</b>		Budgeted Closing surplus/(deficit)	\$	\$	\$	\$ 253,531
	There has been no budget amendments to date						
				0	0	0	

**BASIS OF PREPARATION**

**REPORT PURPOSE**

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996 , Regulation 34* . Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

**BASIS OF ACCOUNTING**

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government (Financial Management) Regulations 1996* take precedence over Australian Accounting Standards. Regulation 16 prohibits a local government from recognising as assets Crown land that is a public thoroughfare, such as land under roads, and land not owned by but under the control or management of the local government, unless it is a golf course, showground, racecourse or recreational facility of State or regional significance. Consequently, some assets, including land under roads acquired on or after 1 July 2008, have not been recognised in this financial report. This is not in accordance with the requirements of *AASB 1051 Land Under Roads paragraph 15* and *AASB 116 Property, Plant and Equipment paragraph 7*.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

**PREPARATION TIMING AND REVIEW**

Date prepared: All known transactions up to 09.12.2020

**SIGNIFICANT ACCOUNTING POLICES**

**CRITICAL ACCOUNTING ESTIMATES**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

**THE LOCAL GOVERNMENT REPORTING ENTITY**

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies

**GOODS AND SERVICES TAX**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

**ROUNDING OFF FIGURES**

All figures shown in this statement are rounded to the nearest dollar.

## KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 NOVEMBER 2020

## STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

### PROGRAM NAME AND OBJECTIVES

#### GOVERNANCE

To provide a decision making process for the efficient allocation of scarce resources.

#### ACTIVITIES

Includes the activities of members of Council and the administrative support available to the Council for the provision of governance to the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific council services.

#### GENERAL PURPOSE FUNDING

To collect revenue to allow for the provision of services.

Rates, general purpose government grants and interest revenue.

#### LAW, ORDER, PUBLIC SAFETY

To provide services to help ensure a safer and environmentally conscious community.

Supervision and enforcement of various local laws relating to fire prevention, animal control and other aspects of public safety including emergency services.

#### HEALTH

To provide an operational framework for environmental and community health.

Inspection of food outlets and their control, provision of meat inspection services, noise control and waste disposal compliance. Administration of the ROEROC health scheme and provision of various medical facilities.

#### EDUCATION AND WELFARE

To provide services to disadvantaged persons, the elderly, children and youth.

Maintenance and support of child minding and playgroup centres, senior citizen and aged care facilities.

#### HOUSING

To provide housing to staff.

Provision and maintenance of staff, community and joint venture housing.

#### COMMUNITY AMENITIES

To provide services required by the community.

Rubbish collection services, operation of rubbish disposal sites, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes, cemetery, public conveniences and community bus.

#### RECREATION AND CULTURE

To establish and effectively manage infrastructure and resources which help the social well being of the community.

Maintenance of public halls, aquatic centres, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens, reserves and playgrounds. Provision of library services (contract). Support of museum and other cultural facilities and services.

#### TRANSPORT

To provide safe, effective and efficient transport services to the community.

Construction and maintenance of roads, streets, footpaths, cycling ways, airstrip, parking facilities and traffic control. Cleaning of streets and maintenance of street trees, street lighting etc.

#### ECONOMIC SERVICES

To help promote the Shire and its economic wellbeing.

Tourism and area promotion including the maintenance and operation of a caravan park. Provision of rural services including weed control, vermin control and standpipes. Building control.

#### OTHER PROPERTY AND SERVICES

To monitor and control Council's overhead operating accounts.

Private works operation, plant repair and operation costs, administration and engineering operation costs.

## KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 NOVEMBER 2020

### REVENUE

#### RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

#### OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

#### NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

#### REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

#### FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

#### SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

#### INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

#### OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

#### PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

## NATURE OR TYPE DESCRIPTIONS

### EXPENSES

#### EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

#### MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

#### UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

#### INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

#### LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

#### DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

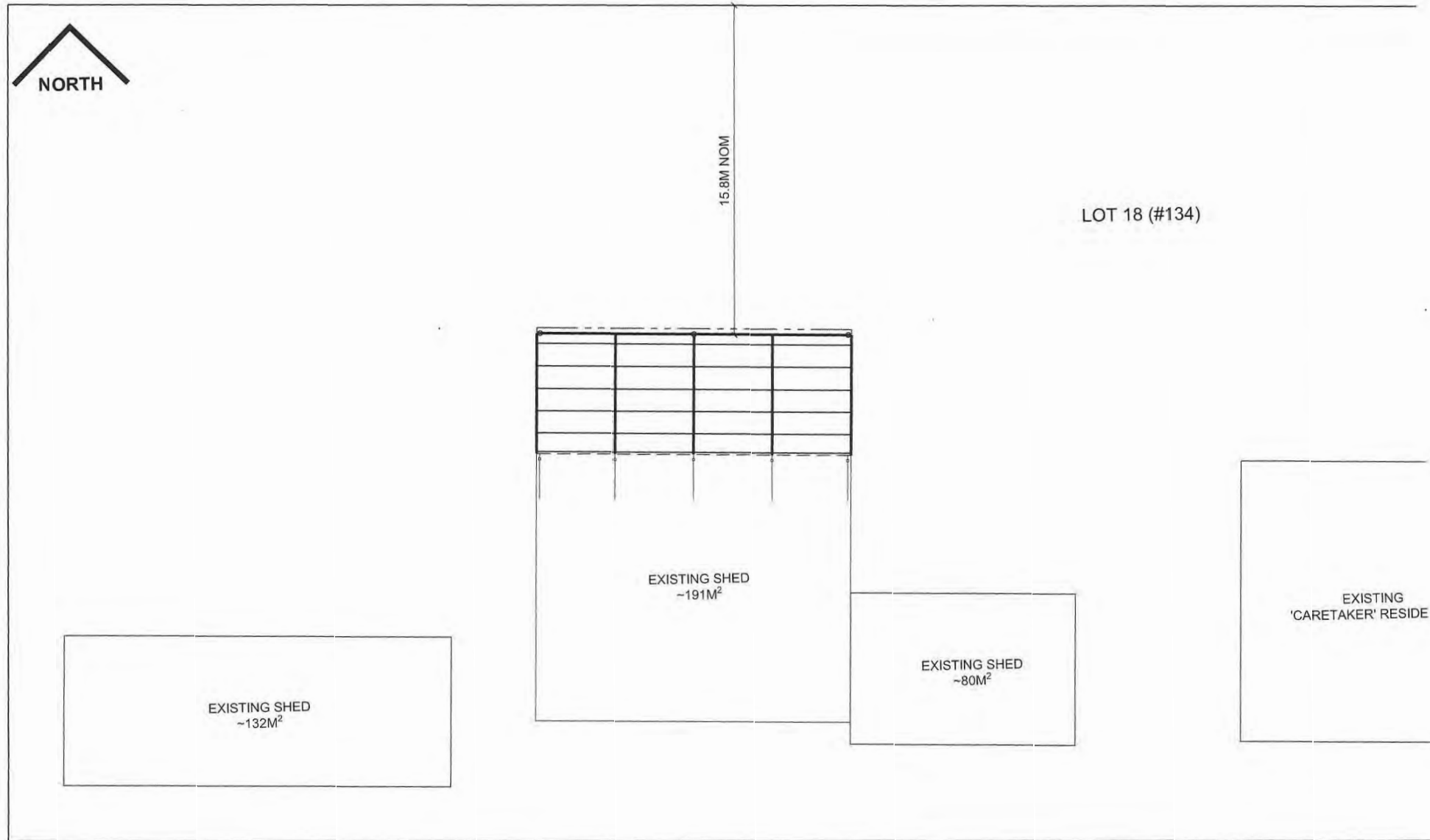
#### INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

#### OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.

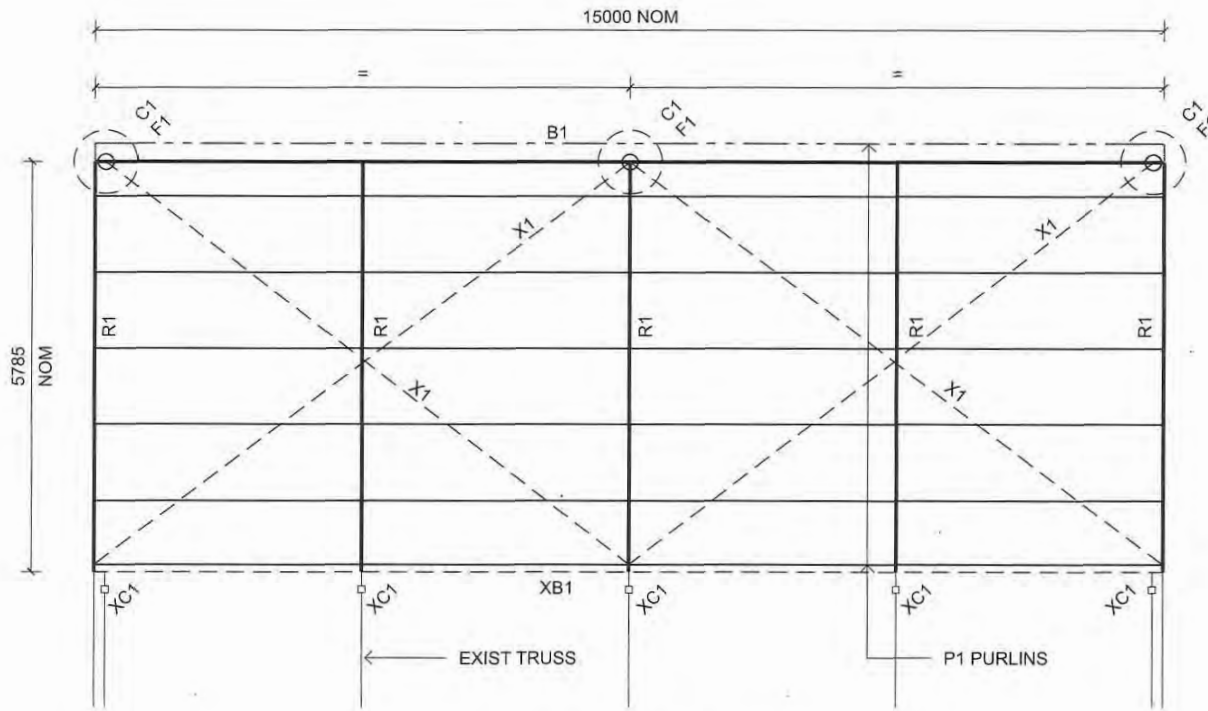
Schedule 8.3.1(a) Site Plan



**SITE PLAN**  
SCALE 1:250 @ A3



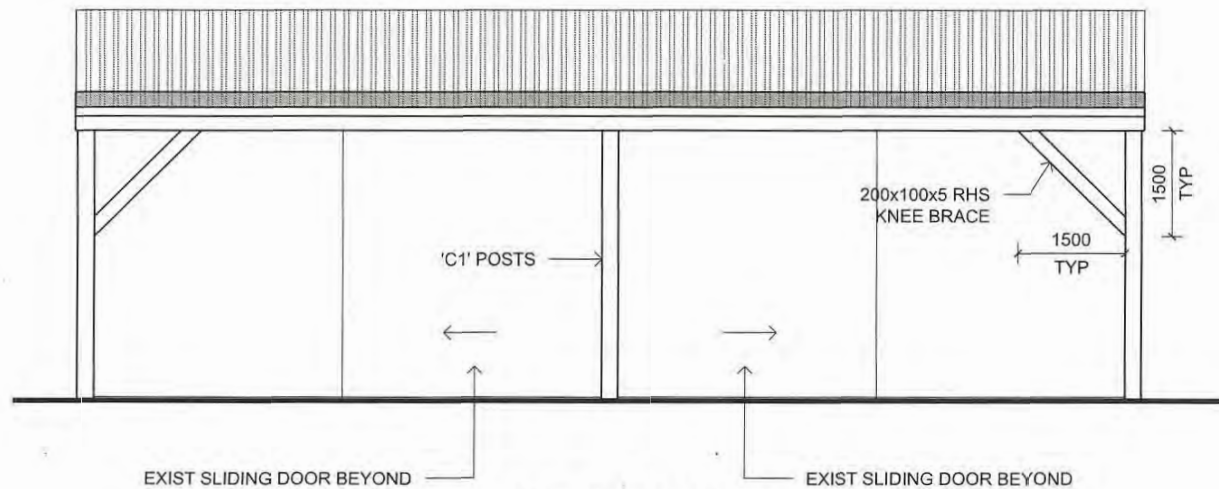
Schedule 8.3.1(b) Elevations



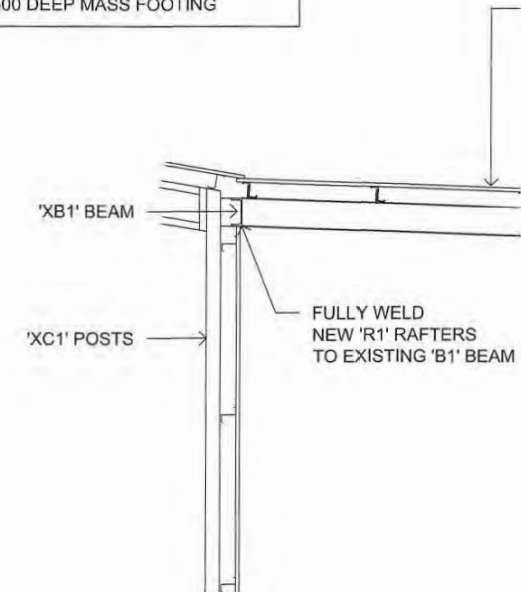
**STRUCTURAL PLAN**  
SCALE 1:100 @ A3

MEMBER SCHEDULE	
TAG	DESCRIPTION
C1	230x6.0 CHS
B1	200x100x5.0 RHS
R1	200x100x5.0 RHS
P1	150C(Z)15 @ 1250 MAX CRS (MIDSPAN BRIDGING) OR 100C(Z)19 @ 900 MAX CRS (THIRDSPAN BRIDGING)
X1	50x1.6 G300 STRAP U/S ROOF SHEETING 2-14GX25 TEK SCREW PER BEAM/PURLIN
XC1	100x100x4.0 SHS
XB1	200x75 PFC
ALL CONNECTIONS FULLY WELDED UNLESS NOTED OTHERWISE	

FOOTING SCHEDULE	
TAG	DESCRIPTION
F1	Ø900 X 1500 DEEP MASS FOOTING



**FRONT ELEVATION**



## GENERAL

1. THIS DRAWING TO BE READ IN CONJUNCTION WITH THE ARCHITECT'S RELEVANT DRAWINGS AND SPECIFICATIONS, ANY DISCREPANCY IS TO BE REPORTED TO THE ENGINEER.
2. DO NOT SCALE FROM DRAWINGS.
3. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF CONSTRUCTION OR FABRICATION.
4. THE AUTHORISED REQUIREMENTS OF LOCAL AUTHORITIES AND OTHER STATUTORY AUTHORITIES ARE TO BE COMPLIED WITH.
5. ALL WORK IS TO BE CARRIED OUT IN ACCORDANCE WITH THE LATEST AUSTRALIAN STANDARDS.

## SITE WORKS

1. EARTHWORKS TO COMPLY WITH AS3798 & NCC VOL 2 PART 3.1.1
2. ENSURE NO EXISTING STRUCTURES OR SERVICES ON THIS OR ADJACENT PROPERTIES WILL BE SURCHARGED OR UNDERMINED BY THESE WORKS. IF UNSURE, CONTACT THE STRUCTURAL ENGINEER FOR PROPER ADVICE PRIOR TO PROCEEDING
3. CUT BASE TO REMOVE ALL VEGETATION, TOPSOIL AND DELETERIOUS FILL MATERIAL FROM THE BUILDING AREA
4. CUT BASE TO BE GRADED SO THAT WATER CANNOT FLOW OR POND UNDER BUILDING
5. FILL SITE WITH CLEAN WELL DRAINED SAND, WITH MAX FINES (PARTICLES UP TO 0.075MM) CONTENT OF 5%
6. SITE TO BE FILLED TO A MINIMUM OF 400MM SAND PAD ABOVE CUT BASE AND EXTEND TO 1500MM BEYOND BUILDING LINE
7. SITE TO BE COMPACTED TO A MIN 7 BLOWS/300MM TO A DEPTH OF 750MM - COMPACTION CERTIFICATE TO BE PROVIDED BY EARTHWORKS CONTRACTOR PRIOR TO CONCRETING
8. INSTALL SUBSOIL DRAINS AT BASE OF CUT WHERE REQUIRED TO PREVENT SURFACE WATER RUNNING UNDER SAND PAD

## TIMBER

1. ALL TIMBERWORK TO BE IN ACCORDANCE WITH AS 1684-2010 - TIMBER FRAMING CODE.
2. ALL TIMBERWORK TO BE IN ACCORDANCE WITH BUILDING CODE OF AUSTRALIA.

## CONCRETE

1. ALL CONCRETE TO BE IN ACCORDANCE WITH AS 3600.
2. CONCRETE:

	GRADE	MAX AGG	MAX SLUMP
2.1. FOOTINGS	N25	20MM	80MM (UNO)
2.2. SLAB-ON-FILL	N25	20MM	80MM (UNO)
2.3. COLUMNS	N32	20MM	80MM (UNO)
2.4. WALLS	N32	10MM	100MM (UNO)
3. REINFORCEMENT COVER:

3.1. FOOTINGS	70MM (UNO)
3.2. SLAB-ON-FILL	30MM (UNO)
3.3. COLUMNS	40MM (UNO)
3.4. WALLS	50MM (UNO)

## SURFACE TREATMENT

1. ALL EXPOSED STEEL TO BE HOT DIP GALVANISED IN ACCORDANCE WITH AS1650 OR DURAGAL FINISH PAINTED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS FOR THE EXPOSURE CLASSIFICATION. TREATMENT AFTER SITE WELDING TO BE AS FOLLOWS:
  - 2.1. FINISHED WELDING SURFACE TO BE NEAT AND SMOOTH WITH NO ROUGH EDGES - GRIND TO ACHIEVE THIS IF NECESSARY.
  - 2.1. THOROUGHLY CLEAN AND WIRE BRUSH ALL WELDED AREAS. APPLY TWO COATS OF ZINC RICH EPOXY PAINT

## GLAZING NOTES

1. ALL PROPOSED EXTERNAL WINDOW GLAZING AND GLAZING ASSEMBLIES SHALL BE DESIGNED, MANUFACTURED AND INSTALLED IN ACCORDANCE WITH AS2047 - 2001 GLAZED ASSEMBLIES AND SHALL SATISFY THE WIND PRESSURE RATINGS AS LISTED BELOW
2. SERVICEABILITY DESIGN WIND PRESSURE = 1.33 kPa > 1200mm FROM EXTERNAL CORNERS, 1.99kPa WITHIN 1200mm OF EXTERNAL CORNERS
3. ULTIMATE STRENGTH TEST PRESSURE = 4.4 kPa > 1200MM FROM EXTERNAL CORNERS, 6.57 kPa WITHIN 1200MM OF EXTERNAL CORNERS
4. WATER PENETRATION PRESSURE = 0.45 kPa

## CONCRETE POOL NOTES

1. ALL CONCRETE WORKMANSHIP TO BE IN ACCORDANCE WITH AS3600
2. ALL CONCRETE TO HAVE THE FOLLOWING PROPERTIES:
  - 2.1. 32MPa CYLINDER COMPRESSIVE STRENGTH
  - 2.2. 7MM MIN AGGREGATE SIZE
  - 2.3. 60MM SLUMP
  - 2.4. 400kg/m<sup>3</sup> CEMENT CONTENT (SHOTCRETE MIX)
3. ALL CONCRETE TO BE CURED BY APPROVED METHODS FOR MIN 7 DAYS
4. ALL REINFORCEMENT SHALL BE 'S' BARS D250N IN ACCORDANCE WITH AS4671
5. ALL STEELWORK TO BE CURED BY APPROVED METHODS FOR MIN 7 DAYS
6. ALL REINFORCEMENT SHALL BE 'S' BARS D250N IN ACCORDANCE WITH AS4671
7. ALL STEELWORK TO BE TREATED IN ACCORDANCE WITH BCA CORROSION REQUIREMENTS.
8. CLEAR COVER TO REINFORCEMENT TO BE AS PER BELOW UNO
  - 8.1. EXPOSURE CONDITION MIN CLEAR COVER
  - 8.2. FORMED FACE OF INSITU CONCRETE 40MM
  - 8.3. EXPOSED FACE OF PNEUMATICALLY APPLIED CONCRETE 50MM
  - 8.4. CONCRETE PLACED IN CONTACT WITH GROUND 60MM
  - 8.5. FACE EXPOSED TO AGGRESSIVE WATER 70MM
9. POOL DESIGNED FOR NON-AGGRESSIVE WATER IN ACCORDANCE WITH AS2783
10. STEEL REINFORCEMENT TO BE CONTINUOUS IN ALL LOCATIONS, MINIMUM 50 X BAR DIAMETER LAP AT SPLICES AND CORNERS
11. CONCRETE ADMIXTURES MAY BE USED PROVIDED CHLORIDE ION CONTENT FROM SOURCES IS < 0.4% OF THE MASS OF PORTLAND CEMENT IN THE MIX. CALCIUM CHLORIDE IS NOT AN ACCEPTABLE ADMIXTURE.

## Schedule 8.3.2

<b>Delegation No:</b> 5016	<b>Certain Planning Functions relating to Shire of Carnarvon Local Planning Scheme No 13.</b>
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<b>Date Adopted:</b>	15 December 2020
<b>Date Last Reviewed:</b>	N/A
<b>Policy Reference:</b>	N/A

<b>Delegate:</b>	Chief Executive Officer
<b>Sub-Delegated:</b>	Yes
<b>Chief Executive Instruction/Procedure:</b>	Nil

<b>Legal (Parent):</b>
<ol style="list-style-type: none"> <li>Sections 5.42, 5.44, 5.45 and 5.46 of the Local Government Act (1995)</li> <li>Planning and Development Act (2005)</li> </ol>

<b>Legal (Subsidiary):</b>
<ol style="list-style-type: none"> <li>Planning and Development (Local Planning Schemes) Regulations (2015)</li> <li>Shire of Carnarvon Local Planning Scheme No. 13.</li> <li>Land Administration Act (1997), Section 15(6)</li> </ol>

Council delegates its authority and power to the Chief Executive Officer as follows:

18.1 Advertising and Determining Applications for Planning Consent

18.1 Determine that a particular Application for Planning Approval will be advertised and carry out the means and extent of such advertising in accordance with Clause 64 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

18.1 Consideration of Applications for Planning Approval

18.1 Determine applications with a use permissibility classification of 'P', 'I' and 'D' and 'A' and 'X' in Table 3- Zoning Table of the Shire of Carnarvon Local Planning Scheme No. 13 ('LPS 13') for Planning Approval in accordance with Section 5.42 of the Local Government Act(1995) and Sections 214 (2), (3) and (5) of the Planning and Development Act (2005), Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations (2015) and/or Western Australian Planning Commission State Planning Policy No. 7.3 – Residential Design Codes.

18.1 Advertising Extension for Local Planning Scheme Amendments

18.1 To extend the advertising period for standard and complex planning scheme amendments where it is considered necessary to provide for adequate consultation and/or accommodate specific community consultation exercises (e.g. special electors meetings, workshops etc).

18.1 Directions regarding unauthorised development

18.1 To give directions in relation to unauthorized development and to authorize any action available to the responsible authority under the Planning and Development Act 2005 incidental to such written direction, including but not limited to issuing a notice to correct or amend the development or to commence legal action in accordance with the Council's endorsed procedure for compliance and enforcement.

18.1 Responsible Authority Reports to the Development Assessment Panel

5.1 To submit Responsible Authority Reports to the Development Assessment Panel pursuant to Regulation 12 of the Planning & Development (Development Assessment Panels) Regulations 2011 in relation to applications for planning approval under Shire of Carnarvon District Zoning Scheme No. 11.

**Condition**

The Chief Executive Officer is to advise Council of the lodgement and subsequent decision of a Gascoyne Joint Development Assessment Panel (GJDAP) application at the next available Council meeting.

**NOTE:**

These Delegations do not preclude the Delegate or Sub-Delegate referring the categories of development or legal proceedings outlined above, to Council for determination, after having regard to the circumstances of a particular case.

As required under the Local Government Act (1995) the CEO is to keep a register of the delegations made under this Division to the CEO and to employees. The CEO is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

## SHIRE OF CARNARVON

### VOLUNTEER BUSH FIRE BRIGADES LOCAL LAW 2021

#### **Note**

This document contains a number of notes and text boxes which do not form part of the local law and are simply to assist with explaining the application of the local law, or are extracts from other legislation.

Most significant issues that relate to bush fires, brigades and firefighting are dealt with by the Bush Fires Act 1954 and the associated Regulations. The only matters that must be included in a local law are in s43:

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

All other matters are dealt with under the Act. For example:

- Part 2 of the Act sets out the powers of the Fire and Emergency Services Commissioner, provides for the appointment of bush fire liaison officers, and sets out powers of police or authorised persons as well as providing for entry on to land or buildings for the purposes of the Act;
- Part 3 sets out measures to prevent bush fires, including restricted or prohibited burning times, fire bans, and provisions about burning of land or rubbish. Section 33 allows a local government to require occupiers of land to establish fire breaks by a notice in the Gazette and or public notice, or by local law;
- Part 4 deals with the control and extinguishment of bush fires. In particular:
  - Section 36 provides that a local government may expend funds to control and extinguish bush fires;
  - Under s37 a local government must insure volunteer fire fighters and bush fire brigade equipment;
  - Section 38 provides that a local government may appoint a person as a bush fire control officer (and who does not necessarily have to be a local government employee), and of whom can be a Chief Bush Fire Control Officer and deputy. Under s38A the FES commissioner may appoint a person as a Chief Bush Fire Control officer if requested by a local government for its district;
  - Section 39 sets out the powers of bush fire control officers;
  - Section 40 sets out the powers and duties of local governments, brigades, and bush fire control officers in the event of a bush fire;
  - Section 41 provides that a local government shall keep a register of bush fire brigades and their members in accordance with the regulations, and may at any time cancel the registration of a bush fire brigade;
  - Under s42A, any group of persons, however constituted and whether incorporated or not, may be established as a bush fire brigade under section 41(1) or 42(1); and
  - Sections 44 – 47 deal with fire-fighting by officers of bush fire brigades, 'CALM' and bush fire control officers.
- Part 5 of the Act deals with miscellaneous matters and among other things:
  - Allows a local government to delegate any of its powers and duties to its CEO; and
  - Provides for penalty and prosecution provisions.

**SHIRE OF CARNARVON**  
**LOCAL GOVERNMENT ACT 1995**  
**BUSH FIRE BRIGADES LOCAL LAW 2021**

Under the powers conferred by the *Local Government Act 1995*, *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Carnarvon resolved on DD MM 2021 to make the following local law.

**1 Citation**

This local law may be cited as the *Shire of Carnarvon Bush Fire Brigades Local Law 2021*.

**2 Definitions**

(1) In this local law unless the context otherwise requires –

**Act** means the *Bush Fires Act 1954*;

**brigade area** is defined in clause 5(1)(b);

**bush fire brigade** is defined in section 7 of the Act;

**bush fire brigade** means a bush fire brigade for the time being registered in a register kept pursuant to section 41;

Extract from s7 of Bush Fires Act 1954

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**local government** means the Shire of Carnarvon;

**normal brigade activities** is defined by section 35A of the Act; and

### 35A. Terms used

In this Division, and in section 41 —

**bush fire** means a fire or potential fire, however caused, and includes a fire in a building;

**loss or damage** does not include loss or damage that is caused by or results from theft, reasonable wear or tear, mechanical or electrical breakdown, failure or breakage;

**normal brigade activities** means the following activities when carried out by a volunteer fire fighter —

- (a) the prevention, control or extinguishment of bush fires;
- (b) any act or operation at or about the scene of a bush fire, or in connection with a bush fire, which is necessary for, directed towards, or incidental to, the control or suppression of the fire or the prevention of spread of the fire, or in any other way necessarily associated with the fire including travelling and support services such as meals and communication systems;
- (c) any bush fire prevention activity including the burning, ploughing or clearing of fire-breaks or any other operation, including but without being limited to, the inspection of fire-breaks or other works and the survey of areas for the purpose of detecting fire or ascertaining the need for precautions against the outbreak of fire, but not including the activities of an owner or occupier providing a fire-break or fire prevention works on his own property in order to comply with a notice given under section 33(1) or a local law made under section 33(5a);
- (d) demonstrations, exercises, fundraising, promotions, public education, competitions or a training process for volunteers;
- (e) examination, preparation, maintenance, adjustment or repair of any vehicle, equipment, building or thing used or intended to be used by a bush fire brigade for the purpose of fighting fires or for carrying out fire prevention operations including activities associated with administration of a bush fire brigade;
- (f) travelling in aircraft for the purposes of inspection of fire-breaks, fire hazards and bush fires;
- (g) erection, removal or maintenance of radio masts used for fire related purposes;
- (h) attending an incident where the skills of a volunteer fire fighter or the operation of fire fighting equipment may reduce or remove a perceived threat to life or property;
- (i) attending an incident subsequently found to be a false alarm;

**volunteer fire fighter** means a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member.

*[Section 35A inserted by No. 60 of 1992 s. 18; amended by No. 14 of 1996 s. 4.]*

Extract from Bush Fires Act 1954

**Regulations** means Regulations made under the Act.

- (2) In this local law, unless the context otherwise requires, a reference to —
  - (a) a Captain;
  - (b) a First Lieutenant;

- (c) a Second Lieutenant; and
  - (d) any additional Lieutenants;
- means a person holding that position in a bush fire brigade.

### **3 Application**

This local law applies throughout the district.

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Provisions relating to the establishment and maintenance of firebreaks, and the powers of the local government to enter the property and establish firebreaks on default by an owner or occupier are dealt with in section 33 of the Act:

**33. Local government may require occupier of land to plough or clear fire-break**

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the *Government Gazette* and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
  - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —

- (c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
  - (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.
- (2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the *Interpretation Act 1984*.
- (3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.  
Penalty: \$5 000.
- (4) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice —
- (a) the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and
  - (b) the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.

- (5) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) —
- (a) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be *prima facie* evidence of the amount; and
  - (b) may be recovered by the local government in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.
- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* —
- (a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;
  - (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.
- (5b) Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply *mutatis mutandis* as if those requirements were the requisitions of a notice given under subsection (1).
- (5c) Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.
- (5d) Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.
- (6) A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.
- (7) Nothing in this section authorises a local government —
- (a) to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or
  - (b) to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.
- (8) Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —
- (a) a debt due from each subsequent owner in succession; and
  - (b) a charge against the land with the same consequences as if it were a charge under the *Local Government Act 1995* for unpaid rates; and
  - (c) recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.
- (9) In this section —
- owner or occupier of land** includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.

[Section 33 amended by No. 11 of 1963 s. 15; No. 113 of 1965 s. 8(1); No. 65 of 1977 s. 32 and 48; No. 51 of 1979 s. 3 and 5; No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 38 of 2002 s. 28 and 39; No. 70 of 2003 s. 7; No. 19 of 2010 s. 52(4).]

Extract from Bush Fires Act 1954

#### **4 Establishment of a bush fire brigade**

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).
- (3) A bush fire brigade established under subclause (1) is to hold a meeting at least once every financial year to appoint persons to the positions in clause 5(5), and where applicable clause 5(7).

#### **41. Bush fire brigades**

- (1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.
- (2) A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.
- (2a) A local government is to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).
- (3) A local government may at any time cancel the registration of a bush fire brigade.

*Extract from Bush Fires Act 1954*

Note that there are no penalties for a breach of this local law. Bush fire brigade members are valued members of the community who volunteer their time to provide a service.

The Shire also has an obligation and duty of care to ensure that volunteers are adequately trained, comply with relevant health and safety rules, and that brigades deal properly with public funds and property. Issues are generally and preferably dealt with by agreement and consensus but if an issue is serious enough the Shire could suspend funding to a brigade and ultimately cancel its registration under the Act.

While a reason for cancellation of the registration of a bush fire brigade under s41(3) of the Act is not required it may come about from things like :

- A brigade having no members, or being merged with another;
- A consistent or serious failure to comply with the reasonable directions by a brigade or its members;
- Misuse of local government property; and/or
- Misuse of funds.

#### **5 Name and officers of bush fire brigade**

- (1) On establishing a bush fire brigade under clause 5(1) the local government is to –

- (a) Give a name to the bush fire brigade;
  - (b) Specify the brigade area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities; and
  - (c) Appoint –
    - (i) a Captain;
    - (ii) a First Lieutenant;
    - (iii) a Second Lieutenant; and
    - (iv) additional Lieutenants if the local government considers it necessary.;
- (3) A person appointed to a position pursuant to subclause (1)(c) is to be taken to be a brigade member.
- (4) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) An election is to be held at the first annual general meeting by the members of the brigade for appointments to the positions referred to in subclause 1(c) or established under subclause (7) and every subsequent annual general meeting.
- (6) If a position referred to in subclause (1)(c) or established under subclause (7) becomes vacant prior to the completion of the first annual general meeting or at any time, then the Brigade members are to vote for a replacement member to fill the position.
- (7) The Brigade members may elect, set the term of office, describe the duties of, and dismiss, any person to any other position including secretary, treasurer, equipment officer, training officer or other positions, and may combine those positions; and
- (8) The Brigade members may establish types of brigade membership including fire fighting members, auxiliary members, cadet members, and honorary life members.

## **6 Duties of Captain and bush fire brigade officers**

- (1) The duties of the Captain are to:
- (a) Provide leadership to bush fire brigades;
  - (b) Monitor bush fire brigades' resourcing, equipment and training levels;
  - (c) Liaise with the local government concerning –
    - (i) Fire prevention or fire suppression matters generally;
    - (ii) Directions to be issued by the local government to bush fire control officers, including those who issue permits to burn; and
    - (iii) Bush fire brigade officers;
  - (d) Ensure that a list of bush fire brigade members is maintained;
  - (e) Report annually to the local government the office bearers of the bush fire brigade in accordance with the Regulations;
  - (f) Report to the local government not later than 31 March each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's –
    - (i) Training and readiness;
    - (ii) Protective clothing;
    - (iii) Equipment; and
    - (iv) Vehicles and appliances.
  - (g) Nominate persons to the CEO for appointment as bush fire control officers by the local government;
  - (h) Arrange for normal brigade activities as authorised by the Act or by the local government; and
  - (i) Where a vacancy occurs in a position appointed under clause 6(1)(c), to –
    - (i) Advise the CEO of the vacancy as soon as practicable; and

- (ii) Make alternate suitable arrangements for that position until an appointment is made.

(2) The duties of other bush fire brigade officers are to support the Captain in his/her role.

## 7 Appointment, employment, payment, dismissal and duties of bush fire control officers

The appointment, employment, payment, dismissal and duties of bush fire control officers is dealt with by the Act.

### 38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- (2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
  - (a) carrying out normal brigade activities;
  - [(b), (c) deleted]*
  - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
  - (e) procuring the due observance by all persons of the provisions of Part III.
- (5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of,

streets, roads, and ways, under the care, control and management of the local government.

(5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.

(5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).

(6) In this section —

approved local government means a local government approved under subsection (7) by the FES Commissioner.

(7) If it appears to the FES Commissioner that the standard of efficiency of a local government in fire prevention and control justifies the FES Commissioner doing so, the FES Commissioner, by notice published in the Government Gazette —

(a) may approve the local government as one to which subsections (6) to (18) apply; and

(b) may from time to time cancel or vary any previous approval given under this subsection.

(8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

(9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).

(10) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.

(11) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under subsection (10) is, subject to subsection (12), entitled to act in the discharge of the duties of that office.

(12) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under subsection (10) is available and able to discharge those duties.

(13) The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the Government Gazette.

(14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under subsections (6) to (18).

(15) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority

conferred on him by subsection (17), notwithstanding the advice and assistance tendered to him by the committee.

- (16) The provisions of subsections (6) to (18) are not in derogation of those of any other subsection of this section.
- (17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (18) Subsections (6) to (18) do not authorise the burning of bush —
- (a) during the prohibited burning times; or
  - (b) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.

*Extract from the Bush Fires Act 1954*

The *Interpretation Act 1984* further provides that:

**52. Power to appoint includes power to remove, suspend, appoint acting officer etc.**

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power —
- (a) to remove or suspend a person so appointed to an office or position, and to reappoint or reinstate, any person appointed in exercise of such power or duty; and
  - (b) where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and
  - (c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.
- (2) For the purposes of subsection (1)(b), **cause** includes —
- (a) illness; and
  - (b) temporary absence from the State; and
  - (c) conflict of interest.
- (3) The validity of anything done by a person purporting to act under an appointment made under subsection (1)(b) shall not be called in question on the ground that the occasion for his appointment had not arisen or had ceased.

- (4) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position and that power or duty is exercisable only upon the nomination or recommendation, or is subject to the approval, concurrence, or consent of some other person, then the powers conferred by subsection (1)(a) to (c) shall only be exercisable upon such nomination or recommendation or subject to such approval, concurrence, or consent.
- (5) Nothing in this section affects the tenure of office or position of any person under the express provisions of any written law.

*[Section 52 amended by No. 31 of 2010 s. 7.]*

**53. Appointments may be by name or office**

Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) perform any function; or
- (b) be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or
- (c) be or do any other thing,

that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

**8 Maintenance and equipment with appliances and apparatus of bush fire brigades**

The local government may provide funds for the maintenance and equipment with appliances and apparatus of bush fire brigades in accordance with Part 6 of the Local Government Act 1995.

Dated dd mm 2021

The Common Seal of the Carnarvon was affixed by authority of a resolution of the Council in the presence of –

.....  
 Cr Eddie Smith  
 President

.....  
**NAME**  
 Chief Executive Officer



Local Government Act 1995  
Cat Act 2011

Shire of Carnarvon

# Cat Local Law 2021

Published in the Government Gazette on dd/mm 2020; number 12234
Amended:
Disclaimer: This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

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**CAT ACT 2011**  
**LOCAL GOVERNMENT ACT 1995**  
*Shire of Carnarvon*  
CAT LOCAL LAW 2021

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Carnarvon resolved on **dd mm 2021** to make the following local law.

**Part 1 - Preliminary**

**1.1 Title**

This is the *Shire of Carnarvon Cats Local Law 2021*.

**1.2 Commencement**

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

**1.3 Amendment**

The *Shire of Carnarvon Local Law – Cat Control Local Law 1997* published in the *Government Gazette* on 17 Jun 1997 and amended in the *Government Gazette* on 17 March 1998 is repealed.

**1.4 Terms used**

(1) In this local law, unless the context otherwise requires -

**Act** means the *Cat Act 2011*;

**applicant** means a person who applies for an approval;

**application** means an application for an approval;

**approval** means approval under regulation 9 of the *Cat (Uniform Local Provisions) Regulations 2013* and Part 2 of this local law;

**approved person** means the person to whom an approval is granted;

**authorised person** means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;

**cat** has the meaning given to it in the Act;

**cat** means an animal of the species *felis catus* or a hybrid of that species.

s3(1) of the *Cat Act 2011*.

**cat management facility** has the meaning given to it in the Act;

cat management facility means —

- (a) a facility operated by a local government that is, or may be, used for keeping cats; or
- (b) a facility for keeping cats that is operated by a person or body prescribed; or

(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

S3(1) of the *Cat Act 2011*

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**local government** means the Shire of Carnarvon;

**local planning scheme** means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

**nuisance** means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

**owner** has the meaning given to it in the Act;

**4. Term used: owner**

(1) In this Act —

**owner**, in relation to a cat, means any of these persons —

- (a) in the case of a cat that is registered, the registered owner of the cat; or
- (b) in the case of a cat that is not registered, a person who, or an owner of a business or organisation that, ordinarily keeps and cares for the cat; or
- (c) if a person referred to in paragraph (b) is a child under 18 years of age, that child's parent or guardian.

(2) In the case of a cat that is not registered, but is microchipped, a person whose name is recorded as the owner of the cat in a microchip database is to be taken, in the absence of evidence to the contrary, to be a person who ordinarily keeps and cares for the cat.

s4 Cat Act 2011

**premises** has the meaning given to it in the Act; and

**premises** includes the following —

- (a) land (whether or not vacant);
- (b) the whole or part of a building or structure (whether of a permanent or temporary nature);
- (c) a vehicle;

s3(1) Cat Act 2011.

**veterinarian** has the meaning given to it in the Act.

**veterinarian** means a registered veterinary surgeon as defined in the Veterinary Surgeons Act 1960 section 2.

s3(1) of the Cat Act 2011.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

## 1.5 Application

This local law applies throughout the district.

## Part 2 - Number of cats that may be kept

### 2.1 Interpretation

For the purposes of applying this Part, a **cat** does not include a cat less than 6 months old.

### 2.2 Prescribed premises

For the purposes of the definition of **prescribed premises** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except —

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government; or
- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment.

Regulation 4 of the Cat Regulations 2012 states –

**4. Cat management facility operators (s. 3(1))**

For the purposes of the definition of cat management facility paragraph (b) in section 3(1) of the Act, each of the following bodies are prescribed as operators of a facility for keeping cats –

- (a) Cat Welfare Society Inc., trading as “Cat Haven”;
- (b) Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia

**2.3 Standard number of cats**

For the purposes of the definition of **standard number of cats** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 3 cats may be kept on premises within the residential zone of the local planning scheme or used for residential purposes at which a member of a cat organisation is not ordinarily resident.

Regulation 7 of the Cat (Uniform Local Provisions) Regulations 2013 states -

‘If a member of a cat organisation is ordinarily resident at prescribed premises, the number of cats that may be kept at the premises is 3 times the number of cats that could be kept at the premises under the local law that applies to the premises’.

A “member of a cat organisation” is defined to mean a person referred to in regulation 23(c) of the Cat Regulations 2012;

Regulation 23(3) of the Cat Regulations 2012 refers to a person who -

- (c) is a current member of one of the following organisations and associations —
  - (i) the Cat Owners Association of Western Australia (COAWA);
  - (ii) the Feline Control Council of Western Australia (FCCWA);
  - (iii) the Australian National Cats (ANCATS).

**2.4 Application for approval**

- (1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) An application for approval must be accompanied by the application fee determined by the local government in accordance with the Act.

Note - under the *Cat (Uniform Local Provisions) Regulations 2013* –

- (1) A cat that is under 6 months of age is not to be included when calculating the number of cats ordinarily kept at prescribed premises (regulation 5);
- (2) A person who is ordinarily resident at prescribed premises may apply to the local government for approval to keep an additional number of cats at its premises (regulation 8(1)); and
- (3) There are detailed provisions dealing with the application and approval processes and requirements (see regulations 8-11).

## 2.5 Determining an application

Note - under regulation 9 of the *Cat (Uniform Local Provision) Regulations 2013*, the local government must not grant approval for an additional number of cats on prescribed premises unless it is satisfied that the premises are suitable for the additional number of cats.

- (1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to -
  - (a) the zoning of the land under the local planning scheme;
  - (b) the physical suitability of the premises for the proposed use;
  - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
  - (d) the structural suitability of any enclosure in which any cat is to be kept;
  - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
  - (f) the likely effect on the amenity of the surrounding area of the proposed use;
  - (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and
  - (h) any other factors which the local government considers to be relevant in the circumstances of the application.
- (2) An approval is to be in the form determined by the local government and is to be issued to the approved person.

## 2.6 Conditions

Regulation 9(3) of the *Cat (Uniform Local Provision) Regulations 2013* states:

An approval is subject to any condition that the local government –

- (a) reasonably considers is necessary to ensure that the premises are suitable for the additional number of cats; and

(b) specifies in the approval.

- (1) For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including -
  - (a) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
  - (b) that there must be adequate space for the exercise of the cats;
  - (c) that, in the case of multiple dwellings where there is no suitable dividing fence, each current occupier of the adjoining multiple dwellings must give their written consent to the approval; and
  - (d) that, without the consent of the local government, the approved person must not substitute or replace any cat that dies or is permanently removed from the premises.
- (2) An approved person who does not comply with a condition of the approval, commits an offence.

Penalty: a fine of not less than \$1,000 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

## **2.7 Renewal of an application**

- (1) An application is to be renewed if –
  - (a) the approved person has not breached the conditions of the approval;
  - (b) the approval would have been granted if a fresh application for approval had been made; and
  - (c) the renewal fee, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*, is paid to the local government before the expiry of the approval.
- (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.

Regulation 10 of the Cat (Uniform Local Provisions) Regulations 2013 states that an approval has effect for the period specified in the approval.

## **2.8 Transfer of an approval**

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval, and is transferrable only in accordance with this clause 2.8.
- (2) An application for the transfer of an approval from the approved person to another person must be –



- (a) made in the form determined by the local government;
  - (b) made by the proposed transferee;
  - (c) made with the consent of the approved person; and
  - (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government is not to determine an application for the transfer of an approval until the proposed transferee has complied with subclause (2).
- (4) The local government may grant, or refuse to grant, an application for the transfer of an approval, and this approval will be subject to such conditions as the local government may impose under Regulation 9(3) of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (5) Where the local government grants an application for the transfer of an approval –
- (a) it is to issue to the transferee an approval in the form determined by the CEO; and
  - (b) on the date of approval, unless otherwise specified in the approval, the transferee becomes the approved person for the purposes of this local law.

## **2.9 Variation or cancellation of an approval**

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the permit holder and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval –
- (a) on the request of the approved person;
  - (b) if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
  - (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

## **2.10 Objection and review rights**

A decision of the local government made under clauses 2.7, 2.8 or 2.9 is a decision to which Division 1, Part 9 of the *Local Government Act 1995* applies.

Regulation 11 of the *Cat (Uniform Local Provisions) Regulations 2013* states –

**11. Review by the State Administrative Tribunal**

A person who applies for approval to keep an additional number of cats may apply to the State Administrative Tribunal for a review of a decision of the local government to —

- (a) refuse to grant approval; or
- (b) grant approval to keep an additional number of cats that is less than the number specified in the application; or
- (c) grant approval subject to conditions.

**Part 3 - Enforcement**

**3.1 Infringement notices**

- (1) An offence against clause 2.6(2) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (3) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

Regulations 6 and 13 of the Cat (Uniform Local Provisions) Regulations 2013 state:

**6. Offence to keep more than standard number of cats**

- (1) A person who is ordinarily resident at prescribed premises must ensure that the number of cats ordinarily kept at the premises is not more than the standard number of cats for the premises.

Penalty: a fine of \$5 000.

**13. Infringement notices**

- (1) An offence against regulation 6(1) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012* Schedule 1.
- (3) The form of withdrawal of an infringement notice is Form 7 in the *Cat Regulations 2012* Schedule 1

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The Common Seal of the )  
Shire of Carnarvon was affixed in )  
the presence of )

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.....  
President

.....  
Chief Executive Officer

DRAFT

**GENERAL NOTES:**

- DO NOT SCALE FROM THIS DRAWING. ALL CONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO COMMENCEMENT OF ANY WORKS AND ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.
- DIMENSIONS SHOWN ON THIS PLAN ARE TO STEEL FRAME AND DOES NOT INCLUDE EXTERNAL CLADDING OR INTERNAL LINING WIDTH.

# Schedule 8.3.6 Building Plans



**BUSHFIRE ATTACK LEVEL (BAL): TBA**  
**WIND CLASSIFICATION: REGION D**  
**SOIL CLASSIFICATION: "TBA"**

**CLIENT NOTE:**

THIS PLAN IS TO BE READ IN CONJUNCTION WITH MODULAR WA ADDENDA AND ENGINEERED CERTIFIED DRAWINGS.

**CARPENTERS NOTE:**

SILICONE BEAD REQUIRED AT BASE OF WALL FRAMES TO ALL TILED WET AREAS

**INTERNAL OPENINGS:**

DHO: FLUSHED DOOR HEIGHT OPENING 2040mm A.F.L.  
 FHO: FULL HEIGHT OPENING

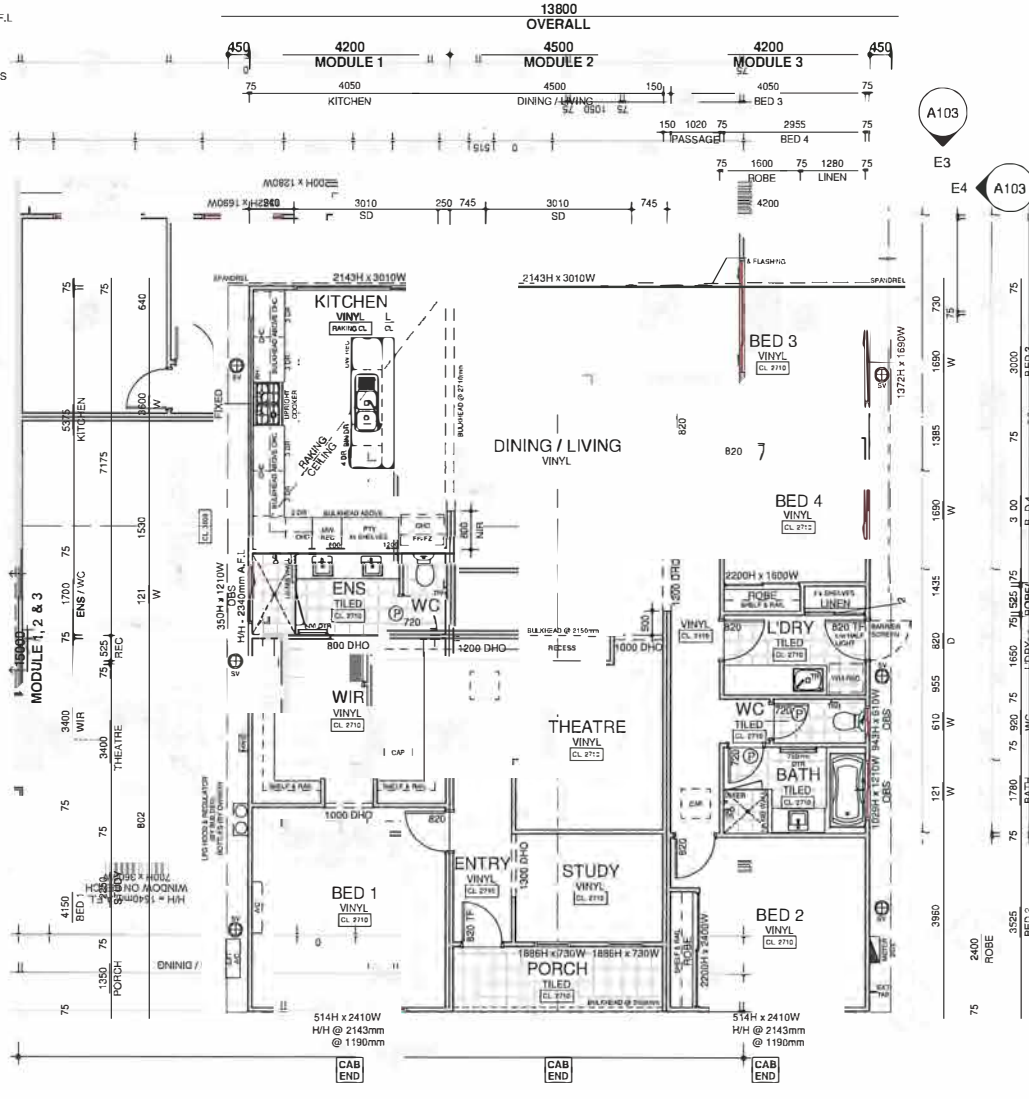
**WINDOWS**

WINDOW HEAD HEIGHT TO BE 2143mm A.F.L UNLESS NOTED OTHERWISE

**ABBREVIATION LEGEND**

- RWP RAIN WATER PIPE
- SV SUB-FLOOR VENT
- HP HOT PLATE
- RH RANGEHOOD
- UBO UNDERBENCH OVEN
- OCB OVERHEAD CUPBOARD
- DR DRAWER
- FRVZ REC FRIDGE / FREEZER RECESS
- DW REC DISHWASHER RECESS
- TR TROUGH
- WM REC WASHING MACHINE RECESS
- TRH TOILET ROLL HOLDER
- OTR DOUBLE TOWEL RAIL
- TWR TOWEL RING
- SR SHOWER RAIL / ROSE
- CAP CEILING ACCESS PANEL
- BRM BROOM
- V VANITY
- B BASIN
- OBS OBSCURE
- TF TIMBER FRAME
- D DOOR
- SD SLIDING DOOR
- W WINDOW
- COL COLUMN
- HH HEAD HEIGHT
- PRV PRIVACY LATCH

WATER FEED LOCATION TO BE CONFIRMED



Schedule 8.3.6 - Building Plans

BUILDING AREA	
BUILDING	187.63m <sup>2</sup>
ALFRESCO	N/A
PORCH	5.56m <sup>2</sup>
GARAGE / CARPORT	N/A
<b>TOTAL</b>	<b>193.50m<sup>2</sup></b>

ROOF AREA	
ROOF (YARD BUILT)	210.64m <sup>2</sup>
ROOF (SITE BUILT)	N/A
<b>TOTAL</b>	<b>210.64m<sup>2</sup></b>

**1 FLOOR PLAN**  
 A102 1 : 100

CLIENT: THE ACKROYD SUPERANNUATION FUND  
 ADDRESS: EDAGGEE STATION CARNARVON, WA 6701  
 HOUSE TYPE: TEAGUE STD(MODIFIED)

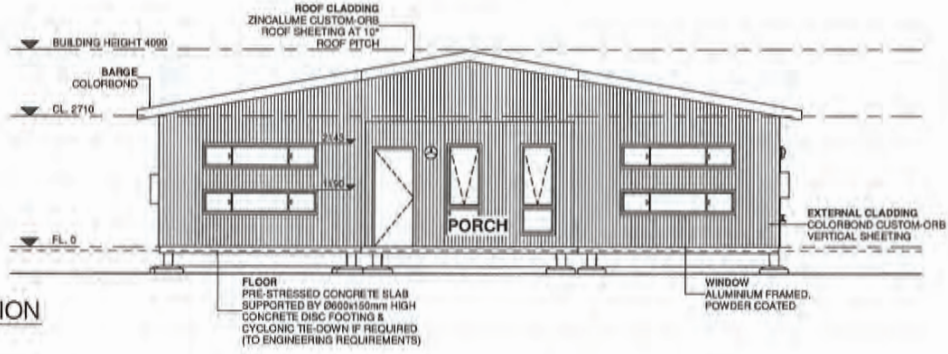
Rev	Description	Date
A	Prepare PPA drawings	05-10-20
B	Revise plans as per clients request	08-10-20

JOB No: **20101**  
 DATE: 8/10/2020-02:20 PM  
 DRAWN: ZY  
 CHECKED: BT  
 REV: SHEET  
 SCALE: **A102**  
 1 : 100

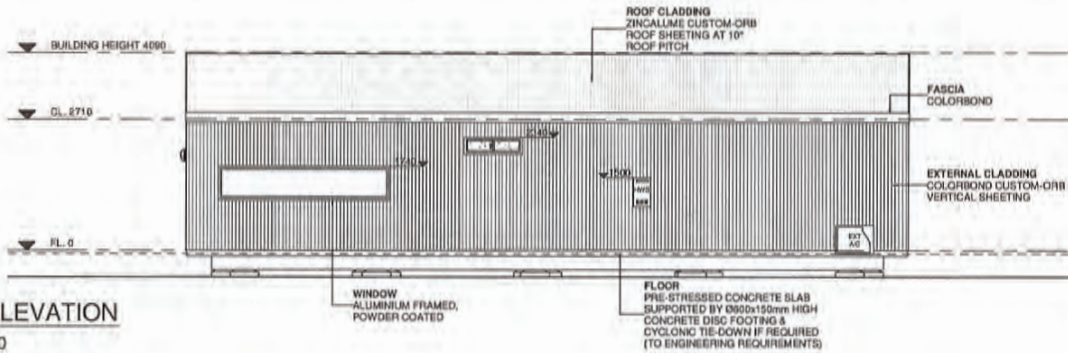
T: 08 64540919 F: 08 64540818  
 W: modularwa.com.au  
 e: sales@modularwa.com.au  
 Builders reg # 101630

Use figured dimensions in preference to scaled. Copyright  
 All dimensions to be verified and checked on the job. ©

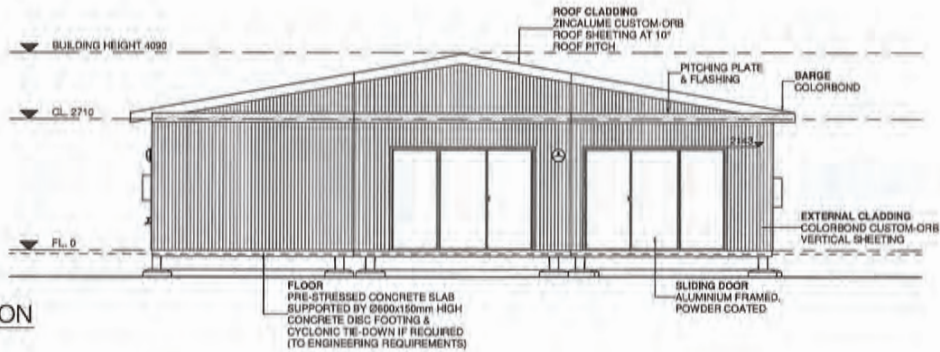
**BACKFILL  
BY OWNER**



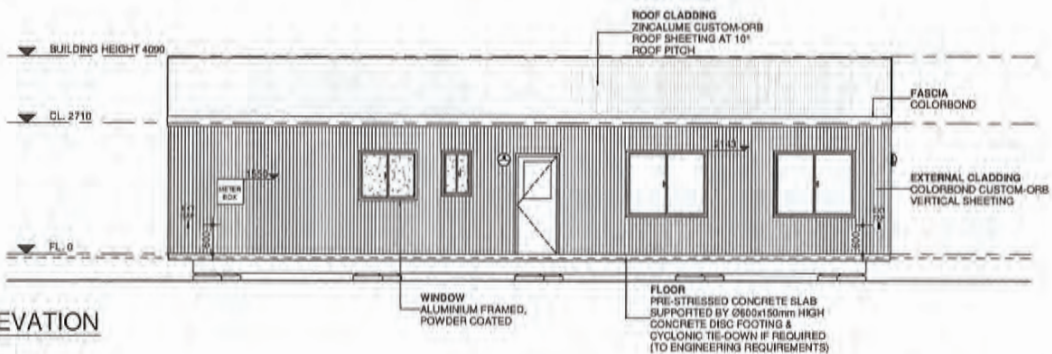
**E1 E1 ELEVATION**  
A103 1 : 100



**E2 E2 ELEVATION**  
A103 1 : 100



**E3 E3 ELEVATION**  
A103 1 : 100



**E4 E4 ELEVATION**  
A103 1 : 100

CLIENT: THE ACKROYD SUPERANNUATION FUND  
ADDRESS: EDAGGEE STATION  
CARNARVON, WA 6701  
HOUSE TYPE: TEAGUE STD(MODIFIED)

Rev	Description	Date
A	Prepare PPA drawings	05-10-20
B	Revise plans as per clients request	08-10-20

JOB No: 20101  
DATE: 8/10/2020 4:52:21 PM  
DRAWN: ZY  
CHECKED: BT  
REV: SHEET  
SCALE: 1 : 100  
A103

T: 08 64540919 F: 08 64540918  
W: modularwa.com.au  
e: sales@modularwa.com.au  
Builders reg # 101630  
Use figured dimensions in preference to scaled. All dimensions to be verified and checked on the job. ©

*Local Government Act 1995*

**SHIRE OF CARNARVON  
PARKING LOCAL LAW 2021**

Published in the Government Gazette on dd mm yy, No 1234
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Amended:
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<p>Disclaimer: This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.</p>
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**Local Government Act 1995**

**SHIRE OF CARNARVON**

**PARKING LOCAL LAW 2021**

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**Local Government Act 1995**

**SHIRE OF CARNARVON**

**PARKING LOCAL LAW 2021**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Carnarvon resolved on dd mm 2021 to make the following local law.

**PART 1 - DEFINITIONS AND OPERATION**

**1.1 Citation**

This local law may be cited as the *Shire of Carnarvon Parking Local Law 2021*.

**1.2 Application**

- (1) Subject to subclause (2), this local law applies throughout the district.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the Shire, unless the Shire and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

**1.3 Commencement**

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

**1.4 Repeal**

Part 28 of the *Shire of Carnarvon Local Laws Relating to Local Government Act Local Laws 1998* published in the *Government Gazette* on 26 February 1998 is repealed.

**1.5 Interpretation**

In this local law unless the context otherwise requires:

**Act** means the *Local Government Act 1995*;

**authorised person** means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

**authorised vehicle** means a vehicle authorised by the local government, Chief Executive Officer, authorised person or by any written law to park on a thoroughfare or parking facility;


**bicycle** has the meaning given to it by the Code;

<p>bicycle means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) -</p> <ol style="list-style-type: none"><li>(a) including a pedicab, penny-farthing and tricycle; but</li><li>(b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).</li></ol> <p style="text-align: right;">[Regulation 3(1) of the Code]</p>
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<p>bicycle path means a length of path beginning at a bicycle path sign or a bicycle path road marking and ending at the nearest of the following:</p> <ol style="list-style-type: none"><li>(a) an end bicycle path sign, or an end bicycle path road marking;</li><li>(b) a separated footpath sign or a separated footpath road marking;</li><li>(c) a carriageway;</li></ol>
--

(d) the end of the path;


Bicycle path sign



End bicycle path sign



Separated footpath sign




[Regulation 3(1) of the Code]

**bicycle lane** has the meaning given to it by the Code


**bicycle lane** means a marked lane, or the part of a marked lane —

- (a) beginning at a “bicycle lane” sign applying to the lane; and
- (b) ending at the nearest of the following:
  - (i) an “end bicycle lane” sign applying to the lane;
  - (ii) an intersection (unless the lane is at the unbroken side of the continuing road at a T-intersection or continued across the intersection by broken lines);
  - (iii) if the carriageway ends at a dead end — the end of the carriageway;

Bicycle lane sign



End bicycle lane sign



• *Note* There are a number of other permitted versions of the “bicycle lane” sign, and another permitted version of the “end bicycle lane” sign.

[Regulation 3(1) of the Code]

**bicycle path** has the meaning given to it by the Code;

bicycle path means a length of path beginning at a bicycle path sign or a bicycle path road marking and ending at the nearest of the following:

- (a) an end bicycle path sign, or an end bicycle path road marking;

- (b) a separated footpath sign or a separated footpath road marking;
- (c) a carriageway;
- (d) the end of the path;

Bicycle path sign



End bicycle path sign



Separated footpath sign



[Regulation 3(1) of the Code]

**bus** has the meaning given to it by the Code;

bus means a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver);

[Regulation 3(1) of the Code]

**bus embayment** has the meaning given to it by the Code;

bus embayment means an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane;

[Regulation 3(1) of the Code]

**bus stop** has the meaning given to it by the Code;

bus stop means a length of carriageway commencing 20m on the approach side of, and ending 10m on the departure side of, a post indicating that public busses stop at that point;

[Regulation 3(1) of the Code]

**bus zone** has the meaning given to it by the Code;

bus zone means a length of carriageway to which a bus zone sign applies;

[Regulation 3(1) of the Code]

**caravan** has the meaning given to it by the *Caravans Parks and Camping Grounds Act 1995*;

caravan means a vehicle that is fitted or designed for habitation, and unless the contrary intention

appears, includes an annexe;

[Section 5 of the Caravan Parks and Camping Grounds Act 1995]

**carriageway** has the same meaning given to it in the Code;

carriageway means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately

[Regulation 3(1) of the Code]

**centre in relation to a carriageway**, means a line or a series of lines, marks or other indications:

- a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

**childrens crossing** has the meaning given to it by the Code;

childrens crossing means a portion of carriageway between 2 parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than 5 metres apart marked across, or partly across the carriageway and near which a fluorescent red-orange flag or sign bearing the words children crossing – stop, are displayed and, where the lines are so marked partly across a carriageway, includes a portion of the carriageway between the prolongations of those lines;

Children crossing — stop sign

(octagonal background in red)

(square background in lime/yellow)



[Regulation 3(1) of the Code]

**CEO** means the Chief Executive Officer of the local government;

**Code** means the *Road Traffic Code 2000*;

**commercial vehicle** means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact being used for that purpose;

**disability parking permit** has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

disability parking permit means a current document issued by the National Disability

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Service (ACN 008 445 485), consisting of —

- (a) an Australian Disability Parking Permit; and
- (b) an ACROD Parking Program Card;

[Regulation 4 *Local Government (Parking for People with Disabilities) Regulations 2014*]

**district** means the district of the local government;

**driver** means any person driving or in control of a vehicle;

**edge line** for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

**emergency vehicle** has the meaning given to it by the Code;

emergency vehicle means a motor vehicle -

- (a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with the official duty;
- (b) of a fire brigade on official duty, in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;
- (c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;
- (d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument; or
- (e) duly authorised as an emergency vehicle for the purposes of these regulations, by the Director General;

[Regulation 3(1) of the Code]

**footpath** has the meaning given to it by the Code;

footpath means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;

[Regulation 3(1) of the Code]

**GVM** (which stands for gross vehicle mass) has the meaning given to it by the Code;

GVM means for a vehicle, the maximum loaded mass of the vehicle –

- (a) specified by the manufacturer on an identification plate on the vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General;

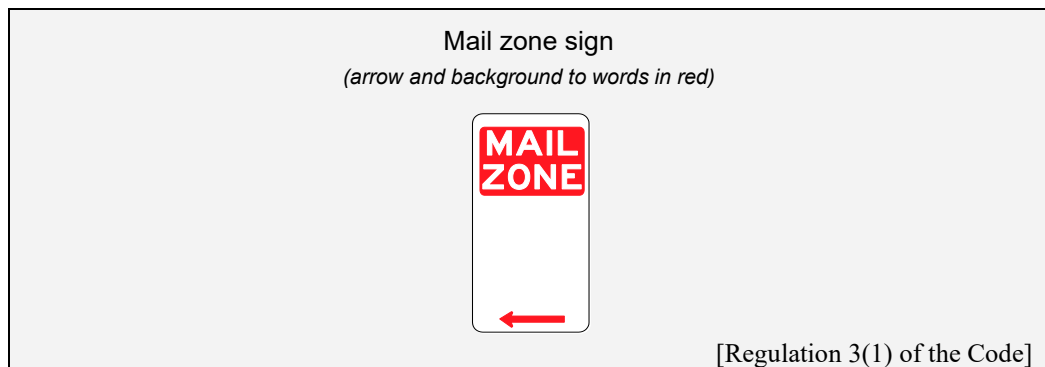
[Regulation 3(1) of the Code]

**loading zone** means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked loading zone;

**local government** means the Shire of Carnarvon;

**mail zone** has the meaning given to it by the Code;

mail zone means the length of carriageway to which a mail zone sign applies;



**median strip** has the meaning given to it by the Code;

median strip means any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions;

[Regulation 3(1) of the Code]

Note – see also definition of *painted island* and clause 4.5(2)(b) of this local law.

**metered space** means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

**metered zone** means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

**motorcycle** has the meaning given to it by the Code;

motor cycle means a motor vehicle that has 2 wheels and includes -

- (a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels,

but does not include any trailer;

[Regulation 3(1) of the Code]

**motor vehicle** means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

**nature strip** has the meaning given to it by the Code;

nature strip means an area between a carriageway and the front boundary of adjacent land, but does not include a path;

[Regulation 3(1) of the Code]

See also the definition of 'verge' in this local law

**no parking area** has the meaning given to it by the Code;

no parking area means -

- (a) a portion of carriageway to which a no parking sign applies; or
- (b) an area to which a no parking sign applies;

No parking sign  
(for a length of carriageway)  
(circle, slash and arrow in red)



No parking sign  
(for an area)  
*(circle and slash in red)*



*Note* A “no parking” sign may have an arrow pointing in a different direction.  
[Regulation 3(1) of the Code]

**no parking sign** means a sign with the words no parking in red letters on a white background, or the letter P within a red annulus and a red diagonal line across it on a white background;

**no stopping area** has the meaning given to it by the Code

no stopping area means

- (a) a portion of carriageway to which a no stopping sign applies; or
- (b) an area to which a no stopping sign applies;

No stopping sign  
(for a length of carriageway)  
*(circle, slash and arrow in red)*



No stopping sign  
(for an area)  
*(circle and slash in red)*



*Note* A “no stopping” sign may have an arrow pointing in a different direction.  
[Regulation 3(1) of the Code]

**no stopping sign** means a sign with the words no stopping or no standing in red letters on a white background or the letter S within a red annulus and a red diagonal line across it on a white background;



**obstructing** means causing or allowing a motor vehicle, trailer, or other object to stand on a road in such a way that it is likely to impede other road users;

**occupier** has the meaning given to it by the Act;

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

[Section 1.4 of the Act]

**owner**

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

owner, where used in relation to land —

- (a) means a person who is in possession as —
  - (i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple;
  - (ii) a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act;
  - (iii) a mortgagee of the land; or
  - (iv) a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant, or mortgagee, mentioned in this paragraph;
- (b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a), except that of mortgagee;
- (c) where, under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;
- (d) where a person is lawfully entitled to occupy land which is vested in the Crown, and which has no other owner according to paragraph (a), (b), or (c), means the person so entitled;
- (e) means a person who —
  - (i) under the Mining Act 1978, holds in respect of the land a mining tenement within the meaning given to that expression by that Act;
  - (ii) in accordance with the Mining Act 1978 holds, occupies, uses, or enjoys in respect of the land a mining tenement within the meaning given to that expression by the Mining Act 1904 3; or
  - (iii) under the Petroleum Act 1967 holds in respect of the land a petroleum production licence or a petroleum exploration permit within the meaning given to each of those expressions by that Act;

or

- (f) where a person is in the unauthorised occupation of Crown land, means the person so in occupation;

[Section 1.4 of the Act]

**painted island** has the meaning given to it by the Code;

*painted island* means an area of road —

- (a) entirely surrounded by a line or lines (whether broken or continuous); or
  - (b) surrounded partly by a line or lines (whether broken or continuous) and partly by a kerb on or next to the carriageway,
- which may be further identified by stripes or chevrons marked on the enclosed road surface, or by the enclosed road surface being a contrasting colour, but not including the road within a dividing line;

[Regulation 3(1) of the Code]

Note – see also definition of *median strip* and clause 4.5(2)(b) of this local law.

**park** has the meaning given to it by the Code;

park means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of —

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);

[Regulation 3(1) of the Code]

**parking area** has the meaning given to it by the Code;

• **parking area** means —

- (a) a portion of carriageway to which a “permissive parking” sign applies; or
- (b) an area to which a “permissive parking” sign applies:

Permissive parking sign  
(for a length of carriageway)



Permissive parking sign  
(for an area)



Permissive parking sign displaying a  
people with disabilities symbol  
(for a length of road)



Permissive parking sign displaying  
a people with disabilities symbol  
(for an area)



[Regulation 3(1) of the Code]

**parking control sign** has the same meaning given it by the Code

• **parking control sign** means any of the following:

- (a) a “bicycle parking” sign;
- (b) a “bus zone” sign or bus stop post;

- (c) a “clearway” sign;
- (d) a “loading zone” sign;
- (e) a “mail zone” sign;
- (f) a “motor cycle parking” sign;
- (g) a “no parking” sign;
- (h) a “no stopping” sign;
- (i) a “people with disabilities parking” sign;
- (j) a “permissive parking” sign;
- (k) a “permissive parking” sign displaying a “people with disabilities” symbol;
- (l) a “taxi zone” sign;
- (m) a “truck zone” sign;
- (p) a “works zone” sign;

[Regulation 3(1) of the Code]

**parking facility** includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with the parking of vehicles;

**parking meter** includes the stand on which the meter is erected and a ticket issuing machine;

**parking region** means the whole of the district except:

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the Shire;

**parking stall** means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

**parking station** means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

**path** has the same meaning given to it by the Code;

**path** includes bicycle path, footpath, separated footpath and shared path;

[Regulation 3(1) of the Code]

**pedestrian crossing** has the meaning given to it by the Code;

pedestrian crossing means a portion of a carriageway-

- (a) defined:
  - (i) by white stripes; or
  - (ii) by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between those stripes,

- in such a manner that each stripe is approximately parallel to the centre of the carriageway; and
- (b) near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a "pedestrian crossing" sign;

Pedestrian crossing sign

(background in yellow)



[Regulation 3(1) of the Code]

**public bus** has the same meaning given to it by the Code;

**public bus** means a bus operated by or on behalf of the State as a passenger vehicle, to carry passengers for hire or reward, whether in connection with a railway or not, but does not include a vehicle in relation to which an on demand rank or hail vehicle authorisation is in force;;

[Regulation 3(1) of the Code]

**public place** means any place to which the public has access whether or not that place is on private property;

**reserve** means any land:

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an otherwise unvested facility within section 3.53 of the Act;

**road** means a highway, road, street, lane, thoroughfare, way or similar place within the parking region which the public is allowed to use and includes the road verge and any footway within it;

**Road Traffic Act** means the *Road Traffic Act 1974*;

**Schedule** means a Schedule to this local law;

**shared zone** has the meaning given to it by the Code;

shared zone means the network of roads in an area with –

- (a) a shared zone sign on each road into the area, indicating the same number; and
- (b) an end shared zone sign on each road out of the area.

Shared zone sign

(circle in red)



End shared zone sign



*Note:* There are a number of other permitted versions of each of these signs;

*Note:* A shared zone sign may also have a different number on the sign;  
[Regulation 3(1) of the Code]

**sign** includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

**special purpose vehicle** has the meaning given to it by the Code;

special purpose vehicle means -

- (a) a vehicle being driven by a member of the Police Force (other than a police officer) on official duty or that vehicle when it is stationary at any place connected with the official duty;
- (b) a public utility service truck;
- (c) a tow truck;
- (d) a motor break-down service vehicle;
- (e) a vehicle being used by a government or local authority in connection with its roadwork or speed zoning functions; or
- (f) a vehicle duly authorised as a special purpose vehicle for the purposes of these regulations, by the Director General, but does not include an emergency vehicle;

[Regulation 3(1) of the Code]

**stop** in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

**symbol** includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

**taxi** means a taxi within the meaning of the *Road Traffic Code 2000*;

**taxi** means a vehicle used or intended to be used in providing an on-demand rank or hail passenger transport service (as defined in the *Transport (Road Passenger Services) Act 2018* section 4(1));

[Regulation 3(1) of the Code]


**on demand rank or hail passenger transport service** means an on demand passenger transport service that includes a rank or hail service;

[S4(1) Transport (Road Passenger Services) Act 2018]

**taxi zone** has the meaning given to it by the Code;

taxi zone means a length of carriageway to which a taxi zone applies;

Taxi zone sign  
(arrow and background to words in red)



*Note* There are a number of other permitted versions of this sign.

*Note* A “taxi zone” sign may have an arrow pointing in a different direction and anything on the sign may be differently arranged.

[Regulation 3(1) of the Code]

**thoroughfare** has the meaning given to it by the Act;

thoroughfare means a road or other thoroughfare and includes structures and other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

[Section 1.4 of the Act]

**ticket issuing machine** means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

**traffic island** has the meaning given to it by the Code;

traffic island means any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;

[Regulation 3(1) of the Code]

**trailer** has the meaning given to it by the Code:

**trailer** means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side-car;

[Regulation 3(1) of the Code]

**vehicle** has the meaning given to it by the Code; and

vehicle includes —

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and
- (b) where the context permits, an animal being driven or ridden;

[Section 5(1) of the Act]

**verge** has the same meaning as **nature strip**.

## 1.6 Application of particular definitions

- (1) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

- 
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the *Road Traffic Act 1974* or in the Code, then the term shall have the meaning given to it in that Act or the Code.

### 1.7 Application and pre-existing signs

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) A sign that:
- i) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
  - ii) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.
- (5) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.
- (6) The provisions of Parts 2, 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

#### 9.47. Proof of certain matters not required

In proceedings under this Act instituted by or under the direction of a local government, until evidence is given to the contrary, proof is not required of —

...

- (e) the fact that a place is within a parking region; or
- (f) the establishment or provision of a parking facility.

Section 9.47 Local Government Act 1995

### 1.8 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows:

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

### 1.9 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which:

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

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## **1.10 Powers of the local government**

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

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## PART 2 – METERED ZONES

### 2.1 Determination of metered zones

- (1) The local government may by resolution, constitute, determine and vary and also indicate by signs, metered spaces and metered zones.
- (2) In respect of metered spaces and metered zones the local government may determine, and may indicate by signs:
  - (a) permitted times and conditions of parking depending on and varying with the locality;
  - (b) classes of vehicles which are permitted to park;
  - (c) the amount payable for parking; and
  - (d) the manner of parking.
- (3) Where the local government makes a determination under subsections (1) or (2) it shall erect signs to give effect to the determination.

### 2.2 Parking fee to be paid

Subject to clause 2.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

### 2.3 Limitation on parking in metered space

The payment of a fee under clause 2.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorise the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this local law.

### 2.4 No parking when meter is expired

Subject to clause 2.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired' or a negative time.

### 2.5 Suspension of requirement to pay fee

- (1) The local government may, by resolution, declare that the provisions of clauses 2.2 and 2.4 shall not apply during the periods and days specified.
- (2) Where the local government makes a determination under subsection (1) it shall erect signs to give effect to the determination.

### 2.6 Vehicles to be within metered space

Subject to subclause (b):

- (a) A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.
- (b) If a vehicle is too long or too wide to fit completely within a single metered space then the person parking the vehicle shall do so within the minimum number of metered spaces needed to park that vehicle.
- (c) A person shall not park a vehicle partly within and partly outside a metered zone.

### 2.7 Permitted insertions in parking meters

- (1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.

- 
- (2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

**2.8 Parking ticket to be clearly visible**

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

**2.9 One vehicle per metered space**

A person shall not park or attempt to park a vehicle in a metered space in which another vehicle is parked.

**2.10 No parking when hood on meter**

Notwithstanding any other provision of this local law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked 'No Parking', 'Reserved Parking' or 'Temporary Bus Stand' or equivalent symbols depicting these purposes except with the permission of the local government or an authorised person.

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## PART 3 - PARKING STALLS AND PARKING STATIONS

### 3.1 Determination of parking stalls and parking stations

- (1) The local government may, by resolution, constitute, determine and vary:
  - (a) parking stalls;
  - (b) parking stations;
  - (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
  - (d) permitted classes of vehicles which may park in parking stalls and parking stations;
  - (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
  - (f) the manner of parking in parking stalls and parking stations.
- (2) Where the local government makes a determination under subsection (1) it shall erect signs to give effect to the determination

### 3.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than:
  - (a) parallel to and as close to the kerb as is practicable;
  - (b) wholly within the stall; and
  - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.

### 3.3 Payment of fee to park in parking station

A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless:

- (a) in the case of a parking station having an authorised person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

### 3.4 Suspension of parking station restrictions

- (1) The local government may, by resolution, declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking stations as specified.
- (2) Where the local government makes a determination under subsection (1) it shall erect signs to give effect to the determination.

### 3.5 Vehicle not to be removed until fee paid

A person shall not remove a vehicle which has been parked in a parking station until the fee associated with parking that vehicle in the parking station has been paid in full.

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### **3.6 Entitlement to receipt**

A person paying a fee at a parking station is to be entitled to receive a receipt on demand showing the period of parking covered by such payment and the amount of the fee paid.

### **3.7 Parking ticket to be clearly visible**

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

### **3.8 Parking prohibitions and restrictions**

(1) A person shall not:

- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
- (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
- (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).

(2) No person shall park any bicycle:

- (a) in a parking stall other than in a stall located against a kerb and marked 'M/C'; and
- (b) in such stall other than parked against the kerb.

(3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that:

- (a) the driver's vehicle displays a valid disability parking permit ;
- (b) a person with disabilities to which that permit relates is either the driver of or a passenger in the vehicle; and
- (c) any disability permit displayed must be clearly displayed from inside the vehicle in such a position that the permit is clearly visible to, and is able to be read by an authorised person examining the permit from outside the vehicle.

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## PART 4 - PARKING GENERALLY

### 4.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station:
  - (a) if by a sign it is set apart for the parking of vehicles of a different class;
  - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
  - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2)
  - (a) This subclause applies to a driver if:
    - (i) the driver's vehicle displays a Disability Parking Permit; and
    - (ii) a disabled person to which the Disability Parking Permit relates is either the driver of the vehicle or a passenger in the vehicle.
  - (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disability parking permit sign relates for twice the period indicated on the sign.
- (3) A person shall not park a vehicle:
  - (a) in a no parking area; or
  - (b) in a parking area, except in accordance with signs associated with the parking area and with this local law.
  - (c)
- (5) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

### 4.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking stall shall park it:
  - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
  - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
  - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
  - (e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated on a parking regulation sign or markings on the roadway.
- (2) In this clause, 'continuous dividing line' means –
  - (a) a single continuous dividing line only;
  - (b) a single continuous dividing line to the left or right of a broken dividing line; or
  - (c) 2 parallel continuous dividing lines.

**3.37. Contraventions that can lead to impounding**

- (1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.
- (2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

**29. Contraventions that may lead to impounding of goods (Act s. 3.37)**

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —

- (a) it occurs in a public place; and
- (b) either —

the presence of the goods —

- (I) presents a hazard to public safety; or
- (II) obstructs the lawful use of any place;

or

where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

- (1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.

- (2) In subregulation (1) or (1a) —

**public place** includes a place that is on private property that the public are allowed to use.

[R29 Local Government (Functions and General) Regulations 1996]

**3.38. Terms used**

**goods** means any goods involved in a contravention that can lead to impounding, and includes —

- (a) a vehicle; or
- (ab) an animal; or
- (b) a stall or other structure temporarily placed on land,
- involved in such a contravention;

[Section 3.37 Local Government Act 1995]

**4.3 When parallel and right-angled parking apply**

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is:

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway in a manner that does not obstruct the carriageway.

**4.4 When angle parking applies**

- (1) This clause does not apply to:

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

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- (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

#### **4.5 General prohibitions on parking**

- (1) (a) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
- (b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (2) Subject to any law relating to intersections with traffic control signals, a person shall not park a vehicle so that any portion of the vehicle is:
- (a) on or adjacent to a median strip or painted island;
  - (b) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
  - (c) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
  - (d) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
  - (e) on any portion of a footpath or pedestrian crossing;
  - (f) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
  - (g) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
  - (h) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
  - (i) within 3 metres of a public letter box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
  - (j) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked unless a sign or markings on the carriageway indicate otherwise.
- (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of:
- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
  - (b) a children's crossing or pedestrian crossing.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of:
- (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
  - (b) a children's crossing or pedestrian crossing.
- (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

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#### **4.6 Authorised person may order vehicle on thoroughfare to be moved**

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

#### **4.7 Authorised person may mark tyres**

- (1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

#### **4.8 No movement of vehicles to avoid time limitation**

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

#### **4.9 No parking of vehicles exposed for sale and in other circumstances**

A person shall not park a vehicle on any portion of a thoroughfare:

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

#### **4.10 Parking on private land**

- (1) In this clause a reference to 'land' does not include land:
  - (a) which belongs to the local government;
  - (b) of which the local government is the management body under the *Land Administration Act 1997*;
  - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or
  - (d) which is the subject of an agreement referred to in clause 1.7(2).
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

#### **4.11 Parking on reserves**

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

#### **4.12 Suspension of parking limitations for urgent, essential or official duties**

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.



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- (2) Where permission is granted under subclause (1), the local government, the CEO or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

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## PART 5 – PARKING AND STOPPING GENERALLY

### 5.1 No stopping and no parking signs, and yellow edge lines

(1) No stopping

A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.

(2) No parking

A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver

(a) is dropping off, or picking up, passengers or goods;

(b) does not leave the vehicle unattended; and

(c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

**unattended**, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

(3) No stopping on a carriageway with yellow edge lines

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

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## PART 6 – STOPPING IN ZONES FOR PARTICULAR VEHICLES

### 6.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is:

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers, but, in any event, shall not remain in that loading zone:
- (c) for longer than a time indicated on the 'loading zone' sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

### 6.2 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

### 6.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

### 6.4 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

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## PART 7 – OTHER PLACES WHERE STOPPING IS RESTRICTED

### 7.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless:

- (1) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;
- (2) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (3) the driver is dropping off, or picking up, passengers or goods; or
- (4) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

### 7.2 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to:
  - (a) a driver stopped in traffic; or
  - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

### 7.3 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

### 7.4 Stopping on a bridge or in a tunnel, etc.

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless:
  - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless:
  - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
  - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

### 7.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 80 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

### 7.6 Stopping near a fire hydrant etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless:

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- (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
  - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

#### **7.7 Stopping at or near a bus stop**

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, unless:
- (a) the vehicle is a public bus stopped to take up or set down passengers; or
  - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause:
- (a) distances are measured in the direction in which the driver is driving; and
  - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

#### **7.8 Stopping on a path, median strip, or traffic island or painted island**

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island, painted island, or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

#### **7.9 Stopping on verge**

- (1) A person shall not:
- (a) stop a vehicle (other than a bicycle);
  - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
  - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge or in contravention of clause 9.6,
- so that any portion of it is on a verge.
- (2) Subject to clause 9.6, subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subject to clause 9.6, subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

#### **7.10 Obstructing access to and from a path, driveway, etc.**

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless:
- (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless:

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- (a) the driver is dropping off, or picking up, passengers; or
  - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

#### **7.11 Stopping near a public letter box**

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver:

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

#### **7.12 Stopping on a carriageway – heavy and long vehicles**

(1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes:

- (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.

(2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

#### **7.13 Stopping on a carriageway with a bicycle parking sign**

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

#### **7.14 Stopping on a carriageway with motor cycle parking sign**

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless:

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

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## PART 8 – RESIDENTIAL PARKING PERMITS

### 8.1 Residential parking permit

- (1) A person may apply for a permit to park a vehicle on a thoroughfare if the person is:
  - (a) an occupier of a lot fronting the thoroughfare;
  - (b) the holder of the requisite vehicle licence under the Road Traffic Act for the vehicle; and
  - (c) subject to subclause (2), described on the vehicle licence as residing at the lot.
- (2) An applicant for a permit who is not described in accordance with subclause (1)(c), may apply for a temporary permit by stating (by way of statutory declaration) on an application for such that he or she resides at that lot.
- (3) An application for a permit shall be made in the form determined by the local government.
- (4) The local government may in respect of an application for a permit for the purpose of subclause (1) or (2):
  - (a) approve it;
  - (b) approve it subject to such conditions as the local government considers appropriate; or
  - (c) refuse to approve it.
- (5) Where the local government makes a decision under subclauses (4)(a) or (b), it shall issue a permit in the form determined by it to the person who applied for the permit.
- (6) A temporary permit issued for the purpose of subclause (2):
  - (a) will expire 3 months after it is issued; and
  - (b) is not renewable.
- (7) A permit issued for the purpose of subclause (1) may be either:
  - (a) an annual permit, issued for a period not exceeding one year and expiring on 31 December in the year of issue; or
  - (b) a temporary permit, issued for a period not exceeding 6 months from the date of issue.
- (8) Every permit issued for the purpose of subclause (1) is to specify:
  - (a) a permit number;
  - (b) the registration number of the vehicle;
  - (c) the name of the thoroughfare to which the exemption granted by clause 8.2 applies; and
  - (d) the date on which it expires.

### 8.2 Conditions of exemption for residential parking permits

Where parking of a vehicle on any part of a thoroughfare within the district is prohibited for more than a specified time, or without an unexpired parking ticket being displayed within the vehicle, the holder of a permit issued under clause 8.1 is exempted from such prohibitions if:

- (a) the vehicle is parked on a thoroughfare specified in the permit, but not adjacent to retail premises where the parking of all vehicles is subject to a time restriction;
- (b) the permit is affixed to the windscreen of the vehicle in a prominent position;
- (c) the period in respect of which the permit was issued has not expired; and
- (d) if the holder of the permit at the time of parking the vehicle still resides at the lot in respect of which the permit was issued.

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**8.3 Removal and cancellation of residential parking permit**

The holder of a permit issued under clause 8.1 who changes residence shall remove the permit from the vehicle to which it is affixed, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.

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## PART 9 – MISCELLANEOUS

### 9.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an authorised person.

### 9.2 Unauthorised signs and defacing of signs

A person shall not without the authority of the local government:

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

### 9.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

### 9.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

### 9.5 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of:

- (1) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (2) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

### 9.6 Vehicles not to obstruct a public place

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

#### 3.37. Contraventions that can lead to impounding

(1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.

(2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

#### 29. Contraventions that may lead to impounding of goods (Act s. 3.37)

(1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —

(a) it occurs in a public place; and

(b) either —

(i) the presence of the goods —

- (I) presents a hazard to public safety; or
- (II) obstructs the lawful use of any place;

or

- (ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

(1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.

- (2) In subregulation (1) or (1a) —

**public place** includes a place that is on private property that the public are allowed to use.

[R29 Local Government (Functions and General) Regulations 1996]

### 3.38. Terms used

**goods** means any goods involved in a contravention that can lead to impounding, and includes —

- (a) a vehicle; or
- (ab) an animal; or
- (b) a stall or other structure temporarily placed on land, involved in such a contravention;

[Section 3.37 Local Government Act 1995]

---

## PART 10 – PENALTIES

### 10.1 Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not less than \$1,000 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

### 10.2 Form of notices

For the purposes of this local law:

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 2;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 2;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 2; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 2.

**SCHEDULE 1 – PRESCRIBED OFFENCES**  
(Clause 10.1(4))

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to pay fee for metered space	100
2	2.3	Parking in excess of period shown on metered space	100
3	2.4	Parking when meter has expired	100
4	2.6(a)	Failure to park wholly within metered space	100
5	2.6(c)	Parking outside metered zone	100
6	2.7	Non-permitted insertion in parking meter	100
7	2.8	Failure to display ticket clearly in metered zone	100
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	100
9	2.10	Parking contrary to a meter hood	100
10	3.2	Failure to park wholly within parking stall	100
11	3.2(4)	Failure to park wholly within parking area	100
12	3.3	Failure to pay parking station fee	100
13	3.5	Leaving without paying parking station fee	100
14	3.7	Failure to display ticket clearly in parking station	100
15	3.8(1)(a)	Causing obstruction in parking station	100
16	3.8(1)(b)	Parking contrary to sign in parking station	100
17	3.8(1)(c)	Parking contrary to directions of authorised person	100
18	3.8(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	100
19	4.1(1)(a)	Parking wrong class of vehicle	100
20	4.1(1)(b)	Parking by persons of a different class	100
21	4.1(1)(c)	Parking during prohibited period	100
22	4.1(3)(a)	Parking in no parking area	100
23	4.1(3)(b)	Parking contrary to signs or limitations	100
24	4.1(3)(c)	Parking vehicle in motor cycle only area	100
25	4.1(4)	Parking motor cycle in stall not marked 'M/C'	100
26	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100
27	4.2(1)(a)	Failure to park on the left of two-way carriageway and against the flow of traffic	100
28	4.2(1)(b)	Failure to park on boundary of one-way carriageway and against the flow of traffic	100

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
29	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
30	4.2(1)(d)	Parking closer than 1 metre from another vehicle	100
31	4.2(1)(e)	Causing obstruction	100
32	4.3(b)	Failure to park at approximate right angle of 90 degrees	100
33	4.4(2)	Failure to park at an appropriate angle of 45 degrees	100
34	4.5(2)(a)	Parking on or adjacent to a median strip or painted island	100
35	4.5(2)(b)	Denying access to private drive or right of way	100
36	4.5(2)(c)	Parking beside excavation or obstruction so as to obstruct traffic	100
37	4.5(2)(d)	Parking within 10 metres of traffic island	100
38	4.5(2)(e)	Parking on footpath/pedestrian crossing	100
39	4.5(2)(f)	Parking contrary to continuous line markings	100
40	4.5(2)(g)	Parking on intersection	100
41	4.5(2)(h)	Parking within 1 metre of fire hydrant or fire plug	100
42	4.5(2)(i)	Parking within 3 metres of public letter box	100
43	4.5(2)(j)	Parking within 10 metres of intersection	100
44	4.5(3)(a)	Parking vehicle within 10 metres of departure side of bus stop	100
45	4.5(3)(b)	Parking vehicle within 10 metres of departure side of children's crossing or pedestrian crossing	100
46	4.5(4)(a)	Parking vehicle within 20 metres of approach side of bus stop	100
47	4.5(4)(b)	Parking vehicle within 20 metres of approach side of a children's or pedestrian crossing	100
48	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
49	4.6	Parking contrary to direction of authorised person	100
50	4.7(2)	Removing mark of authorised person	100
51	4.8	Moving vehicle to avoid time limitation	100
52	4.9(a)	Parking in thoroughfare for purpose of sale	100
53	4.9(b)	Parking unlicensed vehicle in thoroughfare	100
54	4.9(c)	Parking a trailer/caravan on a thoroughfare	100
55	4.9(d)	Parking in thoroughfare for purpose of repairs	100
56	4.10(1) or (2)	Parking on land that is not a parking facility without consent	100

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
57	4.10(3)	Parking on land not in accordance with consent	100
58	4.11	Driving or parking on reserve	100
59	5.1(1)	Stopping contrary to a 'no stopping' sign	100
60	5.1(2)	Parking contrary to a 'no parking' sign	100
61	5.1(3)	Stopping within continuous yellow lines	100
62	6.1	Stopping unlawfully in a loading zone	100
63	6.2	Stopping unlawfully in a taxi zone or bus zone	100
64	6.3	Stopping unlawfully in a mail zone	100
65	6.4	Stopping in a zone contrary to a sign	100
66	7.1	Stopping in a shared zone	100
67	7.2	Double parking on carriageway	100
68	7.3	Stopping near an obstruction	100
69	7.4	Stopping on a bridge or tunnel	100
70	7.5	Stopping on crests/curves	100
71	7.6	Stopping near fire hydrant	100
72	7.7	Stopping near bus stop	100
73	7.8	Stopping on path, median strip or traffic island	100
74	7.9	Stopping on verge	100
75	7.10	Obstructing path, a driveway	100
76	7.11	Stopping near public letter box	100
77	7.12	Stopping heavy or long vehicles on carriageway	100
78	7.13	Stopping in bicycle parking area	100
79	7.14	Stopping in motorcycle parking area	100
81	8.3	Failure to remove permit when residence changed	100
82	9.6	Leaving vehicle so as to obstruct a public place	100
83		All other offences not specified	100

---

**SCHEDULE 2 - FORMS**

**LOCAL GOVERNMENT ACT 1995**

**FORM 1**

**PARKING LOCAL LAW 2021**

**NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Date ..... / ..... / .....

To: (1)

of: (2)

It is alleged that on ..... / ..... / ..... at (3) .....

at (4) ..... your vehicle:

make: ..... ;

type: ..... ;

registration: ..... ,

was involved in the commission of the following offence - .....

contrary to clause ..... of the **Parking Local Law 2021**.

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

- (a) within 28 days after being served with this notice;
  - (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
  - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;
- or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5) .....

(6)

Insert:

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Signature of authorised person
- (6) Name and title of authorised person giving notice

---

**SCHEDULE 2 - FORMS  
LOCAL GOVERNMENT ACT 1995  
FORM 2  
PARKING LOCAL LAW 2021  
INFRINGEMENT NOTICE**

Serial No .....  
Date ..... / ..... / .....

To: (1)  
of: (2)  
It is alleged that on ..... / ..... / ..... at (3) .....  
at (4)  
in respect of vehicle:  
make: ..... ;  
type: ..... ;  
registration: ..... ,  
you committed the following offence:

contrary to clause ..... of the **Parking Local Law 2021**.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) ..... within a period of 28 days after the giving of this notice.

If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following actions may be taken —

Your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....  
(7)

Insert:

- (1) Name of alleged offender or 'the owner'
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice



**SCHEDULE 2 - FORMS**  
**LOCAL GOVERNMENT ACT 1995**  
**FORM 3**  
**PARKING LOCAL LAW 2021**  
**INFRINGEMENT NOTICE**

Serial No .....  
Date ..... / ..... / .....

To: (1)  
of: (2)  
It is alleged that on ..... / ..... / ..... at (3) .....  
at (4)  
in respect of vehicle:  
make: ..... ;  
type: ..... ;  
registration: ..... ,  
you committed the following offence:

contrary to clause ..... of the **Parking Local Law 2021**.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) ..... within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice:

- (a) you pay the modified penalty; or
- (b) you:
  - (i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
  - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you do not pay the modified penalty within 28 days after the date of this notice, you may be prosecuted or enforcement action may be taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994. Under that Act, some or all of the following actions may be taken —

Your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6) .....  
(7) .....

Insert:

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

---

**SCHEDULE 2 - FORMS  
LOCAL GOVERNMENT ACT 1995  
FORM 4  
PARKING LOCAL LAW 2021  
WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No .....  
Date ..... / ..... / .....

To: (1)  
of: (2)  
Infringement Notice No. .... dated ..... / ..... / .....  
in respect of vehicle:  
make: ..... ;  
type: ..... ;  
registration: ..... ,  
for the alleged offence of

has been withdrawn.

The modified penalty of \$ .....

- a) has been paid and a refund is enclosed.
- b) has not been paid and should not be paid.
- c) delete as appropriate.

(3) .....

(4)

Insert:

- (1) Name of alleged offender to whom infringement notice was given or 'the owner'.
- (2) Address of alleged offender.
- (3) Signature of authorised person
- (4) Name and title of authorised person giving notice

---

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

CR EDDIE SMITH  
SHIRE PRESIDENT

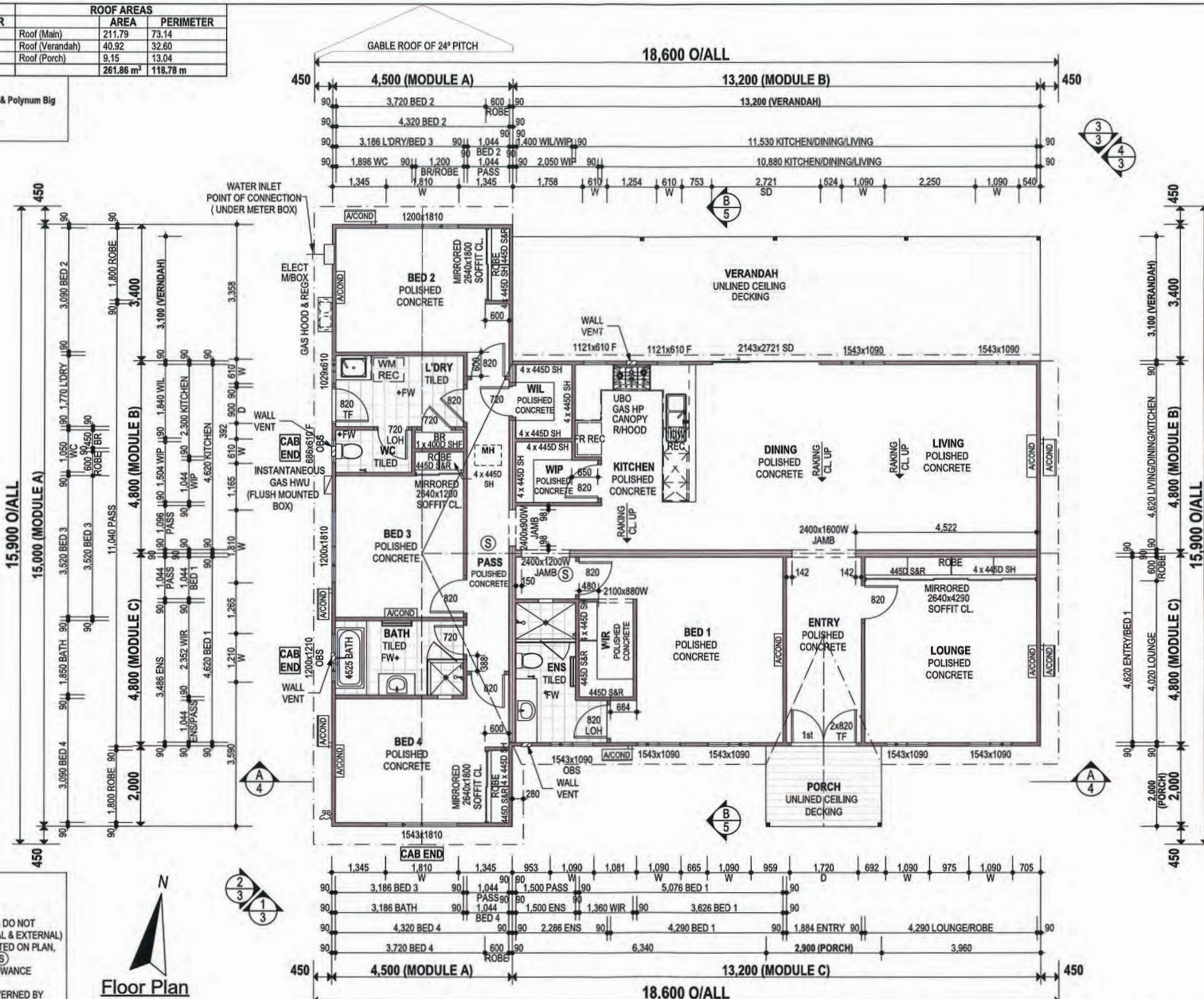
CHIEF EXECUTIVE OFFICER

DRAFT

# Schedule 8.3.8

BUILDING AREAS		ROOF AREAS			
AREA	PERIMETER	AREA	PERIMETER		
House Area	194.22	65.40	Roof (Main)	211.79	73.14
Verandah Area	40.92	32.60	Roof (Verandah)	40.92	32.60
Porch Area	5.80	9.80	Roof (Porch)	9.15	13.04
	240.94 m <sup>2</sup>	107.80 m		261.86 m <sup>2</sup>	118.78 m

**INSULATION REQUIREMENTS**  
 EXTERNAL WALL INSULATION - R2.0 Thermal Batts & Polymun Big  
 CEILING INSULATION - R2.0 Thermal Batts  
 RAKING CEILING INSULATION - R2.5 Thermal Batts  
 ROOF INSULATION - Polymun Big



DO NOT SCALE FROM THIS DRAWING  
 ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO COMMENCEMENT OF ANY WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.  
 ALL INTERNAL DIMENSIONS TO STUDWORK  
 CLIENT NOTE:  
 THIS PLAN IS TO BE READ IN CONJUNCTION WITH TR STANDARD SPECIFICATION, ADDENDA AND ENGINEERS DETAILS.  
**CEILING HEIGHT - 2725 & RAKING CEILING**  
**SOIL CLASSIFICATION - A**  
**BAL RATING - 12.5**  
**ADDITIONAL NOTES:**  
 1. PROVIDE TIMBER FRAMED CONSTRUCTION DUE TO PROXIMITY OF OCEAN.  
 2. POLISHED CONCRETE AS INDICATED.  
 3. CYCLONIC CONDITIONS.

- NOTES**
- CLIENT SUPPLIED MATERIALS & LABOUR. (REFER TO CONTRACT & ADDENDA)
  - DIMENSIONS ARE TO FRAME STUDS ONLY & DO NOT INCLUDE LININGS OR CLADDINGS. (INTERNAL & EXTERNAL)
  - SMOKE DETECTOR TO BCA 3.7.2, AS INDICATED ON PLAN, TO BE HARDWIRED & INTERCONNECTED. (S)
  - HEIGHTS ARE FROM TOP OF SLAB. NO ALLOWANCE MADE FOR FLOOR COVERINGS.
  - NO & PLACINGS OF RWP'S IS APPROX & GOVERNED BY ROOF STRUCTURE & AT PLUMBERS DISCRETION.
  - FINAL LOCATION OF HOT WATER SYSTEM IS GOVERNED BY BUILDING REGULATIONS & AT THE DISCRETION OF THE PLUMBER.
  - WATER PROOFING TO WET AREAS TO BCA 3.8.1
  - SHELF AND RAIL @ 1700AFL TO ALL ROBES UNO.
  - 4 x 445 SHELVES TO LINEN U.N.O.
  - MANHOLE CUTOUT SIZE IS 660 x 505
  - MANHOLE LOCATIONS TO THE DISCRETION OF THE BUILDER FOR SERVICES BETWEEN MODULES.
  - ALL EAVES ARE 450mm WIDE U.N.O.
  - ALL POSTS TO BE 90 x 90 x 3.5 SHS U.N.O.



**TR Homes**

**SIGNATURES:**  
 CLIENT: \_\_\_\_\_  
 CLIENT: \_\_\_\_\_  
 BUILDER: \_\_\_\_\_

**CLIENT:**  
 Jaylah PTY LTD  
**ADDRESS:**  
 Lot 26 (#26) Sailfish Drive, Coral Bay, WA

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TR Homes, 105 Kelvin Road, Maddington, WA 6109 Phone 9493 2998 Fax 9493 1127 Website www.trhomes.com.au

VARIATIONS:				VARIATIONS CONT'D:			
WD	REV:	DATE:	INT:	REV:	DATE:	INT:	
V01 - WINDOW CHANGES	A	28/10/19	VN-CD				
	B	10/11/20	JT				

<b>Sandfire Mod.</b>		DRAWN: VN-CD		DATE: 09/10/20	
CHECKED: JT		WIND RATING: C4			
CLIMATE ZONE: 1		WIND REGION: D			
SHEET NO: 1 OF 16		JOB NO: 30050		REV: B	

**NOTES:**  
CYCLONIC SCREEN TO ALL WINDOWS & SLIDING DOORS.

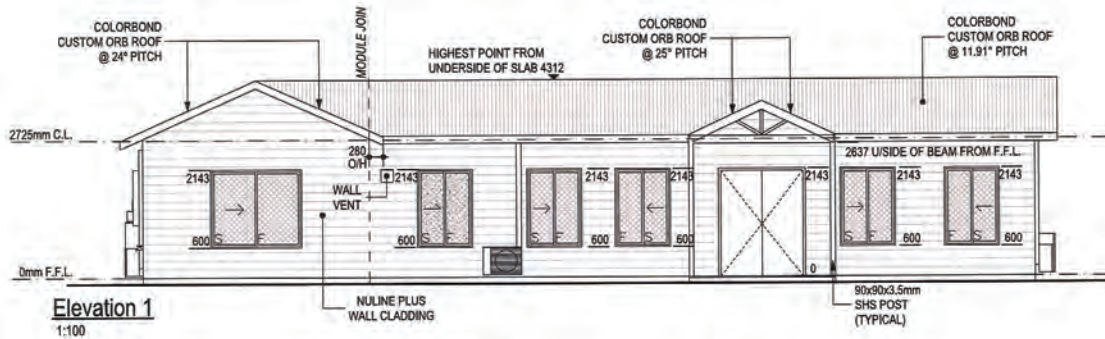
DO NOT SCALE FROM THIS DRAWING  
ALL SUBCONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO COMMENCEMENT OF ANY WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.  
ALL INTERNAL DIMENSIONS TO STUDWORK

**CLIENT NOTE:**  
THIS PLAN IS TO BE READ IN CONJUNCTION WITH TR STANDARD SPECIFICATION, ADDENDA AND ENGINEERS DETAILS.

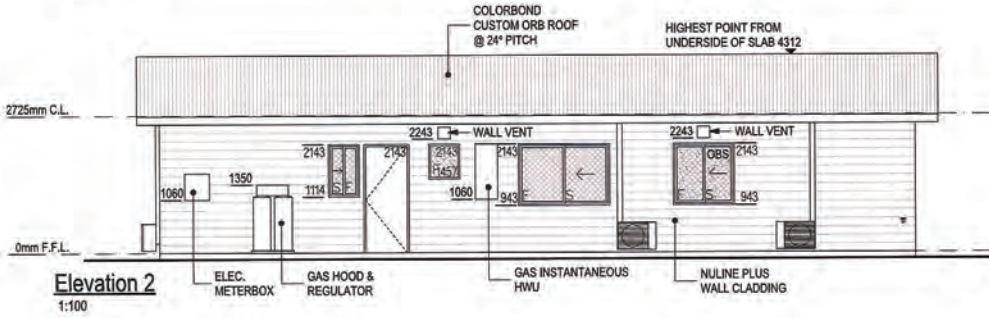
**CEILING HEIGHT - 2725 & RAKING CEILING**

**SOIL CLASSIFICATION - A**

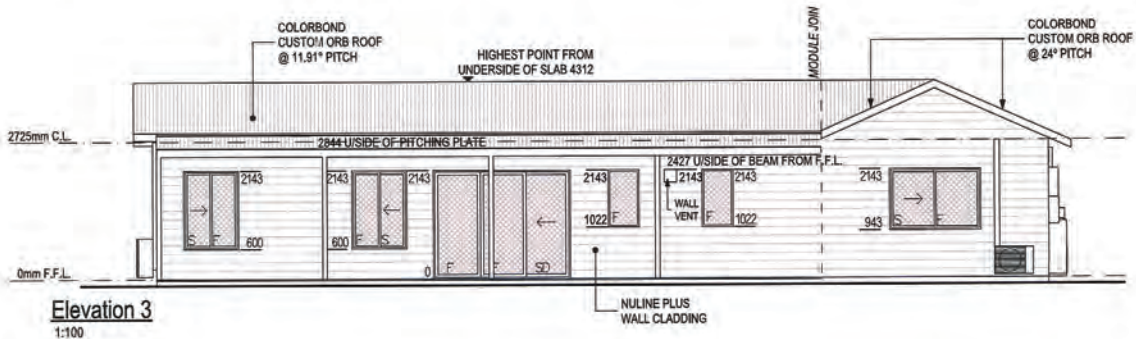
**BAL RATING - 12.5**



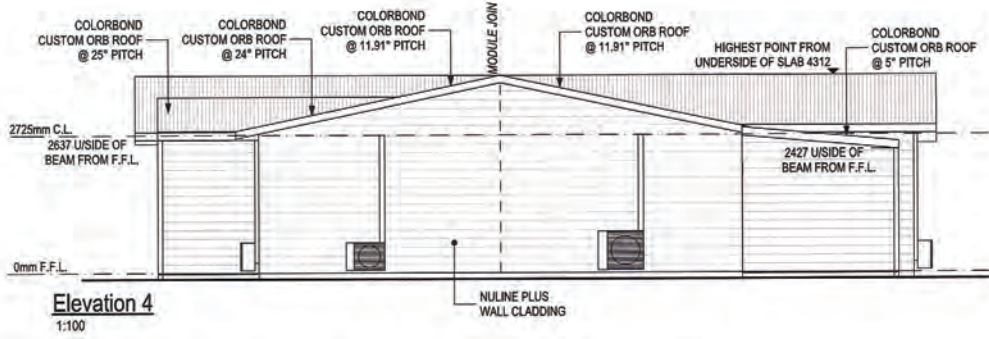
**Elevation 1**  
1:100



**Elevation 2**  
1:100



**Elevation 3**  
1:100



**Elevation 4**  
1:100



**SIGNATURES:**  
CLIENT: \_\_\_\_\_  
CLIENT: \_\_\_\_\_  
BUILDER: \_\_\_\_\_

**CLIENT:**  
Jaytuh PTY LTD  
**ADDRESS:**  
Lot 26 (#26) Sailfish Drive, Coral Bay, WA

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VARIATIONS:				VARIATIONS CONT'D:			
REV	DATE	INT		REV	DATE	INT	
A	28/10/10	VN-CD					
B	10/11/20	JT					

Sandfire Mod.			
DRAWN:	DATE:	WIND RATING:	
VN-CD	09/10/20	C4	
CHECKED: JT		WIND REGION: D	
CLIMATE ZONE: 1			
SHEET NO: 2 OF 16	JOB NO: 30050	REV: B	

LOCAL GOVERNMENT ACT 1995

## SHIRE OF CARNARVON

# MEETING PROCEDURES LOCAL LAW 2021

Published in the Government Gazette on dd/mm  
2021; number 12234

Amended:

Disclaimer:

This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

WESTERN AUSTRALIA

Local Government Act 1995

SHIRE OF CARNARVON

MEETING PROCEDURES LOCAL LAW 2021

ARRANGEMENT

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DRAFT

LOCAL GOVERNMENT ACT 1995

SHIRE OF CARNARVON

**Meeting Procedures Local Law 2021**

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Carnarvon resolved on dd mm 2021 to make the following local law.

**Part 1 - Preliminary**

**1.1 Citation**

This local law may be cited as the *Shire of Carnarvon Meeting Procedures Local Law 2021*.

**1.2 Commencement**

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

**1.3 Application and intent**

- (1) These Local Laws provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and these Local Laws.
- (3) These Local Laws are intended to result in:
  - (a) better decision-making by the Council and committees;
  - (b) the orderly conduct of meetings dealing with Council business;
  - (c) better understanding of the process of conducting meetings; and
  - (d) the more efficient and effective use of time at meetings.

**1.4 Interpretation**

- (1) In these Local Laws unless the context otherwise requires:

*absolute majority* has the meaning given to it in the Act;

*absolute majority* —

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

S1.4 Local Government Act 1995

*Act* means the *Local Government Act 1995*;

*CEO* means the Chief Executive Officer of the local government;

*committee* means a committee of the Council established under section 5.8 of the Act;

## 5.8. Establishment of committees

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

\* *Absolute majority required.*

**committee meeting** means a meeting of a committee;

**Council** means the Council of the Shire of Carnarvon;

**local government** means the Shire of Carnarvon;

**President** means the President of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;

**meeting** means a meeting of the Council or a committee, as the context requires;

**member** has the meaning given to it in the Act;

**member**, in relation to the council of a local government, means —

- (a) an elector mayor or president of the local government; or
  - (b) a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor);
- S1.4 Local Government Act 1995

## 5.10. Committee members, appointment of

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* *Absolute majority required.*

**Presiding Member** means:

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

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

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

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

- (2) Unless otherwise defined in these Local Laws, the terms and expressions used in these Local Laws are to have the meaning given to them in the Act and Regulations.

## 1.5 Repeal

- (1) The *Shire of Carnarvon Standing Orders Local Law 1998* published in the *Government Gazette* on 26 February 1998 is repealed.

## Part 2 – Establishment and membership of committees

### 2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.

#### 5.8. Establishment of committees

A local government may establish\* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

\* *Absolute majority required.*

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include:
- (a) the terms of reference of the committee;
  - (b) the number of council members, officers and other persons to be appointed to the committee;
  - (c) the names or titles of the council members and officers to be appointed to the committee;
  - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
  - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) These Local Laws are to apply to the conduct of committee meetings.

### 2.2 Types of committees

The types of committees are dealt with in the Act.

#### 5.9. Committees, types of

- (1) In this section —  
*other person* means a person who is not a council member or an employee.
- (2) A committee is to comprise —
- (a) council members only; or
  - (b) council members and employees; or
  - (c) council members, employees and other persons; or
  - (d) council members and other persons; or
  - (e) employees and other persons; or
  - (f) other persons only.

### 2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

### **5.16. Delegation of some powers and duties to certain committees**

- (1) Under and subject to section 5.17, a local government may delegate\* to a committee any of its powers and duties other than this power of delegation.

\* *Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
  - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
  - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

### **2.4 Limits on delegation of powers and duties to certain committees**

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

### **5.17. Limits on delegation of powers and duties to certain committees**

- (1) A local government can delegate —
  - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
    - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
    - (ii) any other power or duty that is prescribed;and
  - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
  - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
    - (i) the local government's property; or
    - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

*[Section 5.17 amended by No. 49 of 2004 s. 16(2).]*

### **2.5 Appointment of committee members**

The appointment of committee members is dealt with in the Act.

## **5.10. Committee members, appointment of**

- (1) A committee is to have as its members —
  - (a) persons appointed\* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
  - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

\* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
  - (a) to be a member of the committee; or
  - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

## **2.6 Tenure of committee membership**

Tenure of committee membership is dealt with in the Act.

#### **5.11. Committee membership, tenure of**

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
  - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
  - (b) the person resigns from membership of the committee; or
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
  - (a) the term of the person's appointment as a committee member expires; or
  - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
  - (c) the committee is disbanded; or
  - (d) the next ordinary elections day,whichever happens first.

#### **2.7 Resignation of committee members**

The resignation of committee members is dealt with in the Regulations.

#### **4. Committee members, resignation of**

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

*Regulation 4 Local Government (Administration) Regulations 1996*

#### **2.8 Register of delegations to committees**

The register of delegations to committees is dealt with in the Act.

#### **5.18. Register of delegations to committees**

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

#### **2.9 Committees to report**

A committee:

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

### **Part 3 - Calling and convening meetings**



### 3.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.

#### 5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

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

### 3.2 Calling Council meetings

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

#### 5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
  - (i) the mayor or president; or
  - (ii) at least  $\frac{1}{3}$  of the councillors,in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

### 3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.

#### 5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

### 3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the President, the Presiding Member of a committee or any two members of that committee.

### 3.5 **Public notice of meetings**

Public notice of meetings is dealt with in the Regulations.

#### **12. Meetings, public notice of (Act s. 5.25(1)(g))**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
  - (a) the ordinary council meetings; and
  - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

*Regulation 12 Local Government (Administration) Regulations 1996*

## Part 4 – Presiding Member and quorum

### *Division 1: Who presides*

#### 4.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

#### **5.6. Who presides at council meetings**

- (1) The mayor or president is to preside at all meetings of the council.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,then, the council is to choose one of the councillors present to preside at the meeting.

#### 4.2 When the Deputy President can act

When the Deputy President can act is dealt with in the Act.

#### **5.34. When deputy mayors and deputy presidents can act**

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

#### 4.3 Who acts if no President

Who acts if there is no President is dealt with in the Act.

### **5.35. Who acts if no mayor, president or deputy**

- (1) If the circumstances mentioned in section 5.34(a) or (b) apply and —
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.

- (2) If the circumstances mentioned in section 5.34(a) or (b) apply and —
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.

#### **4.4 Election of Presiding Members of committees**

The election of Presiding Members of committees and their deputies is dealt with in the Act.

### **5.12. Presiding members and deputies, election of**

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
  - (a) to “office” were references to “office of presiding member”; and
  - (b) to “council” were references to “committee”; and
  - (c) to “councillors” were references to “committee members”.

#### **4.5 Election of Deputy Presiding Members of committees**

The election of Deputy Presiding Members of committees is dealt with in the Act.

### **5.12. Presiding members and deputies, election of**

- (1) ...
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
  - (a) to “office” were references to “office of deputy presiding member”; and
  - (b) to “council” were references to “committee”; and
  - (c) to “councillors” were references to “committee members”; and
  - (d) to “mayor or president” were references to “presiding member”.

#### **4.6 Functions of Deputy Presiding Members**

The functions of Deputy Presiding Members are dealt with in the Act.

**5.13. Deputy presiding members, functions of**

If, in relation to the presiding member of a committee —

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member.

**4.7 Who acts if no Presiding Member**

Who acts if no Presiding Member is dealt with in the Act.

**5.14. Who acts if no presiding member**

If, in relation to the presiding member of a committee —

- (a) the office of presiding member and the office of deputy presiding member are vacant; or
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

*Division 2 – Quorum*

**4.8 Quorum for meetings**

The quorum for meetings is dealt with in the Act.

**5.19. Quorum for meetings**

The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

**4.9 Reduction of quorum for Council meetings**

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

**5.7. Minister may reduce number for quorum and certain majorities**

- (1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.
- (2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting.

**4.10 Reduction of quorum for committee meetings**

The reduction of a quorum for committee meetings is dealt with in the Act.

**5.15. Reduction of quorum for committees**

The local government may reduce\* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

\* *Absolute majority required.*

**4.11 Procedure where no quorum to begin a meeting**

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

**8. No quorum, procedure if (Act s. 5.25(1)(c))**

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned —

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president; or
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member; or
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present; or
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorised by the CEO.

*Regulation 8 Local Government (Administration) Regulations 1996*

**4.12 Procedure where quorum not present during a meeting**

If at any time during a meeting a quorum is not present, the Presiding Member is:

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

**4.13 Names to be recorded**

At any meeting:

- (a) at which there is not a quorum present; or
  - (b) which is adjourned for want of a quorum,
- the names of the Members then present are to be recorded in the minutes.

## **Part 5 - Business of a meeting**

**5.1 Business to be specified**

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that :
  - (a) specified in the notice of the meeting which had been adjourned; and

- (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

## **5.2 Order of business**

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:
  - 1. Declaration of Opening/Announcement of Visitors
  - 2. Attendance
    - 2.1 Apologies
    - 2.2 Approved leave of absence
  - 3. Declarations of interest
    - 3.1 Declarations of Financial Interests
    - 3.2 Declarations of Proximity Interests
    - 3.3 Declarations of Impartiality Interests
  - 4. Public Question Time
    - 4.1 Response to previous public questions taken on notice
    - 4.2 Public question time
  - 5. Confirmation of minutes of previous meetings
  - 6. Announcements from the Presiding Member without discussion
  - 7. Presentations
    - 7.1 Petitions
    - 7.2 Presentations
    - 7.3 Deputations
    - 7.4 Delegates' reports
  - 8. Reports
    - 8.1 Reports of Committees
    - 8.2 Reports of Officers
  - 9. Applications for leave of absence
  - 10. Motions of which previous notice has been given
  - 11. Questions from Members without notice
  - 12. New business of an urgent nature introduced by decision of the meeting
  - 13. Meeting closed to public
    - 13.1 Matters for which the meeting may be closed
    - 13.2 Public reading of resolutions that may be made public
  - 14. Closure
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

**5.24. Question time for public**

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and
  - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Extract from *Local Government (Administration) Regulations 1996*:

**5. Question time for public, meetings that require prescribed (Act s. 5.24)**

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

**6. Question time for public, minimum time for (Act s. 5.24(2))**

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

**7. Question time for public, procedure for (Act s. 5.24(2))**

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
  - (a) by the person presiding at the meeting; or
  - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
  - (a) a council to answer a question that does not relate to a matter affecting the local government; or



- (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
  - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
- (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.

### **5.3 Motions of which previous notice has been given**

- (1) Unless the Act, Regulations or these Local Laws otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 8 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO -
  - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Local Laws or any other written law;
  - (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
  - (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
  - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless:
  - (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
  - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

### **5.4 New business of an urgent nature**

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.

## **Part 6 - Public participation**

### **6.1 Meetings generally open to the public**

Meetings being generally open to the public is dealt with in the Act.

### **5.23. Meetings generally open to public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
  - (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.
  
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
  - (a) a matter affecting an employee or employees; and
  - (b) the personal affairs of any person; and
  - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret; or
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government; and
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;and
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.
  
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

### **6.2 Meetings not open to the public**

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.

- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried:
  - (a) the Presiding Member is to direct everyone to leave the meeting except:
    - (i) the Members;
    - (ii) the CEO; and
    - (iii) any Officer specified by the Presiding Member; and
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

### **6.3 Question time for the public**

Question time for the public is dealt with in the Act.

#### **5.24. Question time for public**

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and
  - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

### **6.4 Question time for the public at certain meetings**

Question time for the public at certain meetings is dealt with in the Regulations.

**5. Question time for public, meetings that require prescribed (Act s. 5.24)**

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

**6. Question time for public, minimum time for (Act s. 5.24(2))**

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

**7. Question time for public, procedure for (Act s. 5.24(2))**

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
  - (a) by the person presiding at the meeting; or
  - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,

having regard to the requirements of subregulations (2), (3) and (5).

- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
  - (a) a council to answer a question that does not relate to a matter affecting the local government; or
  - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
  - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.

*Extract from Local Government (Administration) Regulations 1996*

## 6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

### 6. Question time for public, minimum time for (Act s. 5.24(2))

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

*Extract from Local Government (Administration) Regulations 1996*

## 6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

### 7. Question time for public, procedure for (Act s. 5.24(2))

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
  - (a) by the person presiding at the meeting; or
  - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
  - (a) a council to answer a question that does not relate to a matter affecting the local government; or
  - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
  - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.

*Extract from Local Government (Administration) Regulations 1996*

## **6.7 Other procedures for question time for the public**

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
  - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
  - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
  - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall **have two minutes** to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

## **6.8 Distinguished visitors**

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

## **6.9 Deputations**

- (1) Any person or group wishing to be received as a deputation by the Council is to either :
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
  - (a) approve the request and invite the deputation to attend a meeting of the Council; or
  - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
  - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;

- (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
  - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

**6.10 Petitions**

- (1) A petition is to -
- (a) be addressed to the President;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request; and
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition.
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
- (a) the matter is the subject of a report included in the agenda; and
  - (b) the Council has considered the issues raised in the petition.

**6.11 Presentations**

- (1) In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

**6.12 Participation at committee meetings**

- (1) In this clause a reference to a person is to a person who:
- (a) is entitled to attend a committee meeting;
  - (b) attends a committee meeting; and
  - (c) is not a member of that committee.

**5.23. Meetings generally open to public**

- (1) Subject to subsection (2), the following are to be open to members of the public —
- (a) all council meetings; and
  - (b) all meetings of any committee to which a local government power or duty has been delegated.

- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for **up to 3 minutes**.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.

- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

### **6.13 Council may meet to hear public submissions**

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:
  - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
  - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
  - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

### **6.14 Public Inspection of agenda materials**

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised during normal business hours at the local governments offices and on the local government's website.



**14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))**

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —
  - (a) are to be tabled at the meeting; or
  - (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.

- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

**6.15 Confidentiality of information withheld**

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be:
  - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
  - (b) marked "*Confidential*" in the agenda; and
  - (c) kept confidential by Officers and Members until the Council resolves otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

**6.16 Recording of proceedings**

A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

**6.17 Prevention of disturbance**

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

## Part 7 - Questions by Members

- to the
- (1) Members may ask questions relating to an item on the notice paper or on matters related good government of persons in the district.
  - (2) A Member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.
  - (3) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that -
    - (i) the question be placed on notice for the next meeting of Council; and
    - (ii) the answer to the question be given to the Member who asked it within 14 days.
  - (4) Every question and answer -
    - (i) is to be brief and concise; and
    - (ii) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
  - (5) In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

## Part 8 – Conduct of Members

### 8.1 Members to be in their proper places

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

### 8.2 Respect to the Presiding Member

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

### 8.3 Titles to be used

A speaker, when referring to the President, Deputy President or Presiding Member, or a Member or Officer, is to use the title of that person's office.

### 8.4 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

### 8.5 Members to indicate their intention to speak

- (1) A member who wishes to speak at a Council meeting –
  - (i) Must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and
  - (ii) When invited by the Presiding Member to speak, and unless otherwise determined by the Council, must stand and address the meeting through the Presiding Member.
- (2) A member who is unable to stand conveniently because of sickness or disability may sit while speaking.

### 8.6 Priority of speaking

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.

- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

### **8.7 Presiding Member may take part in debates**

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with these Local Laws.

### **8.8 Relevance**

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may:
  - (a) call the attention of the meeting to:
    - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
    - (ii) any breach of order by a Member; and
  - (b) direct that Member, if speaking, to discontinue his or her speech.
- (3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

### **8.9 Speaking twice**

A Member is not to address the Council more than once on any motion or amendment except:

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

### **8.10 Duration of speeches**

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

### **8.11 No speaking after conclusion of debate**

A Member is not to speak on any motion or amendment:

- (a) after the mover has replied; or
- (b) after the question has been put.

### **8.12 No interruption**

A Member is not to interrupt another Member who is speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the Member be no longer heard (see clause 11.1(e)).

### **8.13 Personal explanations**

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

#### **8.14 No reopening of discussion**

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 16).

#### **8.15 Adverse reflection**

- (1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 16), unless the meeting resolves without debate that the matter before the meeting cannot otherwise be adequately considered.
- (2) A Member is not:
  - (a) to reflect adversely on the character or actions of another Member or Officer; or
  - (b) to impute any motive to a Member or Officer,unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.
- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:
  - (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
  - (b) the Council may, by resolution, decide to record those words in the minutes.

#### **8.16 Withdrawal of offensive language**

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which:
  - (a) in the absence of a resolution under clause 8.15:
    - (i) reflects adversely on the character or actions of another Member or Officer; or
    - (ii) imputes any motive to a Member or Officer; or
  - (b) is offensive or insulting,must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

## **Part 9 - Preserving order**

#### **9.1 Presiding Member to preserve order**

- (1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

#### **9.2 Point of order**

- (1) A Member may object, by way of a point of order, only to a breach of:
  - (a) any of these Local Laws; or
  - (b) any other written law.
- (2) Despite anything in these Local Laws to the contrary, a point of order:
  - (a) takes precedence over any discussion; and

- (b) until determined, suspends the consideration or discussion of any other matter.

### **9.3 Procedures on a point of order**

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume his or her seat until:
  - (a) the Member raising the point of order has been heard; and
  - (b) the Presiding Member has ruled on the point of order,and, if permitted, the Member who has been interrupted may then proceed.

### **9.4 Calling attention to breach**

A Member may, at any time, draw the attention of the Presiding Member to any breach of these local laws.

### **9.5 Ruling by the Presiding Member**

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that:
  - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
  - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

### **9.6 Continued breach of order**

If a Member:

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

### **9.7 Right of Presiding Member to adjourn**

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

## **Part 10 - Debate of substantive motions**

### **10.1 Motions to be stated and in writing**

Any Member who wishes to move a substantive motion or an amendment to a substantive motion:

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

### **10.2 Motions to be supported**

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.

- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

### **10.3 Unopposed business**

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

### **10.4 Only one substantive motion at a time**

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

### **10.5 Order of call in debate**

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

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

### **10.6 Limit of debate**

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

### **10.7 Member may require question to be read**

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

### **10.8 Consent of seconder required for alteration**

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

### **10.9 Order of amendments**

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

### **10.10 Form of an amendment**

An amendment must add, delete, or substitute words to the substantive motion.

### **10.11 Amendment must not negate original motion**

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

### **10.12 Relevance of amendments**

Each amendment is to be relevant to the motion in respect of which it is moved.

### **10.13 Mover of motion may speak on amendment**

Any Member may speak during debate on an amendment.

**10.14 Effect of an amendment**

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

**10.15 Withdrawal of motion or amendment**

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

**10.16 Right of reply**

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised:
  - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
  - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply:
  - (a) no other Member is to speak on the question;
  - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

## **Part 11 - Procedural motions**

**11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions:

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public (see clause 6.2).

**11.2 No debate**

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

**11.3 Who may move**

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

**11.4 Procedural motions - right of reply on substantive motion**

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

**11.5 Meeting to proceed to the next business**

The motion “that the meeting proceed to the next business”, if carried, has the effect that:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

**11.6 Debate to be adjourned**

A motion “that the debate be adjourned”:

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

**11.7 Meeting now adjourn**

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution.
- (3) A motion “that the meeting now adjourn”:
  - (a) is to state the time and date to which the meeting is to be adjourned; and
  - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

**11.8 Question to be put**

- (1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

**11.9 Member to be no longer heard**

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

**11.10 Ruling of the Presiding Member to be disagreed with**

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

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**Part 12 - Disclosure of interests**



### 12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

Sections 5.59 – 5.90 of the Act deal with disclosures of interest.

## Part 13 - Voting

### 13.1 Question - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member -
  - (a) is to put the question to the Council; and
  - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

### 13.2 Voting

Voting is dealt with in the Act and the Regulations.

#### 5.21. Voting

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.
- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.
- (4) If a member of a council or a committee specifically requests that there be recorded —
  - (a) his or her vote; or
  - (b) the vote of all members present,on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

Extract from *Local Government (Administration) Regulations 1996*:

#### 9. Voting to be open (Act s. 5.25(1)(d))

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

### 13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

#### **1.4. Terms used**

In this Act, unless the contrary intention appears —

***absolute majority*** —

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

#### **13.4 Method of taking vote**

- (1) In taking the vote on any motion or amendment the Presiding Member:
  - (a) is to put the question, first in the affirmative, and then in the negative;
  - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
  - (c) may accept a vote on the voices or may require a show of hands; and,
  - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded -
  - (a) his or her vote; or,
  - (b) the vote of all members present,on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (4) If a Member calls for a division:
  - (a) those voting in the affirmative are to pass to the right of the Chair; and
  - (b) those voting in the negative are to pass to the left of the Chair.
- (5) For every division, the CEO is to record:
  - (a) the name of each member who voted; and
  - (b) whether he or she voted in the affirmative or negative.

### **Part 14 – Minutes of meetings**

#### **14.1 Keeping of minutes**

The keeping and confirmation of minutes are dealt with in the Act.

### **5.22. Minutes of council and committee meetings**

- (1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

## **14.2 Content of minutes**

- (1) The content of minutes is dealt with in the Regulations.

### **11. Minutes, content of (Act s. 5.25(1)(f))**

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.

Extract from *Local Government (Administration) Regulations 1996*

- (2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

## **14.3 Public inspection of unconfirmed minutes**

The public inspection of unconfirmed minutes is dealt with in the Regulations.

**13. Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))**

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) in the case of a council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

**14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))**

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —
  - (a) are to be tabled at the meeting; or
  - (b) have been produced by the local government or a committee for presentation at the meeting,and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.
- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

Extract from *Local Government (Administration) Regulations 1996*

**14.4 Confirmation of minutes**

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes -
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

## **Part 15 - Adjournment of meeting**

**15.1 Meeting may be adjourned**

The Council may adjourn any meeting:

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

**15.2 Effect of adjournment**

Where any matter, motion, debate or meeting is adjourned under these Local Laws:

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 [speaking twice] apply when the debate is resumed.

## **Part 16 – Revoking or changing decisions**

### **16.1 Requirements to revoke or change decisions**

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

#### **10. Revoking or changing decisions (Act s. 5.25(1)(e))**

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
  - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
  - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
  - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

*Extract from Local Government (Administration) Regulations 1996*

### **16.2 Limitations on powers to revoke or change decisions**

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
  - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
  - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

### **16.3 Implementing a decision**

- (1) In this clause:
  - (a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;

- (b) "implement", in relation to a decision, includes:
    - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
    - (ii) take any other action to give effect to the decision; and
  - (c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the local laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
  - (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
  - (4) A decision made at a meeting is not to be implemented by the CEO or any other person:
    - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
    - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
  - (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
    - (a) is to take effect only in accordance with this clause; and
    - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

#### **5.41. Functions of CEO**

The CEO's functions are to —

...

- (c) cause council decisions to be implemented; and

...

## **Part 17 - Suspension of Local Laws**

### **17.1 Suspension of Local Laws**

- (1) A Member may at any time move that the operation of one or more of the provisions of these Local Laws be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is:
  - (a) seconded; and
  - (b) carried by an absolute majority,
 is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

### **17.2 Where local laws do not apply**

- (1) In situations where:
  - (a) one or more provisions of these local laws have been suspended;
 or

(b) a matter is not regulated by the Act, the Regulations or these Standing Orders,  
the Presiding Member is to decide questions relating to the conduct of the meeting.

(2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

**17.3 Cases not provided for in local laws**

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these local laws, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

## **Part 18 - Meetings of electors**

**18.1 Electors' general meetings**

Electors' general meetings are dealt with in the Act.

**5.27. Electors' general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

**18.2 Matters for discussion at electors' general meetings**

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

**15. Matters to be discussed at general meeting (Act s. 5.27(3))**

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

**18.3 Electors' special meetings**

Electors' special meetings are dealt with in the Act.

**5.28. Electors' special meetings**

- (1) A special meeting of the electors of a district is to be held on the request of not less than —
  - (a) 100 electors or 5% of the number of electors —whichever is the lesser number; or
  - (b)  $\frac{1}{3}$  of the number of council members.
- (2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- (3) The request is to be sent to the mayor or president.
- (4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.

**18.4 Requests for electors' special meetings**

Requests for electors' special meetings are dealt with in the Regulations.

**16. Request for special meeting, form of (Act s. 5.28(2))**

A request for a special meeting of the electors of a district is to be in the form of Form 1.

Extract from *Local Government (Administration) Regulations 1996*

**18.5 Convening electors' meetings**

Convening electors' meetings is dealt with in the Act.

**5.29. Convening electors' meetings**

- (1) The CEO is to convene an electors' meeting by giving —
  - (a) at least 14 days' local public notice; and
  - (b) each council member at least 14 days' notice,of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

**18.6 Who presides at electors' meetings**

Who presides at electors' meetings is dealt with in the Act.



### **5.30. Who presides at electors' meetings**

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
  - (a) the office of deputy mayor or deputy president is vacant; or
  - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

### **18.7 Procedure for electors' meetings**

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to these local laws.

### **5.31. Procedure for electors' meetings**

The procedure to be followed at, and in respect of, electors meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

### **18. Procedure at meeting (Act s. 5.31)**

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

*Extract from Local Government (Administration) Regulations 1996*

### **18.8 Participation of non-electors**

A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

### **18.9 Voting at electors' meetings**

Voting at electors' meetings is dealt with in the Regulations.

### **17. Voting at meeting (Act s. 5.31)**

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

*Extract from Local Government (Administration) Regulations 1996*

### **18.10 Minutes of electors' meetings**

Minutes of electors' meetings are dealt with in the Act.

**5.32. Minutes of electors' meetings**

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

**18.11 Decisions made at electors' meetings**

Decisions made at electors' meetings are dealt with in the Act.

**5.33. Decisions made at electors' meetings**

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

- (a) at the first ordinary council meeting after that meeting; or
- (b) at a special meeting called for that purpose,

whichever happens first.

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

**Part 19 - Enforcement**

**19.1 Penalty for breach**

A person who breaches a provision of these Local Laws commits an offence.

**Penalty: \$1,000.00 and a daily penalty of \$100.00.**

**19.2 Who can prosecute**

Who can prosecute is dealt with in the Act.

**9.24. Prosecutions, commencing**

- (1) A prosecution for an offence against this Act may be commenced by —
  - (a) the Departmental CEO or a person authorised by the Departmental CEO to do so; or
  - (b) a person who is acting in the course of his or her duties as an employee of a local government or a regional local government; or
  - (c) a person who is authorised to do so by a local government or a regional local government.
- (2) A prosecution for an offence against a local law may be commenced by —
  - (a) a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or
  - (b) a person who is authorised to do so by the local government or regional local government that made the local law.

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The Common Seal of the Shire of Carnarvon was affixed by authority of a resolution of the Council in the presence of –

.....  
Cr Eddie Smith  
President

.....  
Chief Executive Officer

## Shire of Carnarvon

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# WASTE LOCAL LAW 2021

DRAFT

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Amended:
Disclaimer: This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

*Waste Avoidance and Resource Recovery Act 2007*  
*Local Government Act 1995*

Shire of Carnarvon

**Waste Local Law 2021**

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DRAFT

**Waste Avoidance and Resource Recovery Act 2007  
Local Government Act 1995**

**Shire of Carnarvon**

## **Waste Local Law 2021**

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Carnarvon resolved on dd mm yyyy to make the following local law.

### **Part 1 - Preliminary**

#### **1.1 Short title**

This is the *Shire of Carnarvon Waste Local Law 2021*.

#### **1.2 Commencement**

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

#### **1.3 Application**

This local law applies throughout the district.

#### **1.4 Repeal**

Division 2 of Part 4 Division 2 of the *Shire of Carnarvon Health Local Law 1997*, published in the *Government Gazette* on 23 July 1997 is repealed.

#### **1.5 Meaning of terms used in this local law**

1) In this local law—

**authorised person** means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

**collectable waste** means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

**collectable waste receptacle** means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;

(b) a general waste receptacle; or

(c) an organic waste receptacle;

**collection** when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

**collection day** means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

**collection time** means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

**costs** of the local government include administrative costs;

**Council** means the council of the local government;

**district** means the district of the local government;

**general waste receptacle** means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

**LG Act** means the *Local Government Act 1995*;

**LG Regulations** means the *Local Government (Functions and General) Regulations 1996*;

**local government** means the Shire of Carnarvon;

**local government waste** has the same meaning as in the WARR Act;

**non-collectable waste** has the meaning set out in Schedule 1;

**occupier** in relation to premises, means any or all of the following—

(a) a person by whom or on whose behalf the premises are actually occupied; or

(b) a person having the management or control of the premises;

**organic waste** means waste that decomposes readily, such as garden waste or food waste;

**organic waste receptacle** means a receptacle for the deposit and collection of organic waste;

**owner** has the same meaning as in the LG Act;

**public place** includes a place to which the public ordinarily have access, whether or not by payment of a fee;

**receptacle** means a receptacle—



- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

**recycling waste receptacle** means a receptacle for the deposit and collection of recycling waste;

**recycling waste** means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

**specified** means specified by the local government or an authorised person, as the case may be;

**street alignment** means the boundary between the land comprising a street and the land that abuts the street;

**WARR Act** means the *Waste Avoidance and Resource Recovery Act 2007*;

**waste** has the same meaning as in the WARR Act;

**waste facility** means a waste facility, as defined in the WARR Act, that is operated by the local government; and

**waste service** has the same meaning as in the WARR Act.

- 2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

## 1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter –

- (a) Local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (b) The determination becomes effective only after local public notice has been given;

- (c) The determination remains in force for the period of one year after the date that local public notice has been given under subclause (a);
- (d) After the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) The determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

## 1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act.

## 1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

## Part 2 - Local government waste

### 2.1 Supply of receptacles

- 1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- 2) The owner of premises to which subclause (1) applies must —
  - (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
  - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

Any person who deposits litter, or causes litter to be deposited, on any land or on or into any waters commits an offence unless the litter is deposited —

- (a) on private land by consent; or
- (b) in an appointed area; or
- (c) in a place or receptacle set aside or provided for that purpose; or
- (d) on land adjacent to private land by arrangement with, or at the invitation of, a public authority with a view to the litter being collected and removed by the public authority.

Penalty:

- (a) for an individual, a fine of \$5 000;
- (b) for a body corporate, a fine of \$10 000.

*[Section 23 amended by No. 6 of 1996 s. 5; No. 30 of 2012 s. 4.]*

*s23 of the Litter Act 1979*

## **2.2 Deposit of waste in receptacles**

- 1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- 2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

## **2.3 General waste receptacles**

- 1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—
  - (a) where the receptacle has a capacity of 140 litres—more than 70 kilograms of collectable waste; or
  - (b) where the receptacle has any other capacity—more than the weight determined by the local government.
- 2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- 3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

## **2.4 Recycling waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 360 litres— more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

## **2.5 Organic waste receptacles**

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres - more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity - more than the weight determined by the local government.

## **2.6 Direction to place or remove a receptacle**

- 1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises —
  - (a) to place a receptacle in respect of those premises for collection; or
  - (b) to remove a receptacle in respect of those premises after collection.
- 2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- 3) An owner or occupier of premises must comply with a direction given under this clause.

## **2.7 Duties of owner or occupier**

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, to ensure that, within a reasonable period before collection time, each receptacle is —
  - (i) within 1 metre of the carriageway;
  - (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
  - (iii) facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

## **2.8 Exemption**

- 1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- 2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- 3) An exemption granted under this clause must state—

- (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the local government or the authorised person.
- 4) An exemption granted under this clause ceases to apply –
- (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
  - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.84)(a).

## **2.9 Damaging or removing receptacles**

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

## **2.10 Verge collections**

- 1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
  - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
  - (b) must otherwise comply with those terms and conditions.
- 2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- 3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- 4) Clause 2.102) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

## **Part 3 - General duties**

### **3.1 Duties of an owner or occupier**

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that an adequate number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
  - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
  - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
  - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises.
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

**25. Rubbish bins etc., owner of certain land may be required to provide etc.**

- (1) This section applies to any area of land that is frequented by the public for or in connection with business, commercial, recreational or other purposes and whether on payment of a fee or not.
- (2) A public authority in whose district or area of jurisdiction an area of land to which this section applies is situated may by notice in writing served on a person who is the owner of, or has the control of that area —
  - (a) require that person to provide and maintain on that area such number of litter receptacles of a type specified in the notice as is specified in the notice; and
  - (b) give such directions as the public authority thinks fit in order to ensure that those receptacles are placed in positions where they will be most effective.
- (3) A public authority may, in writing, request the Council to exercise the powers conferred on the public authority by subsection (2) in relation to an area of land specified in the request and the Council may exercise those powers in terms of that request and, where it does so, references in this section to the public authority shall be read and construed as references to the Council.
- (4) A notice served under subsection (2) in respect of an area of land may be —
  - (a) replaced or varied by a subsequent notice served under that subsection on the owner or person who has the control of that area;
  - (b) rescinded by notice in writing served on the owner or person who has the control of that area.
- (5) A notice served under subsection (2) shall come into force on such date (being a date not less than 60 days after the service of the notice) as is specified therein unless, before that date, an application for a review of any requirement or direction in the notice has been made pursuant to subsection (6).
- (6) A person who is dissatisfied with any requirement or direction in a notice served under subsection (2) may apply to the State Administrative Tribunal for a review of the requirement or direction.
- [(7), (8) deleted]*
- (9) Where any requirement or direction in a notice as in force under this section in respect of an area of land is not being complied with, the owner or person who has the control of that area is guilty of an offence.  
Penalty: a fine of \$1 000 together with a daily penalty of \$100 in respect of each day on which the offence continues.
- (10) Where a person provides litter receptacles in accordance with the requirements of a notice served under subsection (2) he shall forthwith advise the public authority to that effect.
- (11) A person who has provided litter receptacles in accordance with the requirements of a notice served under subsection (2) shall ensure that those receptacles are emptied as often as is necessary or as is required by the public authority.

### **3.2 Removal of waste from premises**

- 1) A person must not remove any waste from premises unless that person is—
  - (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the local government or an authorised person.
- 2) A person must not remove any waste from a receptacle without the approval of—
  - (a) the local government or an authorised person; or
  - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

### **3.3 Receptacles and containers for public use**

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

## **Part 4 - Operation of waste facilities**

### **4.1 Operation of this Part**

This Part applies to a person who enters a waste facility.

### **4.2 Hours of operation**

The local government may from time to time determine the hours of operation of a waste facility.

### **4.3 Signs and directions**

- 1) The local government or an authorised person may regulate the use of a waste facility—
  - (a) by means of a sign; or
  - (b) by giving a direction to a person within a waste facility.

- 2) A person within a waste facility must comply with a sign or direction under subclause (1).
- 3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- 4) A person must comply with a direction under subclause (3).

#### **4.4 Fees and charges**

- 1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- 2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- 3) Subclause (1) does not apply—
  - (a) to a person who disposes of waste in accordance with the terms of—
    - (i) a credit arrangement with the local government; or
    - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
  - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

#### **4.5 Depositing waste**

- 1) A person must not deposit waste at a waste facility other than—
  - (a) at a location identified by a sign and in accordance with the sign; and
  - (b) in accordance with the direction of an authorised person.
- 2) The local government may determine the classification of any waste that may be deposited at a waste facility.

#### **4.6 Prohibited activities**

- 1) Unless authorised by the local government, a person must not—
  - (a) remove any waste or any other thing from a waste facility;
  - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
  - (c) light a fire in a waste facility;
  - (d) remove, damage or otherwise interfere with any flora in a waste facility;



- (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
  - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- 2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

## **Part 5 - Enforcement**

### **5.1 Objection and appeal rights**

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to grant, renew, vary or cancel –

- (a) An approval under clause 2.7(b);
- (b) An exemption under clause 2.8(2);
- (c) An approval under clause 2.9(b);
- (d) An approval under clause 2.10(1);
- (e) An authorisation under clause 3.2(1)(c);
- (f) An approval granted under clause 3.2(2); and
- (g) An approval under clause 3.3.

### **5.2 Offences and general penalty**

- 1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.
- 2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

### **5.3 Other costs and expenses**

- 1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.2, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—
- (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
  - (b) making good any damage caused to a waste facility.
- 2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

#### **5.4 Prescribed offences**

- 1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- 2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

#### **5.5 Form of notices**

- 1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.
- 2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.
- 3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

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## Schedule 1 - Meaning of 'non-collectable waste'

**non-collectable waste** means –

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical or electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

## Schedule 2 - Prescribed offences

Item No.	Clause No.	Description	Modified Penalty (\$)
1	2.12)(a)	Failing to pay fee or charge	100
2	2.12)(b)	Failing to ensure lawful use of receptacle	100
3	2.21)	Depositing non-collectable waste in a receptacle	100
4	2.22)	Depositing waste in another receptacle without consent	100
5	2.31)	Exceeding weight capacity of a general waste receptacle	100
6	2.32) and (3)	Depositing unauthorised waste in a general waste receptacle	100
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	100
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	100
9	2.5(a)	Depositing unauthorised waste in an organic waste receptacle	100
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	10
11	2.63)	Failing to comply with a direction concerning placement or removal of a receptacle	100
12	2.7(a)	Failing to keep a receptacle in the required location	100
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	100
14	2.7(c)	take reasonable steps to ensure that the premises are provided with an adequate number of receptacles	100
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	100
16	2.9(a)	Damaging, destroying or interfering with a receptacle	150
17	2.9(b)	Removing a receptacle from premises without permission or authorisation	100
18	2.10(1)	Failing to comply with a term or condition of verge waste collection	100
19	2.102)	Removing waste from a verge waste collection for commercial purposes	150
20	2.10(3)	Disassembling or tampering with waste deposited for collection	150
21	3.1(a)	Failing to provide a adequate number of receptacles	100
22	3.1(b)	Failing to keep a receptacle in a good condition and repair	100
23	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	150
24	3.1(c)(ii)	Failing to prevent the emission of offensive or noxious odours from a receptacle	150
25	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	150

<b>Item No.</b>	<b>Clause No.</b>	<b>Description</b>	<b>Modified Penalty (\$)</b>
26	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	150
27	3.21)	Unauthorised removal of waste from premises	100
28	3.22)	Removing waste from a receptacle without approval	100
29	3.3	Depositing household, commercial or other waste into, or removing waste from, a receptacle provided for the use of the general public in a public place without approval	100
30	4.32)	Failing to comply with a sign or direction	100
31	4.33)	Failing to comply with a direction to leave	100
32	4.41)	Disposing waste without payment of fee or charge	100
33	4.51)	Depositing waste contrary to sign or direction	100
34	4.61)(a)	Removing waste without authority in a waste facility	250
35	4.61)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	500
36	4.61)(c)	Lighting a fire in a waste facility	300
37	4.61)(d)	Removing or interfering with any flora in a waste facility	300
38	4.61)(e)	Removing or interfering with any fauna without approval in a waste facility	300
39	4.61)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	500
40	4.62)	Acting in an abusive or threatening manner	300

Consented to:

\_\_\_\_\_  
Chief Executive Officer  
Department of Water and Environment Regulation.  
Dated this \_\_\_\_\_ of \_\_\_\_\_ 2021

The Common Seal of the Shire of Carnarvon was affixed by authority of a resolution of the Council in the presence of—

\_\_\_\_\_  
Cr Eddie Smith  
Shire President

\_\_\_\_\_  
Chief Executive Officer  
Dated this \_\_\_\_\_ of \_\_\_\_\_ 2021

DRAFT

**Local Government Act 1995**

**Shire of Carnarvon Health Amendment Local Law 2021**

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Carnarvon resolved on **dd mm** 2021 to make the following local law:

**1. Citation**

This local law is cited as the *Shire of Carnarvon Health Amendment Local Law 2021*.

**2. Commencement**

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

**3. Principal local law**

This local law amends the *Shire of Carnarvon Heath Local Law 1997* as published in the *Government Gazette* on 23 July 1997.

**4. Clause 70(3) amended**

In clause 70(3), the word ‘not’ is inserted after ‘This Section shall’.

**5. Clause 73(b) amended**

In clause 73(b) of the principal local law the words ‘except where registered homing pigeons are freed for exercise,’ are deleted.

**6. Clause 73A added**

Clause 73A is added as follows:

73A. A person shall not release a pigeon or pigeons anywhere in the district unless that person is also an owner or occupier of property in the district.

\_\_\_\_\_  
Dated **dd mm**2021

The Common Seal of the Shire of Carnarvon was affixed by authority of a resolution of the Council in the presence of –

.....  
President

.....  
Chief Executive Officer

CEMETERIES ACT 1986  
LOCAL GOVERNMENT ACT 1995  
*Shire of Carnarvon*  
**Cemeteries Amendment Local Law 2021**

Under the powers conferred by the *Cemeteries Act 1986*, the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Greater Geraldton resolved on dd mm 2021 to make the following local law:

**1. Citation**

This local law is cited as the *Shire of Carnarvon Cemeteries Amendment Local Law 2021*.

**2. Commencement**

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

**3. Principal Local Law**

This local law amends the Shire of Carnarvon Cemeteries Local Law as published in the *Government Gazette* on 26 February 1998.

**4. ‘Council’ replaced with ‘local government’**

‘Council’ is replaced with ‘local government’ wherever it appears in:

- (a) The definitions of “authorised person” and “single funeral permit” in clause 2; and
- (b) Clauses 6, 7, 8, 11, 12, 13, 15, 16, 18, 20, 21, 30, 33, 54, 55, and 58.

**5. Clause 50 amended**

Clause 50 is deleted and replaced with:

50. Clause 49 shall not apply to an ‘assistance animal’ as defined in section 9(2) of the *Disability Discrimination Act 1992 (Cth)* or with the approval of the CEO or an authorised officer.

**6. Clause 57 amended**

In clause 57, \$500 is replaced with \$5,000 and \$20 is replaced with \$500.

**7. First Schedule amended**

In the First Schedule, all modified penalties listed in the fourth column of the table are replaced with \$100.

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Dated dd mm 2020

The Common Seal of the Shire of Carnarvon was affixed by authority of a resolution of the Council in the presence of –

.....  
Eddie Smith  
President

.....  
Chief Executive Officer



***Local Government Act 1995***

***Dog Act 1976***

**SHIRE OF CARNARVON  
DOG LOCAL LAW 2021**

Published in the Government Gazette on dd mm yy, number 123.

Amended:  
Government Gazettes; dd mm 2019, No 1234

Disclaimer:  
This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

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**Local Government Act 1995  
Dog Act 1976**

**SHIRE OF CARNARVON  
DOGS LOCAL LAW 2021**

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### Note

Most issues regulating dogs are dealt with by the Dog Act 1976 and Dog Regulations 2013. This includes:

- Registration of dogs;
- 'Dangerous dogs' as defined by the Act;
- Operation of dog management facilities (pounds), including:
  - Issues in relation to the impounding of dogs;
  - Attendance of a poundkeeper at the pound;; and
  - Release of impounded dogs are dealt with by the Dog Act 1976, and in particular section 29.
- Registration fees (although fees for the seizure and impounding of a dog may be set by a local government in its annual budget under section 6.16 of the Local Government Act 1995);
- How off leash dog exercise areas are established;
- Dogs wandering at large;
- Dogs not under control;
- Dog attacks;
- Provisions about assistance animals such as guide dogs;
- Modified penalties applicable for minor offences.

The only matters that a local government may make local laws about are listed in section 51 of the Dog Act:

*A local government may so make local laws —*

*(a) providing for the registration of dogs;*

*[(b) deleted]*

*(c) specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;*

*(d) requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;*

*(e) providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;*

*(f) providing for the detention, maintenance, care and release or disposal of dogs seized;*

*(g) as to the destruction of dogs pursuant to the powers hereinbefore conferred;*

*[(h) deleted]*

*(i) providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.*

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**Local Government Act 1995  
Dog Act 1976**

**SHIRE OF CARNARVON**

**DOGS LOCAL LAW 2021**

Under the powers conferred by the *Local Government Act 1995*, the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Carnarvon resolved on dd mm 2021 to make the following local law.

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Carnarvon Dogs Local Law 2021*.

**1.2 Repeal**

The *Shire of Carnarvon Dogs Local Law 1990* published in the *Government Gazette* on 12 October 1990 and amended in the *Government Gazette* on 20 March 1992, 30 June 1992, and 9 July 1993 is repealed.

**1.3 Definitions**

In this local law unless the context otherwise requires -

**Act** means the *Dog Act 1976*;

**authorised person** means a person authorised by the local government to perform all or any of the functions conferred on an authorised person under this local law;

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**local government** means the Shire of Carnarvon;

**local planning scheme** means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

“premises” shall, for the purpose of determining who is the occupier, be taken to refer to any land or building, or part of any land or building, that is or is intended to be occupied as a separate residence from any adjacent tenement, and includes a mobile home;

s3(1) Dog Act 1976

**Regulations** means the *Dog Regulations 2013*;

**Schedule** means a schedule in this local law; and

**thoroughfare** has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

**1.4 Application**

This local law applies throughout the district.

---

## PART 2 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

### 2.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must -
  - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
  - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
  - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
  - (d) maintain the fence and all gates and doors in the fence in good order and condition;
  - (e) ensure the fence is erected and maintained in accordance with the provisions of the *Shire of Carnarvon Fencing Local Law* or a policy made under a local planning scheme ; and
  - (f) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

### 2.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
  - (a) licensed under Part 3 as an approved kennel establishment;
  - (b) granted an exemption under section 26(3) of the Act; or
  - (c) established as a veterinary hospital or a veterinary clinic.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act is two (2) dogs over the age of 3 months and the young of those dogs under that age unless—
  - (a) the premises are on land situated within a part of the district where kennels are permissible under a Local Planning Scheme of the Shire; and
  - (b) the premises are licensed as an approved kennel establishment.

---

## PART 3 - APPROVED KENNEL ESTABLISHMENTS

### 3.1 Interpretation

In this Part and in Schedule 2 -

**licence** means a licence to keep an approved kennel establishment on premises;

**licensee** means the holder of a licence;

**premises**, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

**transferee** means a person who applies for the transfer of a licence to her or him under clause 3.14.

### 3.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with –

- (a) evidence of planning approval obtained from the local government;
- (b) plans and specifications of the kennel establishment, including a site plan;
- (c) copies of the notices to be given under clause 3.3;
- (d) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (e) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (f) the fee for the application for a licence referred to in clause 3.10.

### 3.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged –

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that -

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where –

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

---

### **3.4 Exemption from notice requirements**

(1) Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a -

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 3.2(c), 3.3 and 3.5(c) do not apply in respect of the application for a licence.

(2) The local government may require advertising of an application as part of the planning process.

### **3.5 When application can be determined**

An application for a licence is not to be determined by the local government until –

- (a) planning approval has been given by the local government;
- (b) the applicant has complied with clause 3.2;
- (c) the applicant submits proof that the notices referred to in clause 3.3(1) have been given in accordance with that clause; and
- (d) the local government has considered any written submissions received within the time specified in clause 3.3(2)(a) on the proposed use of the premises.

### **3.6 Determination of application**

In determining an application for a licence, the local government is to have regard to –

- (a) the matters referred to in clause 3.7;
- (b) any written submissions received within the time specified in clause 3.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the approved kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

### **3.7 Where application cannot be approved**

The local government cannot approve an application for a licence where -

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme unless prior valid planning approval has been issued by the local government and the application for a licence is consistent with that approval; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

### **3.8 Conditions of approval**

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.



- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

### 3.9 Compliance with conditions of approval

Penalties applicable where a licensee does not comply with the conditions of a licence are contained in the Act and Regulations.

Extract from *Dog Act 1976*:

#### 27. Licensing of approved kennel establishments

(1) Where, under section 26(1)(a) or (b), a limit is imposed on the number of dogs that can be kept in or at any premises situate in a local government's district area, and a person proposes to keep more than that number of dogs in or at premises in that area that are not exempt from the limitation, the person must apply for the premises in question to be licensed as an approved kennel establishment.

(2) A person who keeps, or permits or suffers to be kept, any dog over the age of 3 months of a breed or kind to which that licence applies at an approved kennel establishment otherwise than in accordance with the licence relating to that establishment commits an offence.

Penalty:

(a) a fine of \$5 000;

(b) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.

Extract from *Dog Regulations 2013*:

#### 33. Modified penalties for offences under the principal Act

(1) For section 45A(1)(a), the offences under a provision of the Act specified in column 2 of the Table are offences in relation to which a modified penalty applies.

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
13.	s. 27(2)	Breach of kennel establishment licence			200

### 3.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.15 - 6.19 of the *Local Government Act 1995*.

### 3.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

### 3.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 3.10(2) is paid to the local government prior to the expiry of the licence.

- 
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

Extract from s27 of the *Dog Act 1976*:

(4) A licence to keep an approved kennel establishment may be granted by a local government on an application made in the prescribed manner and form, which may be required to be supported by evidence that due notice of the proposed use of the land has been given to persons in the locality, and where notice is required to be given the local government shall have regard to any objections raised.

(5) A licence under this section has effect for a period of 12 months, and is renewable upon payment of the prescribed fee, but may be cancelled at any time by the local government if the local government is dissatisfied with the conduct of the establishment.

### 3.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence –
- (a) on the request of the licensee;
  - (b) following a breach of the Act, the Regulations or this local law; or
  - (c) if in the opinion of the local government the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of –
- (a) paragraph (a) of subclause (2), the date requested by the licensee; or
  - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.

Section 27(6) and (7) of the *Dog Act 1976* state -

(6) The cancellation of a licence under this section shall be effected by the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months.

(7) Where —

- (a) the local government refuses the grant of a licence under this section; or
- (b) notice of the cancellation of a licence under this section is given,

the applicant or the licensee as the case may be may apply to the State Administrative Tribunal for a review of the decision.

### 3.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be-
- (a) made in the form determined by the local government;
  - (b) made by the transferee;
  - (c) made with the written consent of the licensee; and
  - (d) lodged with the local government together with –
    - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
    - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

- 
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
  - (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 3.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

### **3.15 Notification**

The local government is to give written notice to -

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 3.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 3.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 3.13(2), which notice is to be given in accordance with section 27(6) of the Act.

### **3.16 Inspection of kennel**

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

Section 12A(2) and (3) of the Dog Act 1976 states –

- (2) With the authority of a warrant, an authorised person, and any other person named in the warrant, may enter and inspect any premises for any purpose relating to the enforcement of this Act.
- (3) If he is satisfied that there are reasonable grounds for doing so, a Justice of the Peace may issue a warrant for the purpose of subsection (2).

## **PART 4 - MISCELLANEOUS**

### **4.1 Offence to excrete**

- (1) A dog must not excrete on –
  - (a) any thoroughfare, any dog exercise area or other public place; or
  - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

## **PART 5 - ENFORCEMENT**

### **5.1 Interpretation**

In this Part -

---

**infringement notice** means the notice referred to in clause 5.3; and

**notice of withdrawal** means the notice referred to in clause 5.7(1).

## **5.2 Offences and general penalty**

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

## **5.3 Modified penalties**

The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

## **5.4 Issue of infringement notice**

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 8 of the First Schedule of the Regulations.

## **5.5 Failure to pay modified penalty**

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

## **5.6 Payment of modified penalty**

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

## **5.7 Withdrawal of infringement notice**

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 9 of the First Schedule of the Regulations.
- (2) A person authorised to issue an infringement notice under clause 5.4 cannot sign or send a notice of withdrawal.

---

**SCHEDULE 1 - APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

(clause 3.2)

**DOGS LOCAL LAW 2019**

I/we (full name) .....

of (postal address) .....

(telephone number) .....

(facsimile number) .....

(E-mail address) .....

Apply for a licence for an approved kennel establishment at (address of premises) .....

For (number and breed of dogs) .....

\* (insert name of person) ..... will be residing at the premises on and from (insert date) .....

\* (insert name of person) ..... will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at ..... (insert address of residence) on and from ..... (insert date).

Attached are -

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside -
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as ....., in the keeping of dogs at the proposed kennel establishment.

Signature of applicant .....

Date .....

\* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act.

---

OFFICE USE ONLY

Application fee paid on [insert date].

---

**SCHEDULE 2 - CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**  
(clause 3.8(1))

An application for a licence for an approved kennel establishment may be approved subject to the following conditions -

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than -
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be -
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;

- 
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of -
- (i) 2m; or
  - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheathed internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside -
- (i) at the premises; or
  - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.
- DRAFT

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**SCHEDULE 3 - OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY  
APPLIES  
(clause 5.3)**

<b>Offence</b>	<b>Nature of offence</b>	<b>Modified penalty \$</b>
2.1	Failing to provide means for effectively confining a dog	100
6.1(2)	Dog excreting in prohibited place	100

**Note:**

Regulation 33 of the Dog Regulations 2013 sets out a number of modified penalties for offences under the Act, including those applicable where a dangerous dog is involved.

DRAFT



# DOG EXERCISE AREAS

## How can I exercise my dog safely?

There are a number of areas throughout the Shire of Carnarvon where you can exercise your dog. This map shows the on and off leash areas, as well as the prohibited areas. Reserves within the Shire of Carnarvon are clearly sign posted.

## Where can I exercise my dog?

The Shire of Carnarvon has designated many reserves called 'dog exercise areas'. In these areas your dog may run freely and below are a few helpful hints to help you avoid on-the-spot-fines:

- A person capable of controlling the dog must be near the dog at all times.
- Carry a leash so it can be quickly attached to gain control of the dog.
- Remove any excreta left by the dog.
- The dog must not chase or harass any other person, animal or bird.



## Excreta

Permitting your dog to excrete on a street, reserve, someone else's yard or other public place and failing to remove and adequately dispose of such excreta is an offence under the Shire of Carnarvon Local Laws relating to Dogs.

## DOG EXERCISE - OFF LEASH AREAS

1. **Pelican Point**  
Pelican point Road  
From the first beach access 1km south Binning Road, to the ablution block carpark beach access.
2. **Brockman Park**  
Bibra Way Brockman
3. **Town Oval**  
Hill St and Egan Streets
4. **Hutchinson Park -**  
Babbage Island Road
5. **Festival Grounds**  
Bastion oval  
Premier Oval is prohibited
6. **Wise Park -**  
William Street
7. **Baxter Park**  
Cleaver and West Street  
Prohibited along Fascine Foreshore  
And with children's playground
8. **Carey and McKenna Levy Area**  
Carey and McKenna Streets

**REMEMBER** the dog must always be under effective control, so if you can't control your dog then keep it on a leash.

Other than the areas listed as dog exercise areas or prohibited areas, dogs must be on a leash at all times in a public place.

This is a requirement by law of the *Dog Act 1976*.

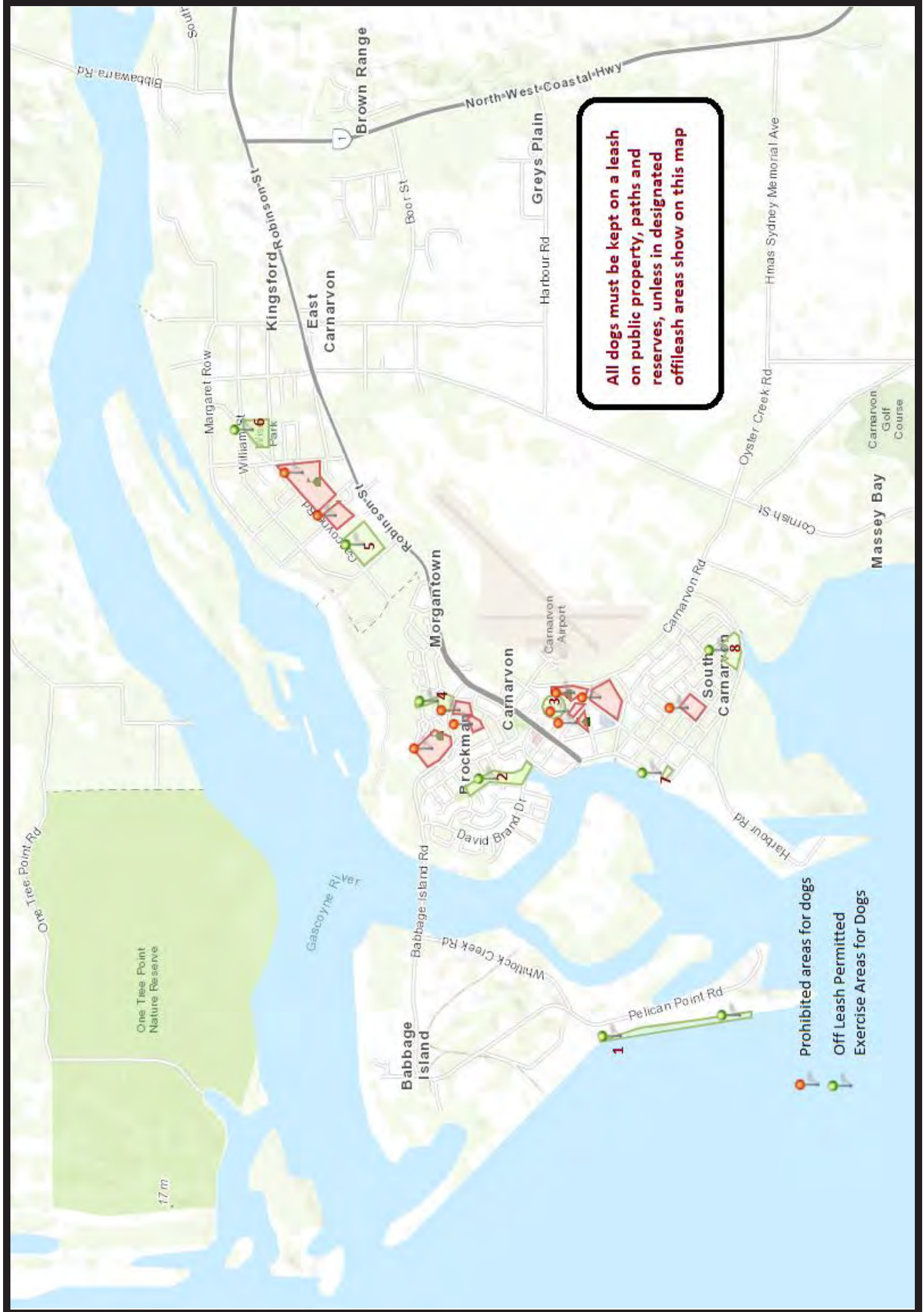
## CORAL BAY

Dogs are required to be on a lead in all public areas within Coral Bay & Mauds Landing areas



## WHERE AM I NOT ALLOWED TO TAKE MY DOG?

You cannot take your dog to the following areas unless it is an assistance animal under the Disabilities Act 2006:

- Public areas where there is a sporting, community or activity or event in progress or about to commence.
- Cemeteries
- Schools, college campuses
- Public Swimming Pools
- Children's Playgrounds
- Civic Centre and public buildings



**All dogs must be kept on a leash on public property, paths and reserves, unless in designated offleash areas show on this map**

-  Prohibited areas for dogs
-  Off Leash Permitted Exercise Areas for Dogs

One Tree Point Nature Reserve

17m

Carnarvon Golf Course

Massey Bay

Hmas Sydney Memorial Ave

Oyster Creek Rd

Carnarvon Rd

Harbour Rd

Pelican Point Rd

Whitlock Creek Rd

Babbage Island Rd

Gascoyne River

Babbage Island

Prockman

Carnarvon

Carnarvon Airport

Morgantown

East Carnarvon

Kingsford Robinsons St

Brown Range

North-West Coastal Hwy

Greys Plain

Harbour Rd

Boor St

South

Bibbawara Rd

Margaret Row

William St

Green Park

Robinsons St

Green Rd

One Tree Point Rd

Cornish St

Carnarvon Rd

Harbour Rd

1

3

2

4

7

8

5

6

## Shire of Carnarvon

**ESTABLISHMENT OF PLACES WHERE DOGS ARE PROHIBITED ABSOLUTELY AND PLACES WHICH ARE DOG EXERCISE AREAS UNDER s31(3A) OF THE DOG ACT 1976**

**Places where dogs are prohibited absolutely**

- 1) Dogs are prohibited absolutely from entering or being in any of the following places –
  - a) a public building, unless permitted by a sign;
  - b) a theatre or picture gardens;
  - c) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*;
  - d) a public swimming pool; and
  - e) Cemeteries – Carnarvon Cemetery and Carnarvon Pioneer Cemetery
  - f) Children’s Playgrounds
  
- 2) Clause (1)(c) above does not apply to a portion of a food premise that may be used for alfresco dining providing:
  - a) There is no evidence of a present risk of unsafe or unsuitable food being sold;
  - b) The owner or occupier of the premises permits the dog to be present; and
  - c) The dog must be on a leash at all times no longer than 2.0m and held by a person capable of controlling it.

**Places which are dog exercise areas where off leash exercise is permitted**

For the purposes of sections 31 and 32 of the Act, the following are dog exercise areas –

1.	PELICAN POINT	PELICAN POINT BEACH – Pelican point Road from the fist beach access 1km south of Binning Road, to the ablution block carpark beach access below the high tide mark.	Reserve: 28553, 18445
2.	BROCKMAN PARK	BROCKMAN PARK: Bounded by Bibra Way, Miiklejohn Cr, David Brand Drive	Lot 1179 A1191
3.	TOWN OVAL	TOWN OVAL: Bounded by Egan and Hill Streets	Lot 1164 A757
4.	HUTCHINSON PARK	HUTCHINSON PARK: Babbage Island Road	Lot1162 A3918
5.	FESTIVAL GROUNDS	BASTION OVAL FESTIVAL GROUNDS: Bastion Oval Bounded by Lewer and Gascoyne Road except for Premier Oval. Dogs are not permitted during events.	Lot350 A658

### 8.3.14c Schedule

6.	WISE PARK	WISE PARK: Bounded by William St, Shallcross Street, to 10m from children's playground	Lot 1216 A1238
7.	BAXTER PARK	BAXTER PARK: Bounded by West St and Cleaver St	Lot 1300 A97
8.	CAREY ST PARK	CAREY ST PARK: Bounded Carey, Hubble and McKenna Streets park and levy bank	Lot 1354

All dogs are to be held and in full control on a leash in the Shire of Carnarvon other than where listed in permitted dog exercise areas or where prohibited. Exemptions apply for assistance animals under the Disabilities Discrimination Act 1992.

These areas come into effect 28 days from publication of this notice.

**LOCAL GOVERNMENT ACT 1995  
SHIRE OF CARNARVON**

**PUBLIC PLACES AND  
LOCAL GOVERNMENT PROPERTY  
LOCAL LAW 2021**

Published in the Government Gazette on dd mm yy, No 1234
Amended:
Disclaimer: This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

**Public Places and Local Government Property Local  
Law 2021**

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# **Local Government Act 1995**

## **Shire of Carnarvon**

### **Public Places and Local Government Property Local Law 2021**

Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Carnarvon resolved on dd mm 2021 to make this local law.

#### **Part 1 - Preliminary**

##### **1.1 Title**

This is the *Shire of Carnarvon Public Places and Local Government Property Local Law 2021*.

##### **1.2 Commencement**

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

##### **1.3 Application**

This local law applies throughout the district.

**Note:**

In accordance with s3.6 of the *Local Government Act 1995*, notice of approval from the Governor to also apply the local law into the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides was received and published in the *Government Gazette* on dd mm 2021.

##### **1.4 Repeal and transitional provisions**

- (1) The following local laws are repealed –
  - (a) The *Shire of Carnarvon Local Government Act Local Laws 1998* published in the *Government Gazette* on 26 February 1998; and
  - (b) The *Municipality of the Shire of Carnarvon Carnarvon Airport By-laws* published in the *Government Gazette* on 22 January 1993.
- (2) An application for, or an application for the renewal of, a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.

- 
- (3) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a permit under this local law and may be dealt with accordingly.

## 1.5 Definitions

In this local law -

**Act** means the *Local Government Act 1995*;

**applicant** means a person who applies for a permit;

**application** means an application for a permit;

**application fee** means the fee payable on the lodgement of an application for a permit and which relates to the lodgement, assessment and determination of the application but does not include the permit fee;

**authorised person** means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

**boat** means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

**building** means any building which is local government property and includes any –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

**bulk rubbish container** means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;

**carriageway** has the meaning given to it by the *Road Traffic Code 2000*;

**carriageway** means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;

Regulation 3 of the Road Traffic Code 2000

**CEO** means the chief executive officer of the local government;

**commencement day** means the day on which this local law comes into operation;

**Council** means the council of the local government;

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**crossing** means a crossing giving access from a public thoroughfare to -

- (a) private land; or
- (b) a private thoroughfare serving private land;

**determination** means a determination made under clause 2.1;

**district** means the district of the local government and any area outside the district of the local government in respect of which the Governor's approval under section 3.6(1) of the Act has been obtained;

Note:

In accordance with s3.6 of the *Local Government Act 1995*, notice of approval from the Governor to also apply the local law into the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides was received and published in the Government Gazette on dd mm 2021, No 123.

**entertainment** means the action of providing or being provided with amusement or enjoyment, an event, performance, or activity designed to entertain others.

**function** means an event or activity characterised by all or any of the following -

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

**garden** means any part of a street planted, developed or treated, otherwise than as a lawn, with one or more plants;

**hire** includes offer to hire and expose for hire;

**intersection** has the meaning given to it in the *Road Traffic Code 2000*;

**intersection** means —

- (a) the area where 2 or more carriageways meet; or
- (b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict;

Rea 3 *Road Traffic Code 2000*

**kerb** includes the edge of a carriageway;

**lawn** means any part of a street which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

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**liquor** has the meaning given to it in section 3 of the *Liquor Control Act* ;

**Liquor Control Act** means the *Liquor Control Act 1988* and all regulations made under that Act;

**local government** means the Shire of Carnarvon;

**local government property** means anything –

- (a) which belongs to or leased by the local government;
  - (b) of which the local government is the management body under the *Land Administration Act 1997*; or
  - (c) which is an otherwise unvested facility within section 3.53 of the Act;
- except a street.

**local public notice** has the meaning given to it by the Act;

**1.7. Local public notice**

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
  - (a) published in a newspaper circulating generally throughout the district; and
  - (b) exhibited to the public on a notice board at the local government's offices; and
  - (c) exhibited to the public on a notice board at every local government library in the district.
- (2) Unless expressly stated otherwise it is sufficient if the notice is —
  - (a) published under subsection (1)(a) on at least one occasion; and
  - (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
    - (i) the time prescribed for the purposes of this paragraph; or
    - (ii) if no time is prescribed, 7 days.

**lot** has the meaning given to it in the *Planning and Development Act 2005*;

**lot** means a defined portion of land —

- (a) depicted on a plan or diagram available from, or deposited with, the Authority and for which a separate Crown grant or certificate of title has been or can be issued; or
- (b) depicted on a diagram or plan of survey of a subdivision approved by the Commission; or
- (c) which is the whole of the land the subject of —
  - (i) a Crown grant issued under the *Land Act 1933*<sup>2</sup>; or
  - (ii) a certificate of title registered under the *Transfer of Land Act 1893*; or
  - (iii) a survey into a location or lot under section 27(2) of the *Land Administration Act 1997* or a certificate of Crown land title the subject of such a survey; or

- 
- (iv) a part-lot shown on a diagram or plan of survey of a subdivision deposited with the Authority; or
- (v) a conveyance registered under the *Registration of Deeds Act 1856*,

but does not include a lot in relation to a strata scheme, a lot in relation to a survey-strata scheme, or a lot shown as common property on a survey-strata plan, as those terms are defined in the *Strata Titles Act 1985*;

Section 4 *Planning and Development Act 2005*

**market** means a collection of stalls, stands or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction;

**nuisance** means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which –

- (a) is injurious or dangerous to the health or safety of another person of normal susceptibility; or
- (b) which has a disturbing effect on the state of reasonable physical, mental or social well being of another person;

**owner or occupier**, in relation to land, does not include the local government;

**permit** means a permit under this local law;

**permit fee** means the fee payable on the issue of a permit;

**permit document** means a permit document issued under this local law;

**permit holder** means a person who holds a permit;

**permissible verge treatment** means any one of the treatments described in clause 8.4(2), and includes any associated reticulation pipes and sprinklers;

**person** does not include the local government;

**private property** means any land that –

- (a) has a separate certificate of title; and
- (b) is in private ownership or is the subject of a lease or agreement with a person enabling its use for private purposes,

and includes any building or structure on the land;

**prohibited drug** has the meaning given to it by the *Misuse of Drugs Act 1981*;

**prohibited drug** means a drug to which this Act applies by virtue of section 4;

4. Drugs and plants to which Act applies

(1) Subject to subsection (4), the drugs to which this Act applies are —

- (a) drugs of addiction;
- (b) specified drugs; and

- 
- (c) whether or not they are also drugs of addiction or specified drugs, the drugs specified in Schedule I.
- (2) Subject to subsection (3), the plants to which this Act applies are —
- (a) prohibited plants as defined by section 5 of the Poisons Act 1964; and
- (b) whether or not they are also prohibited plants as defined by section 5 of the Poisons Act 1964, the plants specified in Schedule II.
- (3) This Act does not apply to the non-viable seeds of the opium poppy *Papaver somniferum*.
- (4) This Act does not apply to processed industrial hemp.

*Extract from the Misuse of Drugs Act 1981*

**public place** means –

- (a) a street;
- (b) any local government property; or
- (c) a place to which the public have access;

**Regulations** means the *Local Government (Functions and General) Regulations 1996*;

**repealed local law** means a local law repealed under clause 1.4;

**retailer** means a the owner or occupier of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

**Schedule** means a schedule to this local law;

**sell** includes –

- (a) offer or attempt to sell;
- (b) display for sale;
- (c) send, forward or deliver for sale or on sale;
- (d) barter or exchange;
- (e) dispose, by lot or chance or by auction;
- (f) supply, or offer, agree or attempt to supply –
  - (i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or
  - (ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or
- (g) authorise, direct, cause or permit to be done any act referred to in this definition;

**shopping trolley** means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods;



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**sign** includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

**stall** means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold and includes a vehicle;

**street** means any highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and footpath;

**street tree** means any tree planted or self sown in the street, of an appropriate species and in an appropriate location, for the purposes of contributing to the streetscape;

**thoroughfare** has the meaning given to it by the Act;

**thoroughfare** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

Extract from s1.4 Local Government Act 1995

**trading** means selling or hiring goods or services and includes the setting up of a stall and conducting business at a stall;

**vehicle** includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and
- (d) a pram, stroller or similar device, or a shopping trolley;

**verge** means that part of a street between the carriageway and the land which abuts the street, but does not include any footpath; and

**waste** includes matter –

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or
- (b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.

## 1.6 Interpretation

In this local law, a reference to local government property includes a reference to any part of local government property.

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## **1.7 Overriding power to hire and agree**

Despite anything to the contrary in this local law, the CEO or an authorised person, on behalf of the local government, may –

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

## **Part 2 - Determinations in respect of local government property**

### **2.1 Determinations as to use of local government property**

- (1) The local government may make a determination in accordance with clause 2.2 –
  - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
  - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
  - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
  - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 1 –
  - (a) are to be taken to have been made in accordance with clause 2.2;
  - (b) may be amended or revoked in accordance with clause 2.6; and
  - (c) have effect on the commencement day.

### **2.2 Procedure for making a determination**

- (1) The CEO or an authorised person is to give local public notice of the local government's intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
  - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
  - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
  - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

- 
- (3) If no submissions are received in accordance with subclause (2)(c), the Council may decide –
- (a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;
  - (b) to amend the proposed determination, in which case subclause (5) is to apply; or
  - (c) not to continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the Council –
- (a) is to consider those submissions; and
  - (b) may decide –
    - (i) whether or not to amend the proposed determination; or;
    - (ii) whether or not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
- (a) of the effect of the amendments; and
  - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

### **2.3 Discretion to erect sign**

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

### **2.4 Determination to be complied with**

A person must comply with a determination.

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## 2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

## 2.6 Amendment or revocation of a determination

- (1) The local government may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the local government revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

## 2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
  - (a) take, ride or drive a vehicle, or a particular class of vehicle;
  - (b) fly or use a motorised model aeroplane;
  - (c) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
  - (d) launch, beach or leave a boat;
  - (e) take or use a boat, or a particular class of boat;
  - (f) play or practise –
    - (i) golf or archery;
    - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
    - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property; or
  - (g) ride a bicycle, a skateboard, roller skates, rollerblades, a sandboard or a similar device.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –

- 
- (a) the days and times during which the activity may be pursued;
  - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
  - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
  - (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
  - (e) may specify that the activity can be pursued by a class of persons or all persons; and
  - (f) may distinguish between different classes of the activity.

## **2.8 Activities which may be prohibited on specified local government property**

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
  - (a) riding a bicycle, a skateboard, roller skates, rollerblades, a sandboard or a similar device;
  - (b) taking, riding or driving a vehicle or a particular class of vehicle;
  - (c) riding or driving above a specified speed a vehicle or a particular class of vehicle;
  - (d) taking or using a boat, or a particular class of boat;
  - (e) the playing or practice of –
    - (i) golf, archery, pistol shooting or rifle shooting; or
    - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
  - (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
  - (g) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
  - (a) the days and times during which the activity is prohibited;

- 
- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
  - (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
  - (d) that an activity is prohibited in respect of a class of persons or all persons; and
  - (e) may distinguish between different classes of the activity.

*Note: smoking on local government property, and in other places, is regulated by the Tobacco Products Control Regulations 2006.*

## **2.9 Sign under repealed local law taken to be determination**

- (1) Where an approved sign erected on local government property has been erected under a repealed local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

## **Part 3 - Activities on local government property requiring a permit**

### **3.1 Activities requiring a permit**

- (1) A person must not without a permit –
  - (a) subject to subclause (3) hire local government property;
  - (b) advertise anything by any means on local government property;
  - (c) erect, on local government property a structure for public amusement or for any performance, whether for gain or otherwise;
  - (d) teach, coach or train, for profit, a person or animal on local government property;
  - (e) plant any plant or sow any seeds on local government property;
  - (f) carry on any trading on local government property or public place unless the trading is conducted –
    - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
    - (ii) by a person who has a permit or permit to carry on trading on local government property under any written law;

- 
- (g) conduct or set up a market on local government property or public place;
  - (h) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose –
    - (i) drive or ride or take any vehicle on to local government property; or
    - (ii) park or stop any vehicle on local government property;
  - (i) conduct a function on local government property ;
  - (j) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
  - (k) light a fire on local government property except in a facility provided for that purpose;
  - (l) parachute, hang glide, abseil or base jump from or on to local government property;
  - (m) erect a building or a refuelling site on local government property;
  - (n) make any excavation on or erect or remove any fence on local government property;
  - (o) erect or install any structure above or below ground of local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
  - (p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property;
  - (q) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property;
  - (r) conduct an entertainment event on local government property;
  - (s) fly or land a drone, balloon, unmanned aircraft or similar device from or on local government property; or
  - (t) film or make a recording as part of or for commercial gain on local government property.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The CEO or an authorised person may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

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### 3.2 Erecting structures or camping

(1) In this clause –

**camp** unless the context requires otherwise has the same meaning as given to it in section 5 of the *Caravan Parks and Camping Grounds Act 1995*;

**camp** means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;

Extract from s5 *Caravan Parks and Camping Grounds Act 1995*

**caravan** has the same meaning as given to it in section 5 of the *Caravan Parks and Camping Grounds Act 1995*;

**caravan** means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexe;

Extract from s5 *Caravan Parks and Camping Grounds Act 1995*

**facility** has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

**facility** means a caravan park or camping ground;

Extract from s5 *Caravan Parks and Camping Grounds Act 1995*

**park home** has the same meaning as given to it in section 5 of the *Caravan Parks and Camping Grounds Act 1995*; and

**park home** means a vehicle of a prescribed class or description that is fitted or designed for habitation;

**prescribed** means prescribed by regulation;

Extract from s5 *Caravan Parks and Camping Grounds Act 1995*

**structure** includes a caravan, park home, or camp.

(2) This clause does not apply to a facility operated by the local government.

(3) A person must not without a permit –

(a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;

(b) erect, on local government property, any tent, camp, hut or similar structure; or

(c) erect, on local government property that is not enclosed, an umbrella or temporary shade structure unless –

(i) it is erected for protection from the sun or other elements;

(ii) it has an area of no more than 18 square metres;



- 
- (iii) it has a height of no less than 2.5 metres;
  - (iv) it is removed by that person –
    - (I) immediately on leaving that local government property; and
    - (II) during daylight on the same day on which it was erected; and
  - (v) it is for a private use.
- (4) The maximum period for which the CEO or an authorised person may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

Sections 3.37 – 3.38 of the *Local Government Act 1995* set out the requirements and processes for impounding animals, vehicles or goods that may have been involved in a contravention of a Regulation or Local Law.

Regulation 29 of the Local Government (Functions and General) Regulations 1996 further provides that:

- (1) *A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —*
  - (a) *it occurs in a public place; and*
  - (b) *either —*
    - (i) *the presence of the goods —*
      - (I) *presents a hazard to public safety; or*
      - (II) *obstructs the lawful use of any place;*
    - or
    - (ii) *where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.*

### **3.3 Licence required for possession and consumption of liquor**

- (1) A person, on local government property, must not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
  - (a) that is permitted under the *Liquor Control Act*; and
  - (b) a licence has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

## **Part 4 - Advertising Signs On Thoroughfares**

### **4.1 Interpretation**

In this Part, unless the context otherwise requires—

***advertising sign*** means a sign used for the purpose of advertisement;

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**direction sign** means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

**portable direction sign** means a portable free standing direction sign; and portable sign means a portable free standing advertising sign.

#### **4.2 Advertising signs and portable direction signs**

- (1) A person shall not, without a permit—
  - (a) erect or place an advertising sign on a thoroughfare; or
  - (b) post any bill or paint, place or affix any advertisement on a thoroughfare.
- (2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500 millimetres in height nor 0.5 square metres in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.
- (3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—
  - (a) on a footpath;
  - (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5 metres;
  - (c) on or within 3 metres of a carriageway;
  - (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
  - (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

#### **4.3 Matters to be considered in determining application for permit**

In determining an application for a permit for the purpose of clause 4.2(1), the local government is to have regard to—

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and

- 
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

#### **4.4 Conditions on portable sign**

- (1) If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions —
  - (a) the portable sign shall—
    - (i) not exceed 1 metre in height;
    - (ii) not exceed an area of 1 square metre on any side;
    - (iii) relate only to the business activity described on the permit;
    - (iv) contain letters not less than 200 millimetres in height;
    - (v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
    - (vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
    - (vii) be secured in position in accordance with any requirements of the local government;
    - (viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
    - (ix) be maintained in good condition.
  - (2) No more than one portable sign shall be erected in relation to the one building or business.
  - (3) A person must not place or erect a sign in contravention of a condition of a permit issued under this clause.

### **Part 5 - Behaviour on all local government property**

#### ***Division 1 - Prohibited behaviour***

##### **5.1 Behaviour which interferes with others**

A person must not, in or on any local government property, behave in a manner which –

- (a) is likely to interfere with the enjoyment of a person who might use the property or who might otherwise lawfully be on the property; or

- 
- (b) interferes with the enjoyment of a person using, or otherwise lawfully on, the property.

## 5.2 Behaviour detrimental to property

- (1) A person must not behave in or on local government property in a way which is or might be detrimental to the property.

- (2) In subclause (1) –

**detrimental to the property** includes –

- (a) removing any thing from the local government property including a rock, a plant or a seat provided for the use of any person; and
- (b) destroying, defacing or damaging any thing on the local government property, including a plant, a seat provided for the use of any person or a building.

## 5.3 Taking or injuring fauna

- (1) A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

- (2) In this clause and in clause 5.5 –

**animal** means any living thing that is not a human being, fly or plant; and

**fauna** means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur unless it has been shed or discarded by the animal in a normal or natural manner.

## 5.4 Flora

- (1) Unless authorised to do so under a written law or with the written approval of the CEO or an authorised person, a person must not –

- (a) remove, damage or interfere with any flora that is on or above any local government property; or
- (b) cultivate, plant or deposit any flora on local government property.

- (2) In this clause –

**flora** means all vascular plants, seeds and other flora, whether living or dead.

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## 5.5 Animals

- (1) A person must not –
  - (a) tether any animal to a tree, shrub, tree guard, wall or fence; or
  - (b) permit any animal to enter upon or into any local government property,unless authorised by a permit or under this local law.
- (2) A person may exercise a horse in the area described in Schedule 3.
- (3) In this clause, 'animal' does not include a dog.

**Note:**

Dogs, and areas where they are prohibited from being, where they may be exercised off leash and other related matters are dealt with under the *Dog Act 1976*, the *Dogs Regulations 2012* and the *Shire of Carnarvon Dogs Local Law 2021*.

## 5.6 Intoxicated persons not to be on local government property

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

## 5.7 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
  - (a) females - then a person of the male gender must not use that entry of the toilet block or change room;
  - (b) males - then a person of the female gender must not use that entry of the toilet block or change room; or
  - (c) families - then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.
- (2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –
  - (a) under the age of 8 years; or
  - (b) otherwise permitted by an authorised person to use the relevant entry.

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## ***Division 2 - Signs and powers to give directions***

### **5.8 Signs**

- (1) The CEO or an authorised person may erect a sign on local government property –
  - (a) specifying any conditions of use which apply to that property; and
  - (b) for any other purpose relevant to this local law, including giving notice of a breach of clause 5.4 and substituting a sign for flora that has been removed, damaged or interfered with contrary to clause 5.4.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
  - (a) not to be inconsistent with any provision of this local law or any determination; and
  - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

### **5.9 Authorised person to be obeyed**

A person on local government property must obey any lawful direction of the CEO or an authorised person and must not in any way obstruct or hinder the CEO or an authorised person in the execution of her or his duties.

### **5.10 Refusal of entry and removal**

- (1) If the CEO or an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, the CEO or authorised person may –
  - (a) refuse to allow that person to enter local government property;
  - (b) if the person is on local government property, direct the person to leave the local government property; and
  - (c) specify a period of up to 30 calendar days within which the person is not to re-enter the local government property.
- (2) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property quickly and peaceably.
- (3) If a person fails to comply with subclause (2), the CEO or an authorised person may remove the person, or arrange for the person to be removed, from the local government property.
- (4) The CEO or an authorised person may reduce the period specified in subclause (1)(c) on application of the person who has been directed not to re-enter local government property.

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## 5.11 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the CEO or an authorised person -

- (a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3) of the *Local Government (Functions and General) Regulations 1996*, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section;
- (b) if the article is reasonably believed to be of a negligible or little value or likely to be of no interest to a not for profit body, in any manner he or she thinks fit; or
- (c) in any other case, by donation to a not for profit body incorporated under the *Associations Incorporations Act 2015*.

## Part 6 - Matters relating to particular local government property

### *Division 1 - Functions and closed property*

#### 6.1 No unauthorised entry to function

- (1) A person must not enter local government property on such days or during such times as the property is set aside for a function for which a charge for admission is authorised, except –
  - (a) through the proper entrance for that purpose; and
  - (b) on payment of the fee chargeable for admission at the time.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1)(b).

#### 6.2 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the CEO or an authorised person.

### *Division 2 - Golf courses*

#### 6.3 Interpretation

In this Division –

**controller** means an authorised person who has been appointed to control and manage a golf course;

**golf course** means that portion of a local government property which is laid out as a golf course and includes –

- (a) all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range; and

- 
- (b) all buildings, structures, fittings, fixtures and equipment on that property.

Note: under these definitions, the provisions of this Division apply to a 'golf course' on 'local government property', whether operated by the local government or, for example, by a contractor or lessee.

#### **6.4 Observance of special conditions of play**

While on a golf course, a player must –

- (a) observe and comply with a direction of the controller in respect of any special conditions of play;
- (b) observe and comply with a requirement of any notice erected to direct or control play; and
- (c) not be accompanied by a non playing person without the permission of the controller or an authorised person.

#### **6.5 Children under the age of 10 years**

A person under the age of 10 years must not enter, play or practise on a golf course unless accompanied by a person of 18 years or older.

### ***Division 3 - Beaches***

#### **6.6 Powers of authorised persons or surf life saving club members**

- (1) An authorised person employed by the local government may perform all or any of the following functions in relation to a beach -
  - (a) patrol any beach;
  - (b) carry out any activity on any beach;
  - (c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
  - (d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and
  - (e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.
- (2) Subject to subclause (3), the local government may authorise, under section 9.10 of the Act, one or more members of a surf life saving club to perform all or any of the functions listed in subclause (1).
- (3) Members authorised by the local government under subclause (2) must have been recommended by the surf life saving club as



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competent to perform the functions referred to in that subclause in respect of which they are authorised.

- (4) Under subclause (2), the local government may authorise members generally, or in relation to particular times, days or months.

#### **6.7 Authority of local government employee to prevail**

If the local government has authorised a person under clause 6.6(1) and a member of a surf life saving club under clause 6.6(2) in relation to the same beach, where they could perform a function referred to in clause 6.6(1) contemporaneously, the authority of an authorised person employed by the local government under clause 6.6(1) is to prevail.

#### **6.8 Persons to comply with signs and directions**

A person must -

- (a) not act in contravention of a sign erected on a beach under clause 6.6(1)(c);
- (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained permission to enter from the club;
- (c) comply with any direction given under clause 6.6(1)(c) or 6.6(1)(e); and
- (d) not interfere with, obscure, obstruct, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.

### ***Division 4 - Airports***

#### **6.9 Application**

This Part applies to each airport which is local government property within the district.

#### **6.10 Use by aircraft**

- (1) The owner of every aircraft, upon payment of the set fee and compliance with this local law and other written law, shall be entitled to use the airport for the landing, servicing and departure of their aircraft and the embarkment and disembarkment of passengers and freight.
- (2) The local government may close the airport to aircraft movements if it considers the surface of the airport to be unsafe.

#### **6.11 Right of entry to airport**

- (1) Except as herein provided, a person other than:

- 
- (a) a person lawfully employed upon duties in or about the supervision and control of the airport, or acting under a permit or other agreement of or with the local government, in or about the arrival, departure and servicing of or other attention to aircraft lawfully using the airport; or
  - (b) a passenger or intending passenger of an aircraft lawfully using the airport; or
  - (c) a person greeting or seeing off a passenger or intending passenger of an aircraft lawfully using the airport;

shall not enter or remain upon the airport or any part thereof without the approval of the local government.

- (2) The local government may from time to time designate or set apart any specified part or parts of the Airport:-
  - (a) to which only persons from time to time designated by the local government shall be admitted;
  - (b) to which persons other than those mentioned in subclause (1) shall not be admitted;
  - (c) to which the general public, or any limited classes of the general public, may be admitted, either at all times or at specified times, or for limited periods and generally upon such terms and conditions as the local government may resolve;
  - (d) to which no vehicle may be admitted or to which a limited class of vehicles may be admitted or to which vehicles may be admitted only on such terms and conditions as the local government may resolve;
  - (e) to which no aircraft may be admitted or to which a limited class of aircraft may be admitted or to which aircraft may be admitted only on such terms and conditions as the local government resolves.
- (3) Signs, markings or notices may be placed by the local government at the airport indicating the limits of any part of the airport set apart for any special or limited use under subclause (2).
- (4) Notwithstanding the provisions of this clause the local government may on special occasions, for instance, an aerial pageant or other event of public interest, make such arrangements for the control of the airport as it may by resolution impose.

#### **6.12 Access of animals restricted**

- (1) A person shall not bring an animal on to an airport unless –
  - (a) the person is a person referred to in section 8 of the *Dog Act 1976* acting in accordance with that provision;
  - (b) the animal is being air freighted from the airport;

- 
- (c) the animal has been air freighted to the airport; or
  - (d) the person is authorized to do so by the local government.
- (2) A person in charge of an animal shall keep the animal under control and shall not allow it to wander at large on the airport.
  - (3) If an animal is at any time on an airport in contravention of subclause (2), in addition to the person specified in that subclause, the owner of the animal at that time commits an offence against subclause (2).
  - (4) This clause does not apply to a person with a disability where the animal is a guide dog or assistance animal as defined in the *Disability Discrimination Act 1992 (Commonwealth)* Section 9(2).

### **Division 5 - Jetties**

#### **6.13 Interpretation**

- (1) This Division only applies to jetties which are local government property.
- (2) In this Division –

**jetty** means any jetty, pier, wharf or landing place which is local government property; and

**bulk cargo** means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

#### **6.14 Application for consent and application fee**

- (1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.
- (2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.
- (3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.
- (4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.
- (5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act inclusive.

#### **6.15 When use of jetty is prohibited**

A person shall not land at, use or go on any part of a jetty which is -

- (a) under construction or repair; or
- (b) closed,

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unless that person has first obtained the consent of the local government.

#### **6.16 Method of berthing boat**

A person in control of a boat shall not berth or make fast the boat to a jetty, or to any part of the jetty, except to such berthing piles, ring bolts or other fastenings as are provided.

#### **6.17 When boat may remain berthed**

A person in control of a boat shall not berth or make fast the boat to a jetty unless –

- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
- (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government;
- (c) the loading or discharging of cargo or other goods is in progress in accordance with this Division;
- (d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such berthing or making fast to the local government; or
- (e) to facilitate sea trials for newly launched vessels for a period as specified and approved by an authorised person.

#### **6.18 Authorised person may order removal of boat**

Notwithstanding anything to the contrary in this Part, a person in control of a boat berthed or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorised person.

#### **6.19 Restrictions on launching**

A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government.

#### **6.20 Loading and discharging**

A person in control of a boat shall not allow the boat to come alongside or be berthed or made fast to a jetty for the purpose of loading or discharging cargo or other goods-

- (a) until the cargo or other goods are ready to be loaded or discharged; or
- (b) without the consent of the local government –
  - (i). between the hours of 6.00pm to 6.00am on the next day; or
  - (ii). for longer than 2 consecutive hours.

#### **6.21 Outgoing cargo not to be stored on jetty**

A person in control of cargo or other goods intended for loading on to a boat shall -

- 
- (a) not allow them to be stored or placed on a jetty unless and until the boat is berthed or fastened to or alongside the jetty; and
  - (b) load them on to the boat as soon as practicable after the boat is berthed or fastened to or alongside the jetty.

#### **6.22 Removal of incoming cargo from jetty**

Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

#### **6.23 Authorised person may direct removal**

An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Division to remove them from the jetty.

#### **6.24 Handling of bulk cargo**

Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to a jetty.

#### **6.25 Polluting surrounding area**

A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

#### **6.26 Limitations on fishing**

A person shall not -

- (a) fish from a jetty so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or so as to unreasonably interfere with the use of the jetty by any other person; or
- (b) hang or spread a fishing net from, on or over any part of a jetty.

### **Part 7 – Roadside Conservation**

#### **7.1 Interpretation**

In this Part -

**"MRWA"** means Main Roads Western Australia;

**"protected flora"** has the meaning given to it in Part 10, Division 2 of the *Biosecurity Conservation Act 2016*;

**"rare flora"** has the meaning given to it in Regulation 168 of the *Biosecurity Conservation Regulations 2017* section 23F;

**"Roadside Conservation Committee"** means the Roadside Conservation Committee appointed by the Minister for the Environment; and

**"special environmental area"** means an area designated as such under clause 7.7.

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## **7.2 Application**

This Part does not apply to a townsite.

## **7.3 Declaration of flora road**

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

## **7.4 Construction works on flora roads**

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the "Handbook of Environmental Practice for Road Construction and Road Maintenance Works" prepared by the Roadside Conservation Committee.

## **7.5 Signposting of flora roads**

The local government may signpost flora roads with the standard MRWA "flora road" sign.

## **7.6 Driving only on carriageway of flora roads**

- (1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.
- (2) Subclause (1) does not apply where -
  - (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
  - (b) there is no carriageway; or
  - (c) an exemption from the application of subclause (1) has been obtained from the local government.

## **7.7 Designation of special environmental areas**

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which -

- (a) has protected flora or rare flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

---

## **7.8 Marking of special environmental areas**

The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

## **7.9 Permit to plant**

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

## **7.10 Relevant considerations in determining application**

In determining an application for a permit for the purpose of clause 7.9, the local government is to have regard to -

- (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (b) the diversity of species and the prevalence of the species which are to be planted or sown.

## **7.11 Permit to clear**

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

## **7.12 Application for permit**

A person making an application for a permit for the purpose of clause 7.11 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

## **7.13 Permit to burn thoroughfare**

A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

## **7.14 Application for permit**

An application for a permit for the purposes of clause 7.13 shall –

- (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
- (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

## **7.15 When application for permit can be approved**

The local government may approve an application for a permit for the purpose of clause 7.13 only if the burning of the particular part of the thoroughfare will -

- 
- (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
  - (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

#### **7.16 Prohibitions on burning**

- (1) Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 7.13 is not to be approved by the local government -
  - (a) for burning between 1 October and 1 May of the following year where the intensity of the burn could damage native flora and fauna; or
  - (b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.
- (2) Nothing in this clause prevents the local government approving a permit to burn part of a thoroughfare to remove an imminent fire risk.

#### **7.17 Permit for firebreaks on thoroughfares**

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

#### **7.18 When application for permit cannot be approved**

- (1) The local government is not to approve an application for a permit for the purpose of clause 7.17 where the thoroughfare is less than 20m wide.
- (2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

#### **7.19 General prohibition on commercial wildflower harvesting**

Subject to clause 7.20, a person shall not commercially harvest native flora on a thoroughfare.

#### **7.20 Permit for revegetation projects**

- (1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.
- (2) The local government may approve an application for a permit under subclause (1) only where-
  - (a) the seed is required for a revegetation project in any part of the district; and



- 
- (b) the thoroughfare, or the relevant part of it, is not a special environmental area.
  - (3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions –
    - (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
    - (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

## **Part 8 - Activities in streets**

### ***Division 1 - General***

#### **8.1 General prohibitions**

A person must not –

- (a) plant, or allow to remain, in a street a plant that is or may become an obstruction to a reasonable sight line hazard for a driver of any vehicle negotiating or using the street;
- (b) damage a lawn or a garden, or remove any plant or part of a plant from a lawn or a garden, in a street unless –
  - (i) the person is the owner or the occupier of the lot abutting that portion of the street and the lawn or the garden or the particular plant has not been installed or planted by the local government ; or
  - (ii) the person is acting under the authority of a written law;
- (c) damage, or remove a street tree, or part of a street tree, irrespective of whether it was planted by the owner or occupier of the lot abutting the street or by the local government , unless –
  - (i) the damage to, or removal of, the street tree is authorised by the CEO or an authorised person in writing; or
  - (ii) the person is acting under authority of written law;
- (d) place, or allow to be placed or remain, on a street any thing (except water) that –
  - (i) obstructs the street; or
  - (ii) results in a hazard for any person using the street;

- 
- (e) unless at the direction of the CEO or an authorised person, damage, remove or interfere with any part of a street, or any structure erected on a street, by the local government or a person acting under the authority of a written law; or
  - (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a street.

## 8.2 Activities allowed with a permit

- (1) A person must not, without a permit –
  - (a) dig or otherwise create a trench through or under a kerb or footpath;
  - (b) throw, place or deposit any thing on a verge or street except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;
  - (c) cause any obstruction to a vehicle or a person using a street as a street;
  - (d) cause any obstruction to a water channel or a water course in a street;
  - (e) throw, place or drain offensive, noxious or dangerous fluid onto a street;
  - (f) damage a street;
  - (g) fell or damage any street tree;
  - (h) fell any tree onto a street;
  - (i) light any fire or burn any thing on a street other than in a stove or fireplace provided for that purpose;
  - (j) unless installing, or in order to maintain, a permissible verge treatment –
    - (i) lay pipes under or provide taps on any verge; or
    - (ii) place or install, on any part of a street, any thing such as gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
  - (k) provide, erect, install or use in or on any building, structure or land abutting on a street any hoist or other thing for use over the street;
  - (l) on a street use anything or do anything so as to create a nuisance;

- 
- (m) place or cause to be placed on a street a bulk rubbish container;
  - (n) interfere with the soil of, or anything in, a street or take anything from a street;
  - (o) conduct or carry on any trading on a street or public place;
  - (p) conduct, carry on or set up a market or stall on a street or public place;
  - (q) conduct or carry on an entertainment event on a street or public place; or
  - (r) film or make a recording as part of or for commercial gain on a street or public place.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.

### **8.3 Notice to owner or occupier**

The CEO or an authorised person may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Part.

#### ***Division 2 - Permissible verge treatments***

### **8.4 Permissible verge treatments**

- (1) An owner or occupier of land which abuts on a verge may, on that part of the verge directly in front of her or his land, install a permissible verge treatment.
- (2) A permissible verge treatment is—
- (a) the planting and maintenance of a lawn;
  - (b) the planting and maintenance of a garden provided that —
    - (i) clear sight visibility is maintained at all times for a person using the abutting street in the vicinity of an intersection or bend in the street or using a driveway on land adjacent to the street for access to or from the street;
    - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
    - (iii) it does not include a wall or built structure; and
    - (iv) it is not of a thorny, poisonous or hazardous nature; and
  - (c) the installation of an acceptable material.

- 
- (3) In this clause **acceptable material** means any material which would create a hard surface, and which has been approved by the local government.
  - (4) A person must not install or maintain a verge treatment which is not a permissible verge treatment.
  - (5) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 8.5.

### 8.5 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment must –

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge are not obstructed by the verge treatment;
- (b) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a thoroughfare, or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
- (c) not place any obstruction on or around the verge treatment;
- (d) not disturb a footpath on the verge;
- (e) ensure that the verge treatment does not damage or obstruct a drain, manhole, galley, inspection pit, channel, kerb or tree planted by the local government; and
- (f) ensure that any sprinklers or pipes installed to irrigate a verge treatment –
  - (i) do not protrude above the level of the lawn or verge treatment when not in use;
  - (ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and
  - (iii) do not otherwise present a hazard to pedestrians or other persons.

### 8.6 Transitional provision

- (1) In this clause –

**former provisions** means the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government.

- 
- (2) A verge treatment which –
- (a) was installed prior to the commencement day; and
  - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,
- is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

### 8.7 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority –

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any –
  - (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
  - (ii) sprinklers, pipes or other reticulation equipment.

### **Division 3 - Vehicle crossings**

Regulations 12 – 15 of the *Local Government (Uniform Local Provisions) Regulations 1996* apply to crossovers.

This Division deals with temporary crossovers and removal of redundant crossovers.

### 8.8 Temporary crossings

- (1) Where it is likely that works on a lot will involve vehicles leaving a street and entering the lot, the person responsible for the works must obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, where –
  - (a) a crossing does not exist; or
  - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The **person responsible for the works** in subclause (1) is to be taken to be –
  - (a) the builder named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or

- 
- (b) the owner of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
  - (3) If the permit authority for the purpose of subclause (1) is the local government, the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the person to whom the permit is given must keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the street.

#### **8.9 Removal of redundant crossing**

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the street affected by the removal are to be reinstated to the satisfaction of the CEO.
- (2) The CEO may give written notice to the owner or occupier of a lot requiring her or him to –
  - (a) remove any part of or all of a crossing which does not give access to the lot; and
  - (b) reinstate the kerb, drain, footpath, verge and any other part of the street, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot must comply with that notice.

#### ***Division 4 - Property numbers***

#### **8.10 Assignment of numbers**

- (1) The CEO or an authorised person may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.
- (2) In this clause, **number** means a number of a lot with or without an alphabetical suffix indicating the address of a lot by reference to a thoroughfare.

#### ***Division 5 - Fencing***

#### **8.11 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act**

A public place, as that term is defined in clause 1.5, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

#### ***Division 6 - Signs erected by the local government***

#### **8.12 Signs**

- (1) The local government may erect a sign in a street specifying any conditions of use which apply to that street.
- (2) A person must comply with a sign erected under subclause (1).

- 
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

### **8.13 Transitional**

Where a sign erected in a street has been erected under a repealed local law then, on and from the commencement day, it is to be taken to be a sign erected under clause 8.12 if –

- (a) the sign specifies a condition of use relating to the street which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

#### ***Division 7 - Driving on a closed street***

### **8.14 No driving on closed street**

- (1) A person must not drive or take a vehicle on a closed street unless –
- (a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or
  - (b) the person has first obtained a permit.
- (2) In this clause –

***closed street*** means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

#### ***Division 8 - Notices***

### **8.15 Notice to redirect or repair sprinkler**

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a street, the CEO or an authorised person may give a written notice to the owner or the occupier of the land abutting the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

### **8.16 Notice to remove hazardous plants**

- (1) Where a plant in a garden creates or may create a hazard for any person using a street, the CEO or an authorised person may give a written notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
- (2) Subclause (1) does not apply where the plant was planted by the local government.

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## 8.17 Notice to remove any thing unlawfully placed on street

Where any thing is placed on a street in contravention of this local law, the CEO or an authorised person may give a written notice –

- (a) to the owner or the occupier of the property which abuts that portion of the street where the thing has been placed; or
- (b) to any other person who may be responsible for the thing being so placed,

requiring the person to remove the thing.

Note: other provisions relating to notices are set out in Division 1 of Part 10 of this local law.

## Part 9 – Activities in public places

### *Division 1 - General provisions*

#### 9.1 Leaving animal or vehicle in public place

- (1) A person must not leave an animal or a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person does not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

#### 9.2 Prohibitions relating to animals

- (1) In subclause (2), **owner** in relation to an animal includes –
  - (a) an owner of it;
  - (b) a person in possession of it;
  - (c) a person who has control of it; and
  - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal must not –
  - (a) allow the animal to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven;
  - (b) allow the animal, if it has a contagious or infectious disease, to be led, ridden or driven in a public place; or
  - (c) train or race the animal in a public place.



- 
- (3) An owner of a horse must not lead, ride or drive the horse on a street, unless that person does so under a permit or under the authority of a written law.
  - (4) This clause does not apply to a person with a disability where the animal is a guide dog or assistance animal as defined in the Disability Discrimination Act 1992 (Commonwealth) Section 9(2).

### 9.3 Shopping trolley to be marked

A retailer must clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

### 9.4 Person not to leave trolley in public place

A person must not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

#### 3.37. Contraventions that can lead to impounding

- (1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.
- (2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

#### 29. Contraventions that may lead to impounding of goods (Act s. 3.37)

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —
  - (a) it occurs in a public place; and
  - (b) either —

the presence of the goods —

- (I) presents a hazard to public safety; or
  - (II) obstructs the lawful use of any place;
- or

where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

(1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.

- (2) In subregulation (1) or (1a) —

**public place** includes a place that is on private property that the public are allowed to use.

[R29 Local Government (Functions and General) Regulations 1996]

#### 3.38. Terms used

**goods** means any goods involved in a contravention that can lead to impounding, and includes —

- (a) a vehicle; or
- (ab) an animal; or
- (b) a stall or other structure temporarily placed on land, involved in such a contravention;

**9.5 Retailer to remove abandoned trolley**

- (1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the CEO or an authorised officer may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1).

**9.6 Retailer taken to own trolley**

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

**Part 10 - Permits**

***Division 1 - Applying for a permit***

**10.1 Application for permit**

- (1) Where a person is required to obtain a permit under this local law, that person must apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law must -
  - (a) be in the form determined by the CEO;
  - (b) be signed by the applicant;
  - (c) provide the information required by the form; and
  - (d) be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.
- (3) The CEO or an authorised person may require an applicant to provide additional information reasonably related to the application before determining the application.
- (4) The CEO or an authorised person may require an applicant to give local public notice of the application .
- (5) The CEO or an authorised person may refuse to consider an application which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

**10.2 Decision on application**

- (1) The CEO or an authorised person may –
  - (a) approve an application unconditionally or subject to any conditions; or

- 
- (b) refuse to approve an application.
  - (2) If the CEO or an authorised person approves an application, he or she is to issue to the applicant a permit in the form determined by the CEO.
  - (3) If the CEO or an authorised person refuses to approve an application, he or she is to give written notice of that refusal to the applicant.
  - (4) The CEO or an authorised person may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.

### 10.3 General restrictions on grant of permit

- (1) The CEO or an authorised person must not grant a permit if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.
- (2) The CEO or an authorised person must not grant a permit unless the CEO or an authorised person is satisfied that –
  - (a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the permit;
  - (b) the public place at which the activity is to be carried on is suitable for that purpose;
  - (c) a permit or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and
  - (d) the applicant is a fit and proper person to carry on the activity.

### 10.4 Amendment of permit

- (1) In this clause –
  - amend** includes –
    - (a) to impose any new condition; and
    - (b) to change or remove any existing condition.
- (2) The CEO or an authorised person may, by written notice given to the permit holder, amend a permit.
- (3) An amendment may be made on application made by the permit holder or on the CEO or authorised person's initiative.

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## ***Division 2 - Conditions***

### **10.5 Examples of conditions**

- (1) Examples of the conditions that the CEO or an authorised person may impose on a permit under clause 10.2(1)(a) or 10.4(2) are conditions relating to -
- (a) the payment of a fee;
  - (b) compliance with a standard or a policy adopted by the local government;
  - (c) the duration and commencement of the permit;
  - (d) the commencement of the permit being contingent on the happening of an event;
  - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
  - (f) the approval of another application for a permit which may be required by the local government under any written law;
  - (g) the area of the district to which the permit applies;
  - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
  - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the CEO or an authorised person.
- (2) Examples of the type and content of the conditions on which a permit to hire local government property may be issued include –
- (a) when fees and charges are to be paid;
  - (b) payment of a bond against possible damage or cleaning expenses or both;
  - (c) restrictions on the erection of material or external decorations;
  - (d) rules about the use of furniture, plant and effects;
  - (e) limitations on the number of persons who may attend any function in or on local government property;
  - (f) the duration of the hire;
  - (g) the right of the CEO or an authorised person to cancel a booking during the course of an annual or seasonal booking, if the CEO or an authorised person sees fit;

- 
- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Control Act;
  - (i) whether or not the hire is for the exclusive use of the local government property;
  - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
  - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

#### **10.6 Imposing conditions under a policy**

- (1) In this clause –

***policy*** means a local government policy adopted by the Council under section 2.7 of the Act containing conditions subject to which an application for a permit may be approved under clause 10.2.

- (2) Under clause 10.2(1)(a) the CEO or an authorised person may approve an application subject to conditions by reference to a policy.
- (3) The CEO or an authorised person must give to the permit holder a copy of the policy or, at the discretion of the CEO or the authorised person, the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 10.2(2).
- (4) An application for a permit is not to be taken to have been approved subject to the conditions contained in a policy until the CEO or an authorised person gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is deemed to be information within section 5.94(u)(i) of the Act.

#### **10.7 Compliance with conditions**

Where an application for a permit has been approved subject to conditions, the permit holder must comply with each of those conditions, as amended.

#### ***Division 3 - Duration of permits***

#### **10.8 Duration of permit**

A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) suspended or cancelled under this Division.

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### **10.9 Renewal of permit**

- (1) A permit holder may apply to the CEO for the renewal of a permit.
- (2) An application for renewal must –
  - (a) be in the form determined by the CEO;
  - (b) be signed by the permit holder;
  - (c) provide the information required by the form;
  - (d) be forwarded to the CEO no later than 28 days before the expiry of the permit, or within a shorter period that the CEO in a particular case permits; and
  - (e) be accompanied by any fee imposed by the Council under section 6.16 to 6.19 of the Act.
- (3) The provisions of this Part that apply to an application for a permit also apply to an application for the renewal of a permit as though it were an application for a permit.

### **10.10 Transfer of permit**

- (1) An application for the transfer of a valid permit is -
  - (a) to be made in writing;
  - (b) to be signed by the permit holder and the proposed transferee of the permit;
  - (c) to include such information as the CEO or an authorised person may require to enable the application to be determined; and
  - (d) to be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.
- (2) The CEO or an authorised person may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the CEO or an authorised person approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO or the authorised person.
- (4) Where the CEO or an authorised person approves the transfer of a permit, the local government is not required to refund any part of any fee paid by the former permit holder.

### **10.11 Suspension of permit**

- (1) The CEO may, subject to clause 10.12, by written notice given to the permit holder, suspend a permit if there are reasonable grounds for believing that –

- 
- (a) the permit holder has contravened a term or condition of a permit;
  - (b) the permit holder has contravened a provision of this local law; or
  - (c) the continued carrying on of the activity authorised by the permit constitutes or will constitute an unacceptable risk to the safety of the public.
- (2) The suspension notice must –
- (a) state the day, or the day and time, on or at which the suspension takes effect;
  - (b) state the reasons for the CEO's decision to suspend the permit; and
  - (c) where appropriate, indicate what steps need to be taken to ensure that there is compliance with the relevant provision, term or condition or that there is no longer a risk as described in subclause (1)(c); and
  - (d) inform the permit holder that he/she has a right to apply under the Act for a review of the CEO's decision to suspend the permit.

*Note – Part 11 of this local law deals with objection and review rights.*

#### **10.12 Proposed suspension**

- (1) If the CEO proposes to suspend a permit for the reason mentioned in clause 10.11(1)(a), the CEO must give written notice to the permit holder of the proposed suspension.
- (2) The notice must –
  - (a) state that the CEO proposes to suspend the permit;
  - (b) state the reasons for the proposed suspension; and
  - (c) inform the permit holder that the permit holder is entitled to make representations to the CEO in respect of the proposed suspension within 7 days after the day on which the permit holder is given the notice.
- (3) In considering whether to suspend the permit, the CEO must have regard to any representations made by the permit holder within the period referred to in subclause (2)(c).

#### **10.13 Revocation of suspension**

- (1) The CEO must, by written notice given to the permit holder, revoke the suspension of a permit if the CEO is satisfied that the steps specified in the suspension notice have been taken.

- 
- (2) The CEO may, by written notice given to the permit holder, revoke the suspension of the permit if the CEO considers that it is appropriate to do so in the circumstances of a particular case.

#### **10.14 Period of suspension**

The suspension of a permit has effect on the day, or the day and time, specified in the suspension notice until one of the following happens –

- (a) the suspension is revoked under clause 10.13;
- (b) the permit is cancelled under clause 10.15 or expires; or
- (c) the permit is surrendered in accordance with the provisions of this local law.

#### **10.15 Cancellation of permit**

A permit may be cancelled by the CEO if -

- (a) the permit was obtained improperly by including false or misleading information;
- (b) the permit holder has persistently or frequently contravened a term or condition of the permit, or a provision of this local law, whether or not the permit is or has been suspended on the grounds of a contravention; or
- (c) there are reasonable grounds for believing that the continued carrying on of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the permit has been suspended on the grounds of that risk.

*Note – objection and appeal rights under Part 11 apply to the suspension or cancellation of a permit*

#### **10.16 Surrender of permit**

A permit holder may, at any time by notice in writing to the CEO, surrender the permit.

#### ***Division 4 - Responsibilities of permit holders and others***

#### **10.17 Production of permit**

A permit holder must produce to an authorised person her or his permit immediately after being required to do so by that authorised person.

#### **10.18 Other responsibilities of permit holder**

A permit holder must, in respect of local government property to which the permit relates -

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;



- 
- (b) comply with a direction from the CEO or an authorised person to take the action specified in the direction for the purpose of maintaining public safety;
  - (c) leave the local government property in a clean and tidy condition after its use;
  - (d) report any damage or defacement of the local government property to the CEO or an authorised person; and
  - (e) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act* for that purpose.

#### **10.19 Production of permit document for amendment**

If the CEO or an authorised person amends or renews a permit, the permit holder must, if required by the CEO or authorised person, produce the permit document to the CEO or authorised person for amendment within the period specified by the CEO or authorised person.

#### **10.20 Return of permit document if permit no longer in effect**

If a permit –

- (a) has expired or has not been renewed;
- (b) has been suspended or cancelled; or
- (c) has been surrendered,

the person who was the permit holder must, as soon as practicable after the expiry, suspension, cancellation or surrender, return the permit document to the CEO.

#### **10.21 Advertising**

A person must not advertise, or otherwise hold out in any way, that the person conducts a commercial activity in any public place unless that person holds a permit authorising that commercial activity.

#### **10.22 False or misleading statement**

A person must not make a false or misleading statement in connection with an application in respect of a permit under this local law.

### **Part 11 – Objections and review**

#### **11.1 Objection and review rights**

Division 1 of Part 9 of the Act applies to a decision under this local law in respect of the grant, renewal, transfer, amendment, suspension or cancellation of a permit.

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## Part 12 – Enforcement

### Division 1 - Notices

#### 12.1 Definition

In this Division –

**costs** of the local government include its administrative costs.

#### 12.2 Damage to local government property

If a person unlawfully removes, damages or interferes with local government property or portion of a street, the CEO or an authorised person may give the person a notice requiring that person, within the time specified in the notice, to do any one or more of the following (at the local government's option) –

- (a) reinstate the property to the state it was in before the removal, damage or interference;
- (b) replace that property; or
- (c) pay for the costs of reinstatement or replacement.

#### 12.3 Breach of a permit

If a permit holder breaches a condition of the permit, or fails to comply with a direction under this local law, the CEO or an authorised person may give the person a notice.

#### 12.4 Notice requirements

A notice under this Division must –

- (a) be in writing;
- (b) specify the reason for giving the notice, the work or action that is required to be undertaken and the time within which it is to be undertaken; and
- (c) be given to the person referred to in clause 12.2 or 12.3, as the case may be.

#### 12.5 Local government may undertake requirements of notice

- (1) If a person fails to comply with a notice referred to in clause 12.2, the local government may –
  - (a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference; and
  - (b) recover from the person, as a debt, the costs of doing so.
- (2) If a person fails to comply with a notice referred to in clause 12.3, the local government may –

- 
- (a) take whatever remedial action it considers appropriate to put the local government in the position it would have been in if the breach or failure had not occurred; and
  - (b) recover from the person, as a debt, the costs of doing so.

## **12.6 Offence to fail to comply with notice**

A person who fails to comply with a notice given to him or her under this local law commits an offence.

### ***Division 2 - Offences and penalties***

## **12.7 Offences and general penalty**

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

## **12.8 Prescribed offences**

- (1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The modified penalty for a prescribed offence is the amount specified adjacent to the clause in Schedule 3.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, the local government should be satisfied that –
  - (a) commission of the prescribed offence is a relatively minor matter; and
  - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

## **12.9 Form of notices**

- (1) For the purposes of this local law -
  - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
  - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

- 
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

**12.10 Evidence of a determination**

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

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## SCHEDULE 1 - DETERMINATIONS

[Clause 2.1]

The following determinations are to be taken to have been made by the local government under clause 2.1.

### Part 1 - Preliminary

#### 1.1 Definition

In these determinations –

**local law** means the *Public Places and Local Government Property Local Law 2021* made by the local government.

#### 1.2 Interpretation

Where a term is used but not defined in a determination and that term is defined in this local law then the term is to have the meaning given to it in this local law.

### Part 2 - Application

#### 2.1 Vehicles on local government property

- (1) Unless authorised by a permit or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless –
- (a) subject to subclause (3), the local government property is clearly designated as a road, access way or car park;
  - (b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in –
    - (i) providing a service or making a delivery in connection with the local government property; or
    - (ii) maintaining the local government property;
  - (c) the person is driving an emergency vehicle in the course of his or her duties;
  - (d) the vehicle is –
    - (i) driven on local government property that has been designated as a golf course;
    - (ii) used in accordance with the conditions set down by the local government, the controller or an authorised person; and
    - (iii) of a type allowed to be taken onto the golf course by the local government, the controller or an authorised person; or

- 
- (e) the vehicle is a motorised wheelchair, and the driver of that vehicle is a disabled person.
  - (2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.
  - (3) Other than in accordance with paragraphs (b), (c), (d) or (e) of subclause (1), a person must not drive a vehicle on local government property that is being used for a function for which a permit has been obtained unless permitted to do so by the permit holder or an authorised person.

## **2.2 Motorised model aeroplanes, toys or ships**

A person must not use, launch or fly a drone, motorised model aeroplane, toy, ship, glider or rocket that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except in accordance with a permit or determination that specifies that particular local government property.

## **2.3 Children's playgrounds**

- (1) The local government may set aside a public reserve or any portion of a public reserve as a children's playground.
- (2) The local government may limit the ages of persons who are permitted to use a children's playground and may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.
- (3) A person over the age specified on that sign, other than a person having the charge of a child or children in the playground, must not use a playground or interfere with the use by children of the playground.

## **2.4 Launching and retrieval of boats**

A person must not take a boat onto, launch a boat from, or retrieve a boat on, local government property except in accordance with permit or a determination that specifies that particular local government property unless –

- (a) the person is
  - (i) a local government employee or authorised person; or
  - (ii) a contractor engaged by the local government and who is engaged in providing a service, maintaining or making a delivery in connection with, the local government property.
- (b) the person is in charge of a boat engaged in rescue services or dealing with an emergency; or
- (c) the local government property is a boat ramp that is delineated by a sign to that effect.

---

## 2.5 Activities prohibited on local government property

- (1) A person must not play or practise archery or pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise permitted by a determination or permit.
- (2) A person must not play or practise golf on local government property except on a reserve set aside by the local government as a golf course.
- (3) A person must not, on any local government property, use or ride a bicycle or wheeled recreational device, skateboard, or sand board –
  - (a) inside, or on the curtilage to, a building;
  - (b) on a golf course except to the extent permitted under clause 2.1(1)(d) of these Determinations; or
  - (c) in or on a lakebed or waterway.
- (4) A person must not use on, or take on to, any local government property, a spear gun, hand spear, gidgie or similar device unless permitted by a determination or permit.
- (5) A person shall not traverse sand dunes except along pathways designated by signs or fences for the purpose.

---

## SCHEDULE 2 - AREAS WHERE HORSES MAY BE EXERCISED

[Clause 5.5]

Horse may be exercised at Pelican Point, Carnarvon as shown on the map below and indicated on site by signs, between the hours of 5.00am to 9.00am, from the high tide mark into the Indian Ocean.





## SCHEDULE 3 - PRESCRIBED OFFENCES

[Clause 12.8]

Item number	Clause	Description	Modified Penalty (\$)
1	2.4	Failure to comply with a determination	100
2	3.1	Undertaking activity on local government property without a permit	100
3	3.2	Camping on local government property or erecting an unauthorised structure	100
4	3.3	Failure to obtain licence for liquor	100
5	4.2	Failure to obtain permit for sign	100
6	4.4(3)	Failure to comply with sign permit condition	100
7	5.1	Behaviour interfering with others	100
8	5.2	Behaviour detrimental to local government property	100
9	5.3	Taking or injuring fauna without authorisation	100
10	5.4	Removing, damaging or depositing flora without authorisation	100
11	5.5	Animal on local government property without a permit	100
12	5.6	Under influence of liquor or prohibited drug on local government property	100
13	5.7	Failure to comply with sign	100
14	5.8	Failure to comply with direction of authorised person	100
15	6.1, 6.2	Unauthorised entry to event, closed or fenced local government property	100
16	6.4	Failure to observe conditions of play or direction of course controller on golf course	100
17	6.8	Failure to comply with sign or direction on beach	100
18	6.11	Unauthorised entry to airport premises	100
19	6.12	Animal on airport premises without approval	100
20	6.15	Unauthorised use of any part of jetty which is closed or under repair or construction	100
21	6.16	Berthing of boats in unauthorised manner	100
22	6.17	Unauthorised berthing of a boat to jetty	100
23	6.18	Failure to remove berthed boat on direction of authorised person	100
24	6.19	Launching of boat from jetty without consent	100
25	6.20	Berthing when not ready to load or discharge cargo, at times not permitted or for longer than permitted	100
26	6.21	Unlawful storing of goods on jetty	100

Item number	Clause	Description	Modified Penalty (\$)
27	6.22	Removing goods from jetty during other than permitted hours	100
28	6.23	Failure to remove cargo on jetty on direction of authorised person	100
29	6.24	Unauthorised deposit of bulk cargo on jetty	100
30	6.25	Polluting area surrounding jetty	100
31	6.26	Fishing from jetty so as to obstruct a boat or another person	100
32	7.6(1)	Driving or riding vehicle on area of a flora road that is not a carriageway	100
33	7.9	Planting in flora road without a permit	100
34	7.11	Clearing a flora road without a permit	100
35	7.13	Burning a flora road without a permit	100
36	7.17	Constructing firebreak without a permit	100
37	7.19	Commercially harvesting flora without a permit	100
38	7.20(1)	Collecting native flora seeds without a permit	100
39	8.1(a), 8.4(2)(b)	Planting or allowing plant or verge treatment in street to become a sightline hazard	100
40	8.1(b)	Damaging a street lawn or garden	100
41	8.1(c)	Damaging or removing whole or part of a street tree without authorisation	300
42	8.1(d)	Obstruction of street	100
43	8.1(e)	Damaging, removing or interfering with street, part of street, sign or structure in a street without authorisation	100
44	8.1(f)	Playing games in street so as to impede vehicles or persons	100
45	8.1(g)	Riding of skateboard or similar device on mall, arcade or veranda of shopping centre	100
46	8.2	Carry on or undertake prohibited activity in street or damage local government property in a street without authorisation	300
47	8.4(4)	Install verge treatment that is not a permissible treatment	100
48	8.5(a), 8.5(d) 8.5(e)	Failure to keep permissible verge treatment in good and tidy condition, obstruct a street, footpath, drain, or driveway	100
49	8.5(c)	Placing an obstruction on or around a verge treatment	100

Item number	Clause	Description	Modified Penalty (\$)
50	8.5(f)	Failure to ensure sprinklers or reticulation pipes do not protrude above level of verge treatment when not in use, not used at such times as to cause inconvenience to pedestrians, or otherwise present a hazard	100
51	8.8	Failure to obtain permit for a temporary crossing	100
52	8.9	Failure to remove redundant crossing or reinstate kerb, drain, footpath, verge or street	100
53	8.12	Failure to comply with condition of use of a street indicated by a sign	100
54	9.1(1)	Animal or vehicle obstructing public place without authorisation	100
55	9.2(2)	Animal in public place when not led, ridden or driven	100
56	9.3	Failure to clearly mark name or trading name on shopping trolley	100
57	9.4	Person leaving a shopping trolley in a public place other than trolley bay	100
58	9.5	Failure to remove shopping trolley after being advised of location	100
59	10.7	Failure to comply with permit condition	100
60	10.18	Failure to comply with permit condition in relation to local government property	100
61	10.17, 10.19, 10.20	Failure to produce permit for inspection, amendment or to return permit when no longer in effect	100
62	12.6	Failure to comply with notice	300
63	12.7	All other offences not specified	100

---

Dated

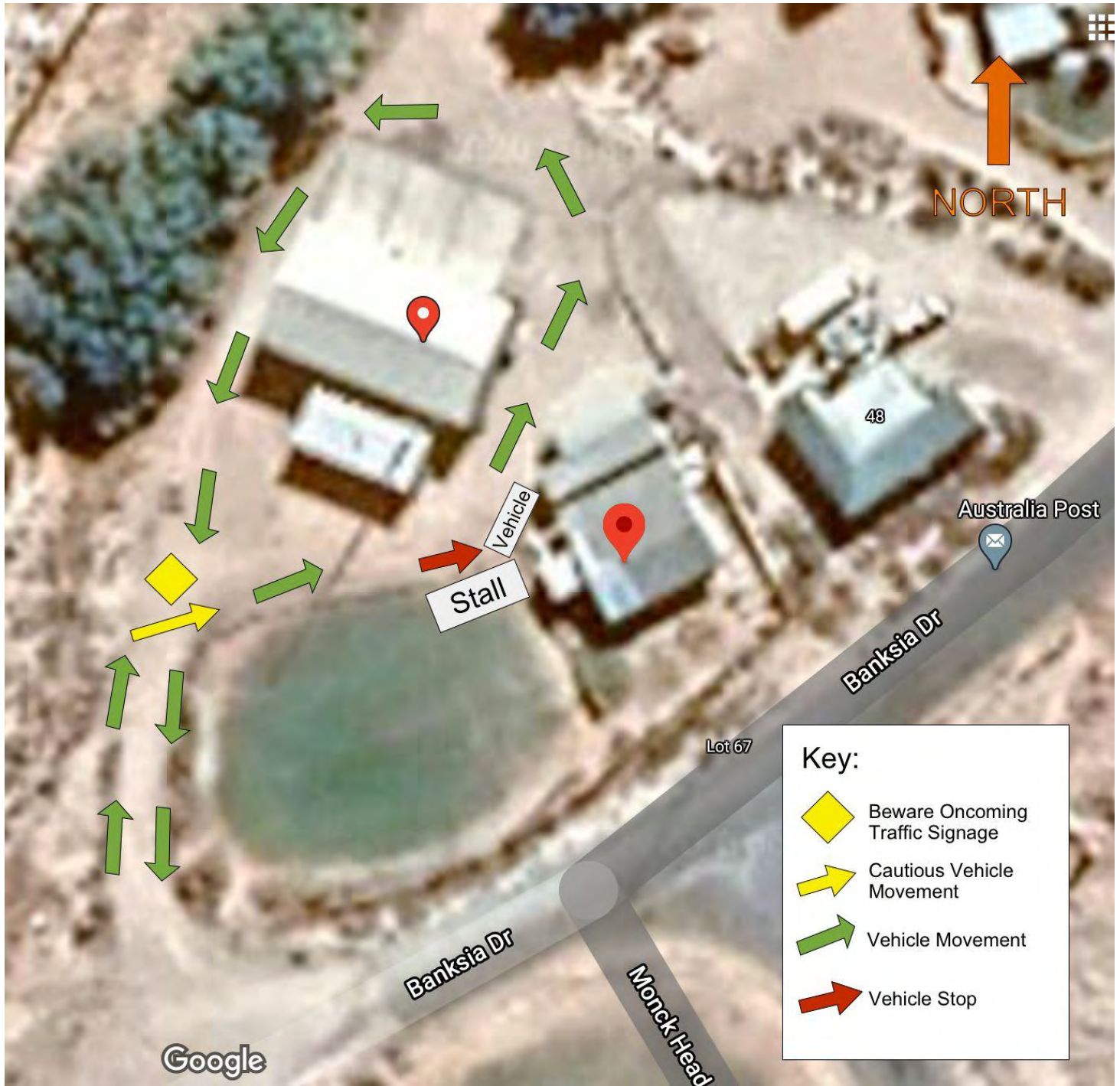
The Common Seal of the )  
Shire of Carnarvon was affixed in )  
the presence of )

.....  
Eddie Smith  
President

.....  
Chief Executive Officer

DRAFT

Schedule 8.3.16





# PCYC CARNARVON - PART SITE PLAN Existing

A ISSUE FOR DEVELOPMENT APPROVAL AUG 2020

No. REVISION DATE

PROJECT :

PROPOSED MODIFICATIONS  
 PCYC LOT 384  
 CNR CLEAVER & WHITLOCK STs  
 CARNARVON WA

ARCHITECT:

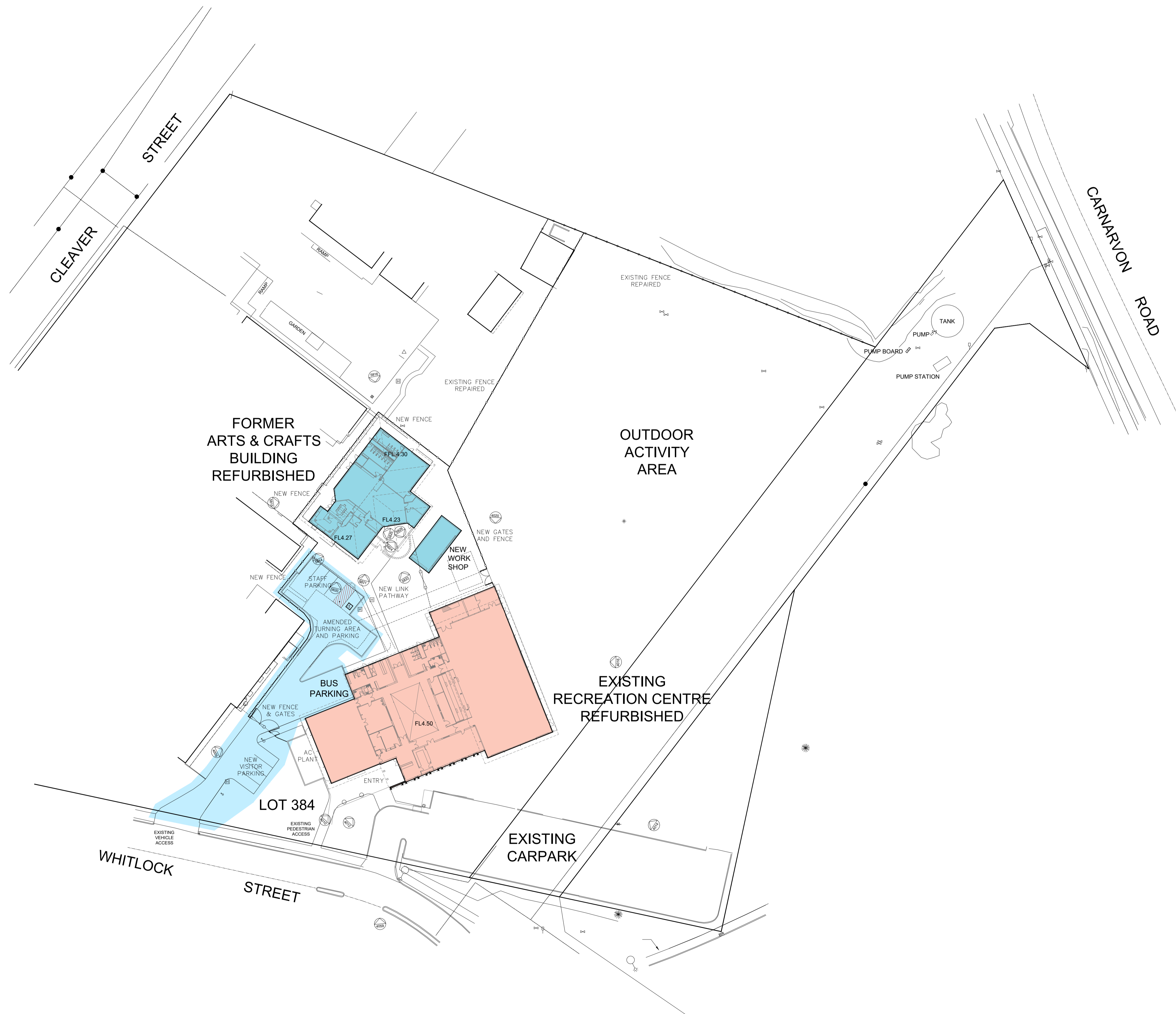


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 Western Australia  
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 E: admin@adcprojects.com.au

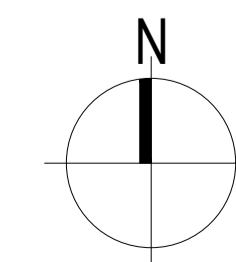
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 PART SITE PLAN - EXISTING

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DRAWN	JK	PROJECT NO	DRAWING NO
DATE	AUG 2020	20/001	EX01
SCALE	1:200 @ A1	REV A	SHEET A1



# PCYC CARNARVON - SITE PLAN scale 1:500



A ISSUE FOR DEVELOPMENT APPROVAL AUG 2020

No. REVISION DATE

PROJECT :

PROPOSED MODIFICATIONS  
 PCYC LOT 384  
 CNR CLEAVER & WHITLOCK STs  
 CARNARVON WA

ARCHITECT:



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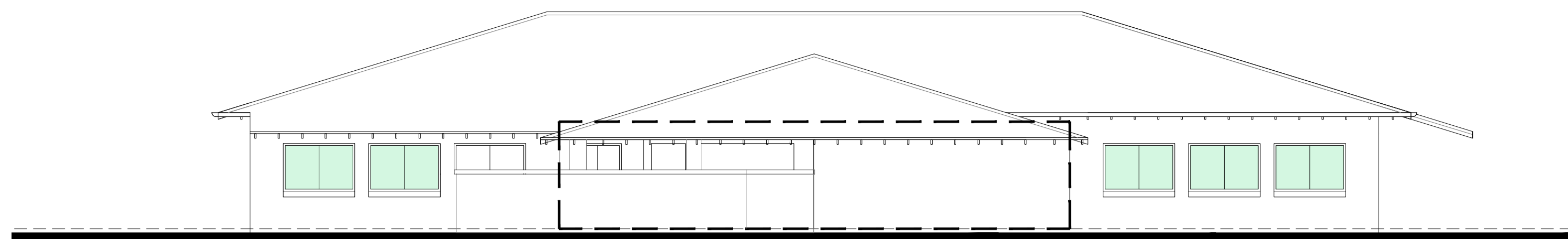
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DATE	AUG 2020	20/001	A01
SCALE	1:500 @ A1	REV	A SHEET A1



# PCYC CARNARVON - PART SITE PLAN scale 1:200

A		ISSUE FOR DEVELOPMENT APPROVAL	JULY 2020
No.	REVISION		DATE
PROJECT :			
<b>PROPOSED MODIFICATIONS</b> PCYC LOT 384 CNR CLEAVER & WHITLOCK STs CARNARVON WA			
ARCHITECT:			
			
544 Newcastle Street West Perth 6005 Western Australia T: +61 (08) 9227 5353 E: admin@adcprojects.com.au			
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DATE	AUG 2020	20/001	A02
SCALE	1:200 @ A1	REV	A SHEET A1



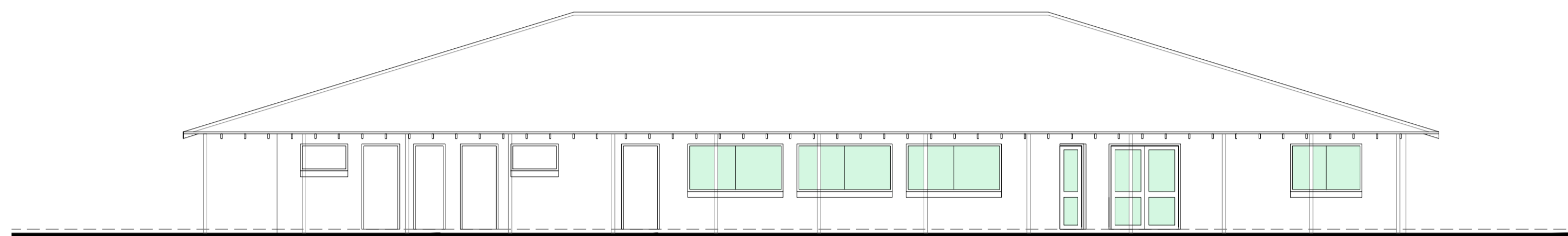


MAKE GOOD EXISTING WINDOWS  
REMOVE HOARDING  
INSTALL NEW GLASS AND SECURITY MESH SCREENS

EXISTING SCREEN WALL RETAINED

MAKE GOOD EXISTING WINDOWS  
REMOVE HOARDING  
INSTALL NEW GLASS AND SECURITY MESH SCREENS

PROPOSED SOUTH EAST ELEVATION  
SCALE 1:100 mm



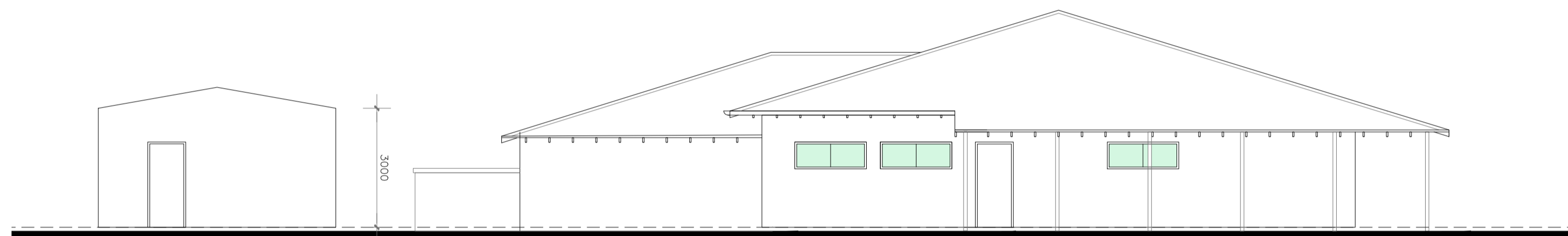
MAKE GOOD EXISTING DOOR FRAMES  
INSTALL NEW SOLID CORE DOORS (4)  
PAINT FINISH

MAKE GOOD EXISTING WINDOWS  
REMOVE HOARDING  
INSTALL NEW GLASS AND SECURITY MESH SCREENS

NEW GLAZED TIMBER DOORS

MAKE GOOD EXISTING WINDOWS  
REMOVE HOARDING  
INSTALL NEW GLASS AND SECURITY MESH SCREENS

PROPOSED NORTH WEST ELEVATION  
SCALE 1:100 mm



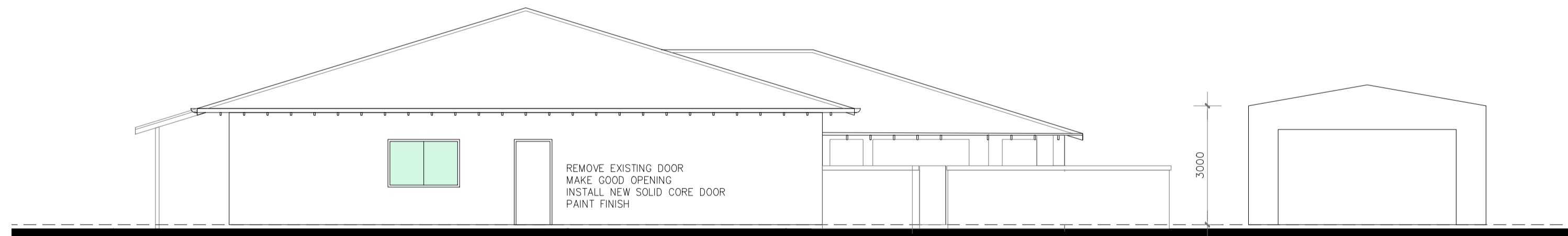
NEW SHED WORKSHOP

MAKE GOOD EXISTING WINDOWS  
REMOVE HOARDING  
INSTALL NEW GLASS AND SECURITY MESH SCREENS

MAKE GOOD EXISTING DOOR FRAME  
INSTALL NEW SOLID CORE DOOR  
PAINT FINISH

MAKE GOOD EXISTING WINDOWS  
REMOVE HOARDING  
INSTALL NEW OBSCURE GLASS AND SECURITY MESH SCREENS

PROPOSED NORTH EAST ELEVATION  
SCALE 1:100 mm

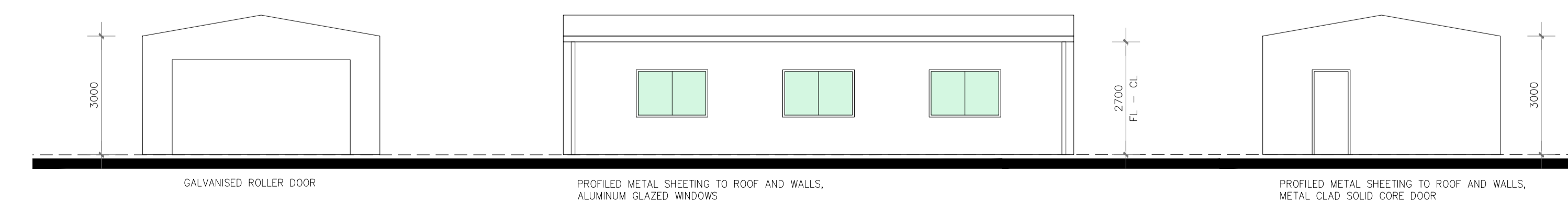


MAKE GOOD EXISTING WINDOWS  
REMOVE HOARDING  
INSTALL NEW GLASS AND SECURITY MESH SCREENS

EXISTING SCREEN WALL AND GATES RETAINED

NEW SHED WORKSHOP

PROPOSED SOUTH WEST ELEVATION  
SCALE 1:100 mm

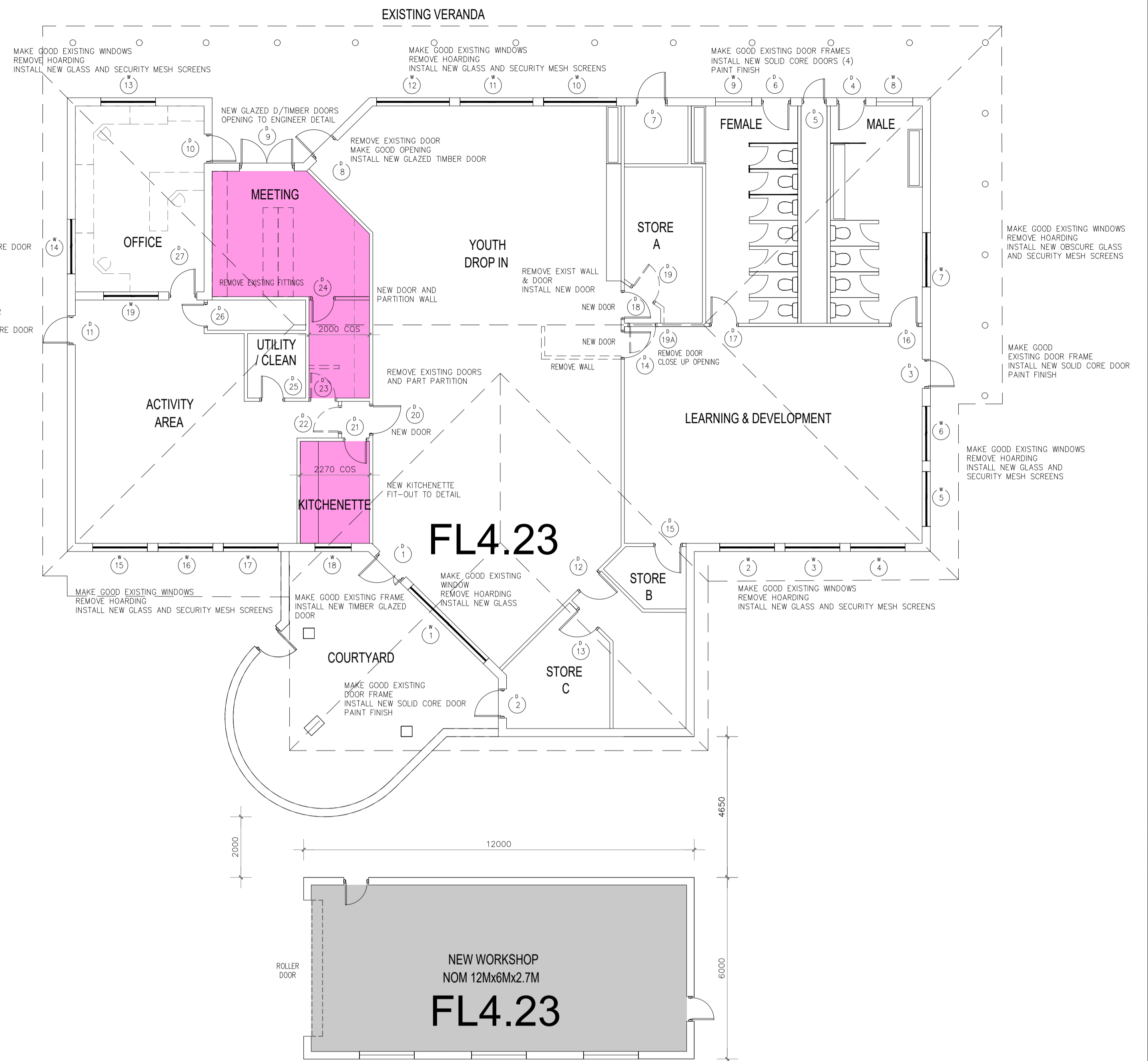


W'SHOP SW ELEV  
SCALE 1:100 mm

W'SHOP SE ELEV  
SCALE 1:100 mm

W'SHOP NE ELEV  
SCALE 1:100 mm

W'SHOP NW ELEV  
SCALE 1:100 mm



NEW WORKSHOP - DESIGN CONSTRUCT  
PROFILED METAL SHEETING TO ROOF AND WALLS, ROOF INSULATED  
STUD WALLS, GFCI INTERNAL LINING, CONCRETE FLOOR  
SOLID CORE PERSONNEL DOOR  
ALUMINUM GLAZED WINDOWS  
GALVANISED ROLLER DOOR

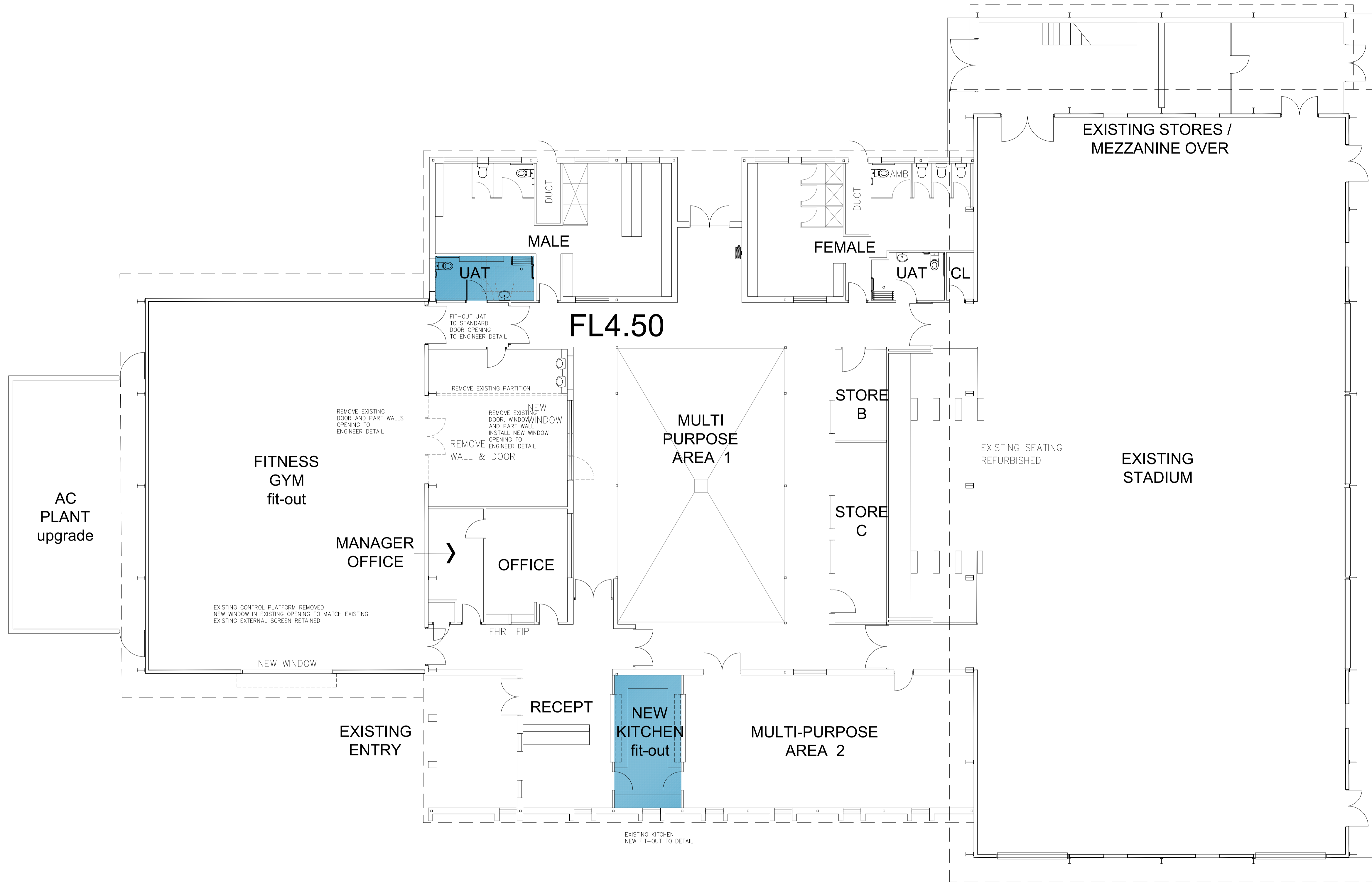
PROPOSED FLOOR PLAN  
SCALE 1:100 mm

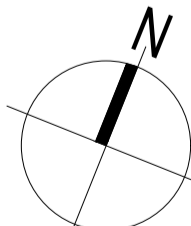
A ISSUE FOR DEVELOPMENT APPROVAL		AUG 2020
No	REVISION	DATE
PROJECT :		
PROPOSED MODIFICATIONS		
PCYC LOT 384		
CNR CLEAVER & WHITLOCK STs		
CARNARVON WA		

ARCHITECTS:

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DATE	AUG 2020	20/001	A03
SCALE	1:100	REV	A SHEET A1





**PROPOSED FLOOR PLAN**  
 SCALE 1:100 @ A1

# PCYC CARNARVON RECREATION CENTRE - PROPOSED

A	ISSUE FOR DEVELOPMENT APPROVAL	AUG 2020
No.	REVISION	DATE

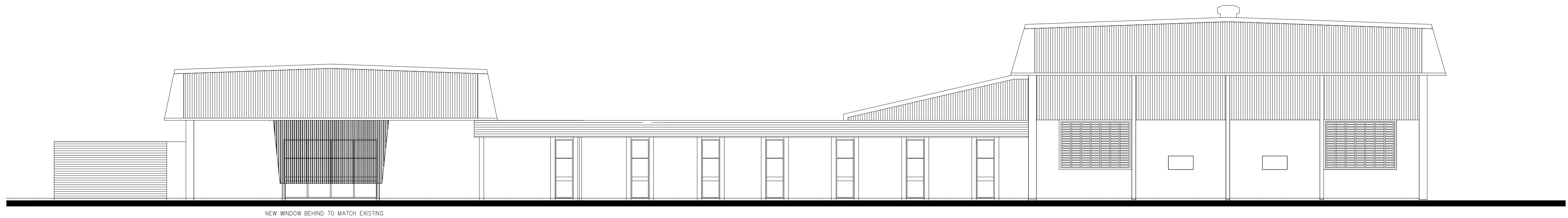
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 PCYC LOT 384  
 CNR CLEAVER & WHITLOCK STs  
 CARNARVON WA

ARCHITECTS:

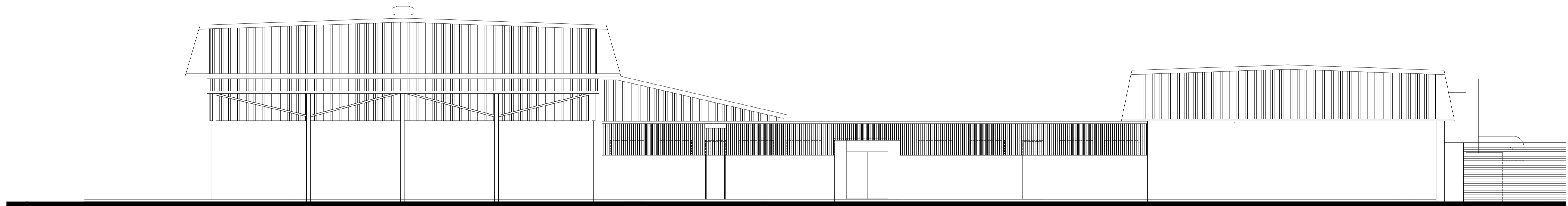


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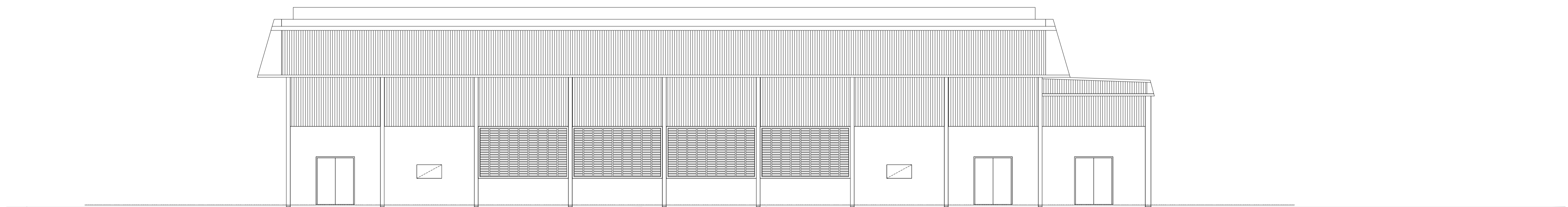
THIS SHEET			
RECREATION CENTRE			
PROPOSED FLOOR PLAN			
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DRAWN	JK	PROJECT NO	DRAWING NO
DATE	AUG 2020	20/001	A04
SCALE	1:100	REV	A SHEET A1



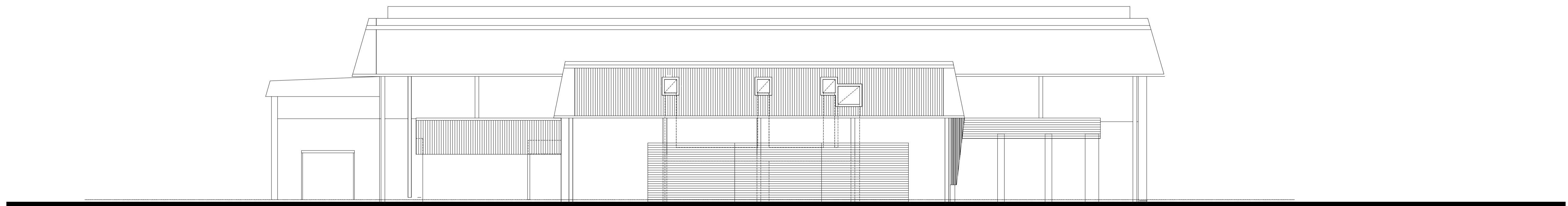
1 SOUTH ELEVATION



2 NORTH ELEVATION  
SCALE 1:100



3 EAST ELEVATION  
SCALE 1:100



4 WEST ELEVATION  
SCALE 1:100

# PCYC CARNARVON - RECREATION CENTRE

A ISSUE FOR DEVELOPMENT APPROVAL AUG 2020

No. REVISION DATE

PROJECT :

PROPOSED MODIFICATIONS  
PCYC LOT 384  
CNR CLEAVER & WHITLOCK STs  
CARNARVON WA

ARCHITECTS:

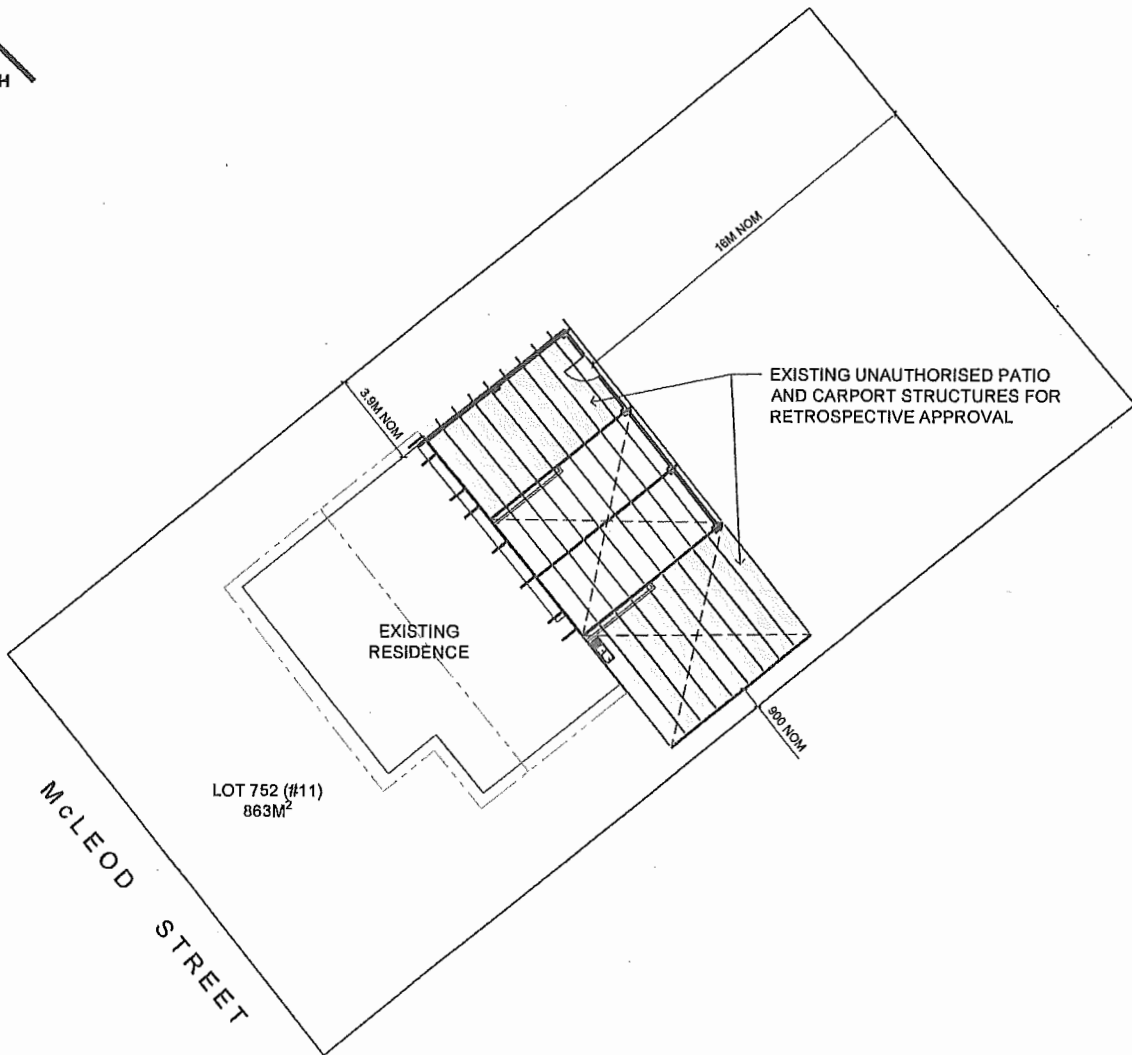


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RECREATION CENTRE  
PROPOSED ELEVATIONS

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DATE	AUG 2020	20/001	A05
SCALE	1:100	REV A	SHEET A1



**SITE PLAN**  
SCALE 1:200 @ A3



**B. PITTARD B.ENG (CivilStruct)**  
 MIE Aust 1111802  
 17 Lobelia Drive, Darlington WA 6070  
 Ph: (08) 92997442 | Mob: 0439937891  
 Email: brucepittard@inet.net.au

CERTIFIED FOR STRUCTURAL SUFFICIENCY



**OWNER/BUILDER DECLARATION**

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SIGNED BY OWNER/BUILDER

INVALID WITHOUT OWNER/BUILDER ACKNOWLEDGEMENT

**DESIGN CRITERIA**

- DEAD & LIVE LOADS IN ACCORDANCE WITH AS1170.1
- WIND LOADS IN ACCORDANCE WITH AS1170.2
  - WIND REGION D, TERRAIN CATEGORY 2.5 IN ACCORDANCE WITH AS1170.2
  - MAX STRENGTH DESIGN GUST WIND SPEED  $V_u = 88$  m/s
  - SERVICEABILITY DESIGN WIND SPEED = 55 m/s
  - EXTERNAL PRESSURE COEFFICIENT  $C_{pe} = -0.65$  OR 0.70
  - INTERNAL-PRESSURE COEFFICIENT  $C_{pi} = -0.70$  OR -0.65
  - IMPORTANCE LEVEL 2
- EARTHQUAKE LOADS IN ACCORDANCE WITH AS1170.4
  - HAZARD FACTOR = 0.12
  - PROBABILITY FACTOR = 1.0
- LOW-HIGH-LOW PRESSURE SEQUENCES IN ACCORDANCE WITH BCA SECTION 3.10.1.0 (f) TABLE 3.10.1
- SITE CLASSIFICATION - ASSUMED CLASS 'S' SITE - NOTIFY ENGINEER IF OTHER SOIL TYPES ARE ENCOUNTERED

OPENSOURCE CALCULATIONS	
R CODING	R12.5
EXIST RESIDENCE	-108.0
EXTENSION	-115.0
VERANDAH COMPENSATION	21.0
LOT AREA	863.0
OPENSOURCE	661.0
OPENSOURCE %	76.6

**NATHAN MANNING DESIGNER**  
 remote design & drafting

T. 0409945959  
 P. PO Box 16  
 Carnarvon WA 6701  
 E. nathandraft@gmail.com  
 ABN 14 337 535 517

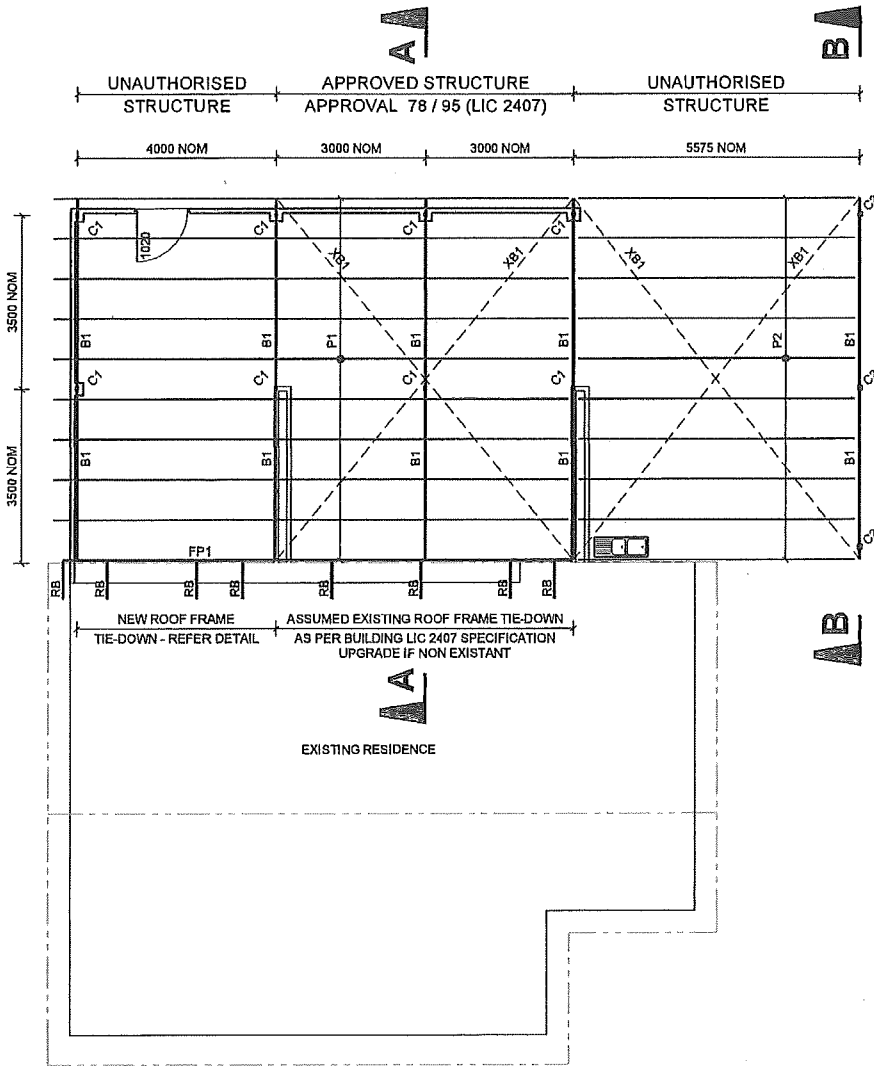


ENGINE ALL STRUCTURES MADE TO COMPLIANCE WITH THE NATIONAL BUILDING REGULATIONS & LOCAL AUTHORITY REQUIREMENTS. UNLESS OTHERWISE SPECIFIED IN THE DRAWINGS. THIS PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A CONTRACT. COPYRIGHT ©

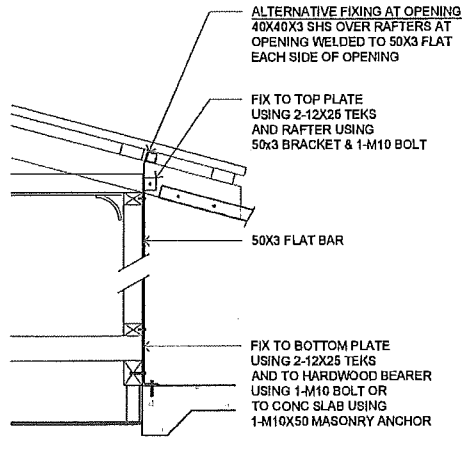
27/02/19 FOR APPROVAL  
 19/02/18 FOR COMMENT

RETROSPECTIVE APPROVAL FOR UNAUTHORISED STRUCTURE LOT 752 (#11) McLEOD STREET, CARNARVON WA

0645 SHEET NO. **A1.1**



MEMBER SCHEDULE	
TAG	DESCRIPTION
C1	75X75X3.0 SHS
C2	100X100X3.0 SHS
B1	150X50X3.0 RHS
FP1	100X50X3.0 RHS
P1	C10012 PURLINS @ 850 CRS MAX
P2	C26019 PURLINS @ 850 CRS MAX
RB	RAFTER BRACKET (9 OFF @ 1800 CRS MAX) REFER DETAIL
XB1	30x1.2 STAP BRACING FIXED USING 1-12X25 TEK TO EACH BEAMPURLIN
ALL CONNECTIONS FULLY WELDED UNLESS NOTED OTHERWISE	

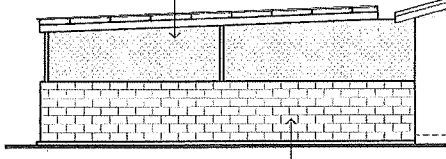


**TIE-DOWN DETAIL**  
SCALE 1:20 @ A3

**FLOOR PLAN (INCLUDING ROOF STRUCTURAL MEMBERS)**  
SCALE 1:100 @ A3



FIBRE-CEMENT SHEET LATTICE FIXED TO TIMBER STUDWORK IN ACCORDANCE WITH MANUFACTURE'S SPECIFICATION



280L X 90W X 162H BRICKWORK @ 7c (1200 AFL)

**SIDE / NORTH ELEVATION**  
SCALE 1:100 @ A3

**B. PITTARD B.ENG (Civil/Struct)**  
MIE Aust 1111802  
17 Lobelia Drive, Darlington WA 6070  
Ph: (08) 92997442 | Mob: 0439937091  
Email: brucepittard@inet.net.au

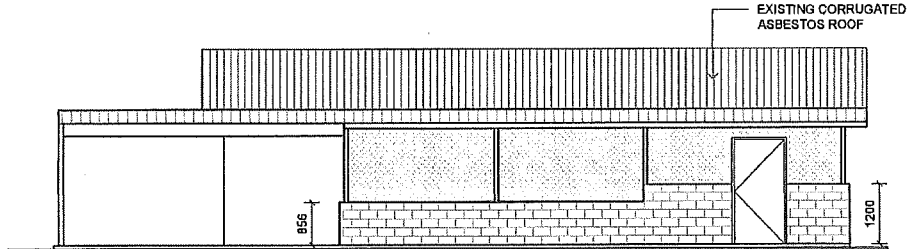
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**REAR / EAST ELEVATION**  
SCALE 1:100 @ A3

**NATHAN MANNING DESIGNER**  
remote design & drafting

T. 0409945959  
P. PO Box 16  
Carnarvon WA 6701  
E. nathanmanning@gmail.com  
ADN 34 337 535 517

**NATIONAL COMPETENCY REGISTER**

ENGINEER ALL BIDDING & TENDERS TO CONSTRUCTION  
- ALL WORK TO THE BCA & RELEVANT REGULATIONS  
- ALL WORK TO LOCAL AUTHORITY REGULATIONS  
- ALL CONSTRUCTION IN ACCORDANCE WITH  
- MANUFACTURER'S SPECIFICATIONS & DETAILS  
- THIS DRAWING IS VALID FOR 12 MONTHS FROM DATE OF ISSUE  
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27/02/19 FOR APPROVAL  
18/02/19 FOR COMMENT

RETROSPECTIVE APPROVAL FOR UNAUTHORISED STRUCTURE  
LOT 752 (#11) McLEOD STREET, CARNARVON WA

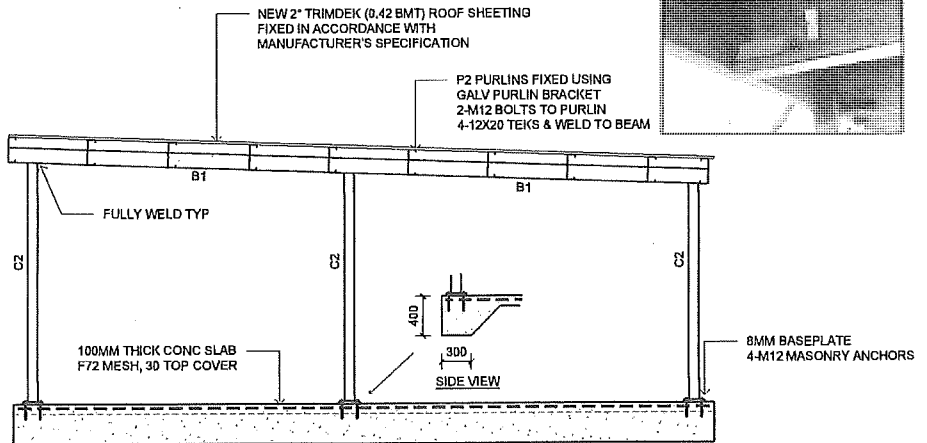
PROJ: 0645  
SHEET 10  
**A2.1**

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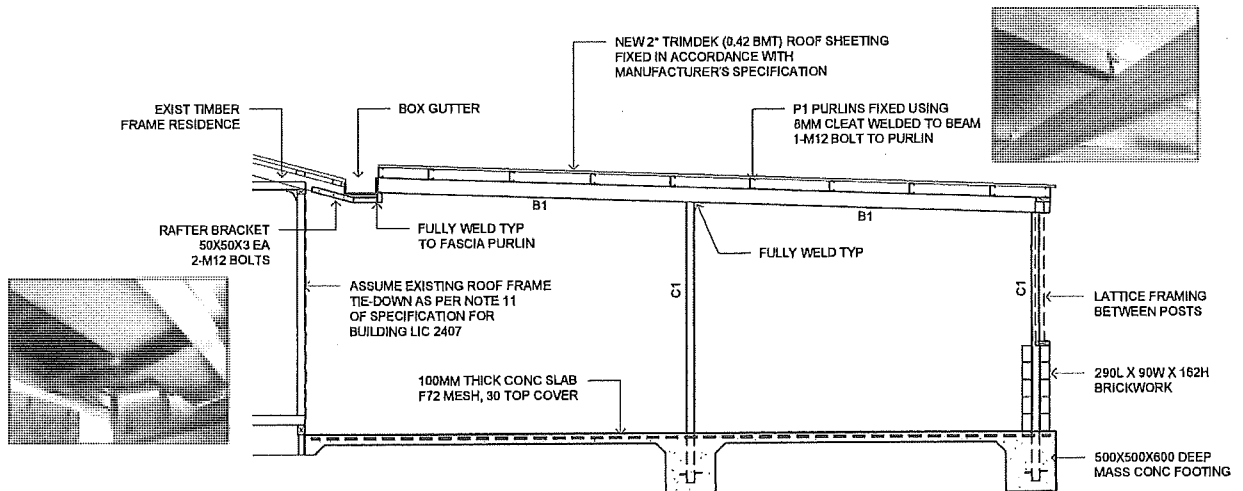
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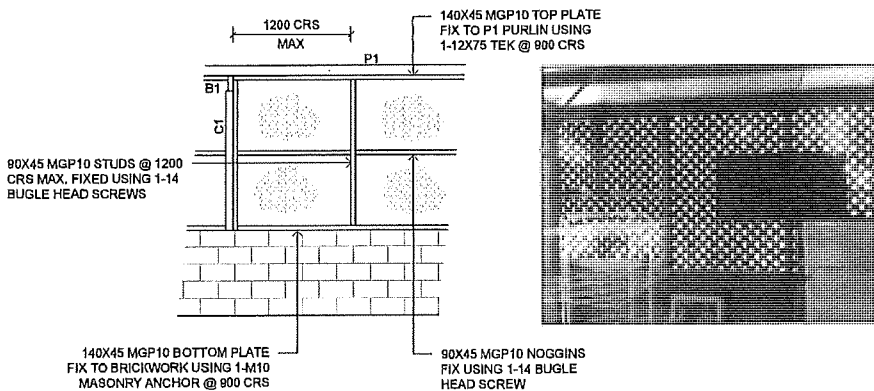
**SECTION B - B**

SCALE 1:50 @ A3



**SECTION A - A**

SCALE 1:50 @ A3



**TYPICAL LATTICE FRAMING DETAIL**

SCALE 1:50 @ A3

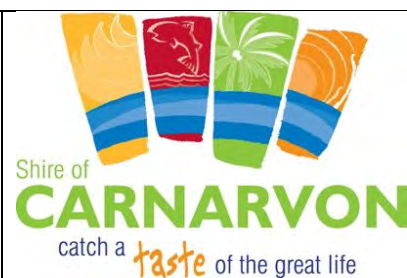
**B. PITTARD B.ENG (Civil/Struct)**  
 MIE Aust 1111802  
 17 Lobelia Drive, Darlington WA 6070  
 Ph: (08) 92997442 | Mob: 0439937891  
 Email: brucepittard@inet.net.au  
 CERTIFIED FOR STRUCTURAL SUFFICIENCY



## INFRASTRUCTURE MONTHLY REPORT

November 2020

Wayne Sanderson  
Infrastructure Operations Manager



### **Safety:**

- Raise awareness of managing heat stroke.

### **Parks and Gardens:**

- Replacing plants that were vandalised on the Fascine area.
- Repairing Reticulation at festival grounds, Lotteries house, main street and Fascine areas.
- Removal of unsafe playground equipment at Tonkin Park.
- Removal of weeds and shrubs from Butcher street Playgroup to reduce a habitat for snakes.
- Routine Mowing, slashing and clean-up areas around town.

### **Waste Facility:**

- General duties to maintain waste facility.
- Crushing of concrete, glass, and stock piling for recycling.
- Constructing new access road to ponds. This will allow for access to ground that can be used for asbestos.

### **Town Site Infrastructure:**

- Repair seating that was damaged in Brockman park.
- Complete outstanding work orders at Coral bay (footpath repairs, road marking and sweeping).
- Install airside warning signage on fence at Coral Bay airstrip.
- Inspected tie backs along fascine (found to be in a good state). Waiting on report.

### **Town Roads:**

- Removal of windblown drift sand from Pelican Point roads.

### **Country Roads:**

- Routine inspection of roads.
- Minor repairs to country roads.

### **Workshop:**

- Repair excavator bucket pins.
- Minor repairs to road sweeper.
- Minor repairs to genset at Waste Facility.
- General servicing and minor repairs to light and Medium vehicles.



**Staff Training**

- Pay role system training
- Procurement/purchasing/delegations

**Reneè Lathwell****Engineering Technical Officer Report****Orders & Requisitions**

- 15 Properties during November - Completed

**Traffic Counts**

- Collected counter & data from Olivia Terrace
- Installed counters on Wahroonga-Pimbee Road and New Beach-Bush Bay Road

**Town Beautification Works**

- Perform audit of bins in CBD & Fascine area
- Create map of bin, review with Depot staff and consider decrease/increase of bins.
- Submit eQuote for the purchase of bins and recycling bins (quotes to be received in December).

**Public Open Space Strategy**

- Provide Infrastructure advice in consultation with Planning staff

**Other**

- Liason with Chamber of Commerce regarding Street Party
- Commenced Business Improvement working group for Hiring Shire Facilities
- Provided Update to Lock Hospital Working Group on application for pathway funding
- Submitted Council report for Updating the MRWA Roads 2030 Document
- Commenced Road Inventory review on roads outside reserves
- Submit funding proposal and costings breakdown for \$80k Skatepark upgrade
- Produce Evacuation plans for Youth Hub
- Sought quotes for stock grids and fauna grids, then submit Purchase Order Request
- Liaise with Department of Health regarding Sensory Garden concept
- Sought quote and design proof for memorial bench in Brockman Park

**Michael Arthur****Co-ordinator — Building Maintenance**

- New tourism signs to the entrance of town have been fitted.
- Loose pavement footpath steps have been repaired at northwater.
- Some plumbing works have been done at the tennis club to get the toilets up to standard.
- A new air conditioner has been fitted in the bedroom at 4 Yardi Quays.
- The Aircon servicing is now complete.
- The new shade sails for the aquatic centre have now been fitted.

**Carey Wielgasz**

**Airport operations Coordinator**

***Aviation Safety***

- Completion of update on Airside Driving and induction Booklet
- Started inducting all staff and tenants (on going until all completed)
- Incident ID number 7932 under investigation (on going)
- Updates of all Aerodromes folders (refer to spread sheet)
- Have received 2 new handheld Air radios.

***Budget Impacts***

- Airside maintenance budget may require additional funds to resolve issues from ATI report.
  - a) Low insulation resistance on cable to primary IWDI
  - b) Low Insulation resistance on runway lighting loop (degraded further than 2018 report)
  - c) Non complaint apron lights
  - d) Movement of 22 IWDI to meet with MOS 139 standards (will put in 2021 budget)
  - e) Upgrade of 2 generator in powerhouse.

***Governance***

- All reporting up to date
- CASA inspection postponed due to COVID19
- Electrical ATI booked for the 8/12/2020 AMS
- Aps will commence work on the 6/12/2020 and will complete ARO training in Perth on the 12/1/2021
- Caroline working on insurance claim for sliding terminal door.
- Have given a list to SJ for items that we can look at for the RAPS grant due in by 11/12/2020 have started to ask for some quotes.
- REX have put on additional flight for boxing day.
- COVID 19 chairs are limited to 30, arrival passengers going back through terminal to disembark now

***Infrastructure Issues (Airside)***

- Northern GA apron works - Specification of works for Tender is in progress
- Severe rusting of poles holding baggage area patio. One pole has nearly rusted off at concrete level. Three others in poor condition. Quotes being sourced for repairs. Other poles being treated with anti-corrosion treatments. Consensus is bore water is the cause as other areas of fencing and the toilet block are also suffering damage (works will proceed with LRCI grant - quotes obtained)
- Faded paint work on 04/22 and 18/36 to be carried out (waiting on weather)
- Completion of boundary fencing and barrier fence up grades, apron lighting, sloping RWY 04/22 RESA 22 end and swale drain non complaint area works started process for 21,22,23 grants to complete these works.
- Slashing to be carried out and completed awaiting on depot crew availability

**Landings**

Total landings for the month 135.

Landings are down for over a week the recordings were not working properly so flights have been missed.

This has been fixed and resolved by IT.

REX continue to run a restricted schedule 8 flights per week. Plus putting Sunday and Wednesday extra flights as well

GA movements steady

RFDS movements steady

**Security**

- Nil incidents

**Wildlife Management**

- Crows in large numbers are evident during dark hours but not an issue during the day.
- Rabbit baiting programme recommenced are up to date airside.
- Rabbit activity strong on non-air side areas.
- Airside mowing (ongoing until completed)
- Influx of bush turkey at present.
- Couple dog sightings.

**Grant Information**

- 2019/2020 GRANT  
Works on pounding taxi way bravo  
Ponding on 18/36 were aircraft taxi from 04/22 onto 18/36  
Works to northern -g apron,  
RWY lighting circuit testing.
- 2020/2021 GRANT  
Upgrade of Apron Lighting to meet with MOS139  
Sloping along 04/22 to meet with MOS139  
RESA 22 end to meet with MOS 139  
Completion off airside boundary fence and barrier stock fence.

**Other works**

- Airside mowing is on going
- Ongoing works clearing and levelling of all vegetation and shrubs to minimize wildlife activity airside

**LRCI Project Status Board**

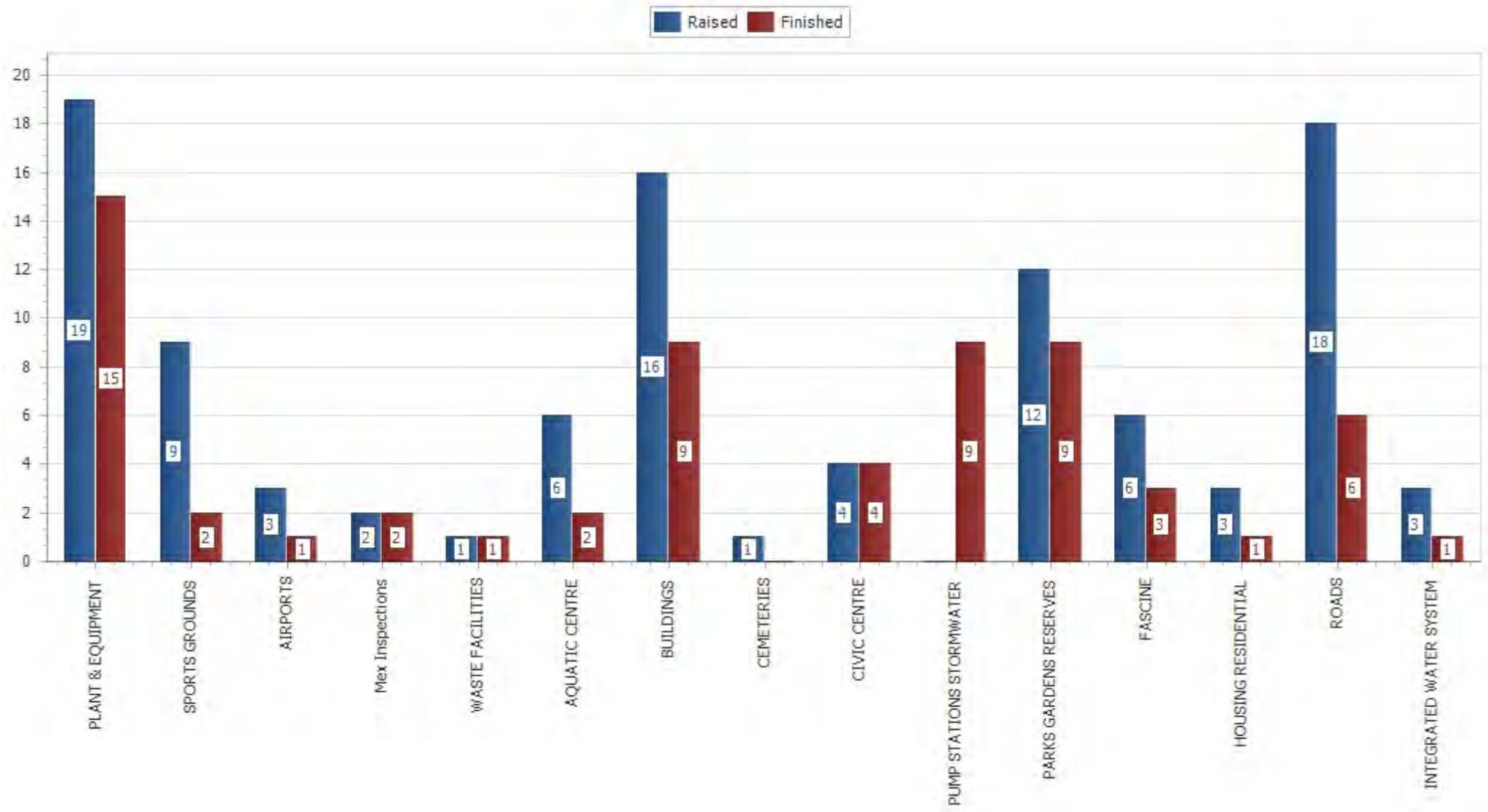
Project Number	Description	Budget	Nomination Submitted	Nomination Approved	Status
1.	Dog Fencing Project Support <ul style="list-style-type: none"> <li>Supply and deliver 2 x New Grids for installation on roads crossed by new wild dog fence being installed south of Carnarvon.</li> </ul>	\$50,000	3/11/20	6/11/20	Project underway. Grids ordered. Delivery expected early January.
2.	Growers Market Upgrades <ul style="list-style-type: none"> <li>Installation of improved power outlets and lighting for Gascoyne Growers market area and shed at the Civic Centre to support market stall holders and community events.</li> </ul>	\$15,000	2/11/20	6/11/20	Nomination approved. Site visit conducted with electrician. Awaiting Electrician quote.
3.	Coral Bay Visitor Signage Project <ul style="list-style-type: none"> <li>Upgrade to entry statement welcome signage</li> <li>Additional tourism signage.</li> </ul>	\$25,000	7/12/20		Nomination submitted.
4.	Town Beach Kiosk Upgrade Project <ul style="list-style-type: none"> <li>Refurbish kiosk at Town Beach so it can be used for new business to be established.</li> </ul>	\$20,000	3/11/20	6/11/20	Nomination approved. EOI prepared.
5.	Fascine Shelter Project <ul style="list-style-type: none"> <li>Install BBQ and shade structure at the corner of Oliva Terrace and Brown Street.</li> </ul>	\$50,000	25/11/20		Nomination submitted. RFQ document commenced.
6.	Tramway Bridge Upgrade Project <ul style="list-style-type: none"> <li>Refurbish/replace shelter.</li> <li>Replace seating and benches</li> <li>Paint bridge rails</li> <li>Install heritage information signage</li> <li>Remove existing railway lines from bridge structure.</li> </ul>	\$50,000	7/12/20		Nomination submitted. Rail lines have been removed.

Project Number	Description	Budget	Nomination Submitted	Nomination Approved	Status
7.	<p>Town Amenity Improvements</p> <ul style="list-style-type: none"> <li>• Consistent quality bin surrounds throughout town.</li> <li>• Public Toilet refurbishments</li> <li>• Premier Oval Fence Replacement</li> <li>• Park furniture and equipment upgrades.</li> <li>• Long Vehicle Parking</li> <li>• Other amenity improvements to repair what we already have.</li> </ul>	\$319,000			Quotations sourced for bins. May need to break into separate projects.
8.	<p>Airport Amenity Improvements</p> <ul style="list-style-type: none"> <li>• Seating replacements</li> <li>• Baggage area refurbishment</li> <li>• Taxi Shelter</li> <li>• Bin Surrounds</li> <li>• Toilet refurbishment</li> <li>• Gardens</li> </ul>	\$120,000	12/11/20		Nomination submitted. Quotations sourced. Draft RFQ for toilet refurbishment completed and sent for quotes.
9.	<p>Blowholes Camping Area Improvements</p> <ul style="list-style-type: none"> <li>• Signage to ensure camp permit payment and general directional/information signage.</li> <li>• Designated bays for campsites with online booking/payment system</li> <li>• Complete caretaker sea container site with decking, windbreak etc</li> <li>• Develop additional camp sites on dune areas to the right of the access road.</li> </ul>	\$160,000	25/11/20		Nomination submitted. Caretaker hut assessed. Booking system discussions with visitor centre commenced.
10.	<p>Artificial Reef Project</p> <ul style="list-style-type: none"> <li>• For the purchase of additional artificial reef modules to create the largest artificial reef in WA.</li> </ul>	\$25,000	2/11/20	6/11/20	Project underway.

Project Number	Description	Budget	Nomination Submitted	Nomination Approved	Status
11.	Tennis Club Clubhouse Upgrade Project <ul style="list-style-type: none"> <li>• Replace external lighting</li> <li>• Window and security screen replacement</li> <li>• Painting and Ceiling Repairs</li> <li>• Toilet cistern replacements</li> <li>• Fencing and Gate Repairs</li> <li>• Tree trimming and removals</li> </ul>	\$10,000	15/10/20	6/11/20	Project Underway. Tree trimming completed. Purchase orders issued for other works. Toilet works completed.
TOTAL		\$844,000			

Work Order Count

Wed, 09-Dec-2020



## DEVELOPMENT SERVICES MONTHLY REPORT CALENDAR MONTH OF NOVEMBER 2020



### Building Services

One (1) Senior Building Surveyor (works contracted to the City of Geraldton) and one (1) Building Services Assistant.

### Building Services Support Officer

- Consulting with builders, applicants and public with information and forms for building applications, plan search requests and providing general customer service in relation to building matters.
- Coordinating building applications and approved documents between the Shire and the contract building surveyors at the City of Greater Geraldton.
- Undergoing building plan searches; processing building applications, building permits and notices of completion by receiving, registering, processing, and tracking applications / project proposals.
- Processing reports for the Construction Training Fund; Department of Mines, Industry Regulation and Safety and other entities requiring building information / activities within the Shire of Carnarvon.
- Recording, updating, and maintaining all data entry and filing systems including digitally processing building archives / documents.

<b>Statistics of Building Permits</b>	<b>Received</b>	<b>Approved</b>
New Building	2	
Outbuilding	1	1
Solar Panels		
Structural Assembly		
Alterations and/or additions	2	1
Relocation of building	1	
Demolition of an existing building	1	1
Swimming Pool/ spa		
Fence	3	3
Multiple building type		
Patio		
Residential Shed		
Other (Refurbishment / Fit Out)	1	1
<b>Total</b>	<b>11</b>	<b>7</b>

<b>Contract Building Surveyor Inspections</b>	
Approved applications (refer to delegation report)	
Building Inspections – Carnarvon, Coral Bay, Blowholes	3
Pool Inspections	
<b>Total</b>	<b>3</b>



## **Planning Services**

*One Principal Planner*

### Development Applications:

- One (1) Council report.
- Prepared documentation confirming Council determinations for five Council decisions.
- Liaised with Dept. of Lands & contractor re demolition of old courthouse police stn. sites.

### Public enquiries:

- Responded to enquiries at the front desk and by phone and email;

### DPLH Enquiries:

- Proposed development of the old prawning factory site as a tourism development;
- Future omnibus amendments to LPS 13;
- Proposed tourism development at Waroora station;
- Unauthorised clearing on North River Road.

### Compliance: Followed up complaints re unauthorised activities:

- Unauthorised development works at Gnaraloo tourism node;
- Unauthorised storage at Coral Bay;

### Subdivision Applications:

- Green title application for Lot 308 Coral Bay;
- Strata title application for Lot 308 Coral Bay;
- Finalised documentation for Certificate of Title for the St. John Ambulance site;
- Liaised with Landgate re caveat over the Lotteries House site.

### Local Laws Review:

- Reviewed proposed draft Local Laws;
- Liaised with consultant re draft revised Local Laws;

Public Open Space Strategy (Ongoing)

## **Environmental Health Services**

*Two (2) Environmental Health Officers*

### **COVID-19**

EHO's attended WA Health Dept Webinar for new COVID requirements. Topics included:

- New Closure and Restriction (Limit the Spread) Direction (No 9)
- Contact registers (SafeWA app and paper-based)
- Authorisation of local government Environmental Health Officers
- Compliance and enforcement responsibilities
- Public complaints management
- COVID events update
- Questions and answer time
- Attended Incident Management Meeting and provided advice to management regarding the above compliance for Shire facilities. i.e. Carnarvon Aquatic Facility, Visitors Centre, reception, library.
- Provision of further advise via email to internal staff regarding contact registers.
- Advise to outback event regarding COVID Event Plan and contact register

Advice given to Shire departments and to various business owners in response to enquiries

### **Onsite wastewater**

- Inspection of new septic system installation (Carnarvon-Mullewa Rd, Inggarda)

- Several septic plan searches in response to plumbing business enquiries
- 2x applications received to install on-site waste-water treatment system received from nature based park. Applications to be provided to Dept Health for decision with LG report.
- Enquiry from Water Corporation about a commercial building in Carnarvon that appears to have no sewerage connection.

#### **Complaints & Referrals**

- Progress made towards removal of unsafe buildings. Discussion with solicitor.
- 17 x Orders & Requisition Health property inquiry completed.
- 1 x inspection of a dwelling in Morgantown conducted related to an Order & Requisition.
- Inspection of dwelling in Morgantown of house unfit for human habitation. Pictures taken, accumulation of rubbish and junkyard at rear. Cat infestation, liaison with Rangers. Correspondence with real estate agent and negotiation with tenant who is making amends to clean property after illness.
- Complaint about putrescible rubbish accumulation in residential yard
- Boat Harbour dredge spoil dump site (dust). A meeting occurred between Shire representatives and the Dept of Water & Environmental Regulation (DWER) after all relevant information was provided by both EHO's. A determination was received from DWER that *"The department advises that the site will remain classified as remediated for restricted use under the Contaminated Sites Act 2003. A copy of the Basic Summary of Records which provides the site classification details is attached for your information. A similar letter has been sent to the Department of Transport (the site owner) for their records and actioning."*
- Complaint about pesticide spray drift from termite treatment. Windy weather.
- Meeting with 2x water quality scientists from Water Corporation re Recycled Water System
- Investigate complaint of mysterious chemical odour at residential property.
- Dust complaint re large trucks in industrial area

#### **Food businesses**

- 1 x routine inspection of food premises.
- 2 x complaint inspection of food premises, initial inspection with follow-up after substantial works completed.
- Comment on proposed new food premises plans prior to building application
- 2x new food business applications received (1 is sale of existing business, 1 is proposed home-based food business)

#### **Caravan Parks & Lodging Houses**

- Complaint regarding fire risk/overcrowding in Coral Bay. Fire hose reels upgraded. Inspection to be programmed during peak period in near future to check separation distances.
- Inspection conducted of lodging house in Carnarvon, as well as another remote lodging house and caravan park in conjunction with the Shire's building surveyor. Result of a complaint received from a member of the public. Complaint was also received via the Minister for Tourism; Racing and Gaming; Small Business; Defence Issues; Citizenship and Multicultural Interests.
- Internal meeting re remote premises compliance issues

#### **Public Buildings**

- Inspection of caravan park building for compliance with Health Act, Building Act & Food Act for issuing a Sec.39 Certificate as part of a liquor licence application.
- Woolshed occupancy calculation with brief inspection for Dept Communities
- Progression on public building assessment for Carnarvon Hotel and follow-up inspection
- Check 3 fire hydrants on street reserves relating to nearby commercial buildings (with DFES)
- New public building certificate of approval issued for Gascoyne RSL Sub-Branch (with several inspections)

### **Tattoo/Beauty Therapy**

- Inspection conducted of home occupation tattooist. Advice sought from WA Health Dept re: meeting minimum standards.

### **Monitoring Programs**

- 7 x Fascine water quality monitoring sites tested for bacterial and chemical content. GPS coordinates and pictures taken for new sample sites. To liaise with WA Health for new site codes. Requested Pseudomonads aeruginosa also be tested for which is associated with ear/nose/throat infections. Enterococci found at Northwater Jaaga and Fascine jetty. Pseudomonads aeruginosa not found.
- Secchi disk purchased to enable measurement of water clarity in surface waters

### **Vector and Pest Control / Keeping of Animals**

- Commenced purchasing of materials for the 2020-21 mosquito program. Stocktake of mosquito larvicide Biopren 4GR - ordered and received for aerial larviciding. Other materials purchased.
- Arranged for hopper to be inspected/serviced by Shire mechanic. Discussions with pilot to improve the switching mechanism

### **Waste management**

- Onsite inspection at Brown Range Waste Facility septage ponds as a result of odour complaint. Brought up at OSH meeting. Advice sought from various government departments towards proper operation of the septage ponds.
- Internal advice given regarding waste thresholds for rural waste facilities
- Respond to enquiry about proposed toilet block on remote property

### **Other**

- Review of proposed local laws, discussions with consultant. Discussions with several community members regarding release of pigeons in the district.
- Attended training for review of local laws, Public Places & Government Property Local Laws and Waste Local Laws.
- Commenced discussions around arranging for public health plan review

### **Community Emergency Services Manager**

- LEMC Meetings for all 3 shires
- Carnarvon Community Disaster Resilience Workshop 12th Nov
- Bushfire Safety Awareness & Firefighting Skills courses 4<sup>th</sup> – 6<sup>th</sup> December for local volunteers
- Grant application- Local Recovery Coordinator and Emergency Management training for Shire staff
- PPC and equipment ordering for Gascoyne River Bush Fire Brigade

### **Ranger Services**

*Two (2) Full time Rangers (based in Carnarvon); One (1) Part time Ranger (based in Coral Bay)*

<b>Dogs Impounded:</b>	
Returned to owner	2
Euthanised	1
Rehomed through SAFE	3
<b>Total impounded</b>	<b>6</b>

<b>Cats Impounded:</b>	
Returned to owner	
Euthanised	9
Rehomed through SAFE	6
<b>Total impounded</b>	<b>15</b>

<b>Warnings and Infringements</b>	<b>Infringements Issued:</b>	<b>Warnings Issued – Verbal and Written:</b>
Illegal camping	2	
Dog		19
Cat		4
Livestock		
Litter		1
Parking	1	4
Bush Fire		5
ORV		
<b>Total</b>	<b>3</b>	<b>33</b>

<b>Other:</b>	
Assisting RSPCA - Animal Welfare:	3
Assisted with Wildlife Reports:	1
Snakes:	8
Abandoned Vehicles	0
Burning Permits	2
<b>Total</b>	<b>14</b>

*Note: information relating to Ranger operations is limited to due to confidentiality requirements.*

### **The Visitors' Centre**

*Staff: 1 Coordinator and 3 full time tourism officers and 1 casual tourism officer*

- Accommodation Booking Statistics
- Start Date: 1/11/2020 End Date: 30/11/2020

No. of Nights	Total Cost	No. of bookings
5	AUD\$1,400.00	2
21	AUD\$4,505.00	7
4	AUD\$486.00	2
3	AUD\$535.95	2
6	AUD\$750.70	6
55	AUD\$6,568.00	22
94	AUD\$14,245.65	41

- Perth 4WD Adventure Show 6 – 8 November
  - Visitor Centre manager attended the 4WD adventure show in Perth from Friday 6<sup>th</sup> November to the 8<sup>th</sup> November.
  - There was a huge demand for info about Carnarvon and surrounds - **3500 brochures were distributed in 3 days.**
- Joondalup Shopping Centre – 25 – 30 November
  - Tourism Manager conducted a tourism pop-up at Joondalup Shopping Centre – 1050 brochures were distributed in 5 days.
  - There was a huge demand from visitors interested in visiting over Summer – Bookings completed for 2021.
- Summer TV ad – Including the voice over from Alan Watts – Inspirational TV ad provides coastal scenery to encourage summer travel

- Social Media campaign development – Launching on 14 December – Where am I this summer? – Campaign uses content creators with large social media following to create reels for Instagram, to encourage people to travel over summer

**Civic Centre**

- 3 x Woolshed Hires

**Library and Art Gallery**

*Staff: 1 Coordinator (full time) 2 part-time Library Officers; 1 part-time Gallery Officer*

**OPENING HOURS**

- Monday, Tuesday, Wednesday 10am to 5pm
- Thursday 11am to 8pm
- Closed Friday, Saturday, Sunday, and Public Holidays

Select and Collect option continues to be offered

- Homebound Deliveries 10 patrons

MON	TUES	WED	THURS	FRI	SAT	SUN
						1
						Closed
2	3	4	5	6	7	8
83	46	62	66	Closed	Closed	Closed
9	10	11	12	13	14	15
108	51	60	69	Closed	Closed	Closed
16	17	18	19	20	21	22
94	71	44	83	Closed	Closed	Closed
23	24	25	26	27	28	29
100	73	71	56	Closed	Closed	Closed
30						
74						

**TOTAL DOOR COUNT OF CUSTOMER VISITS/PICK UPS: 1211**      Indicates program/event on this day

**TOTAL DAYS OPEN: 17 days**

**TOTAL ITEMS BORROWED:**

- **820** (Physical Library Items)
- **323** (e-Audio Books – BorrowBox)
- **26** (e-Audio Books – Overdrive)
- **63** (e-Books – BorrowBox)
- **94** (e-Books – Overdrive)
- **71** (e-Magazine Titles – RB Digital)

**TOTAL NEW MEMBERSHIPS: 21**

**TOTAL PUBLIC COMPUTER USERS: 168**      Average Session: 42mins      Total time: 115.47hours

**TOTAL WI-FI USERS: 605**

**INTER-LIBRARY LOANS REQUESTS:**

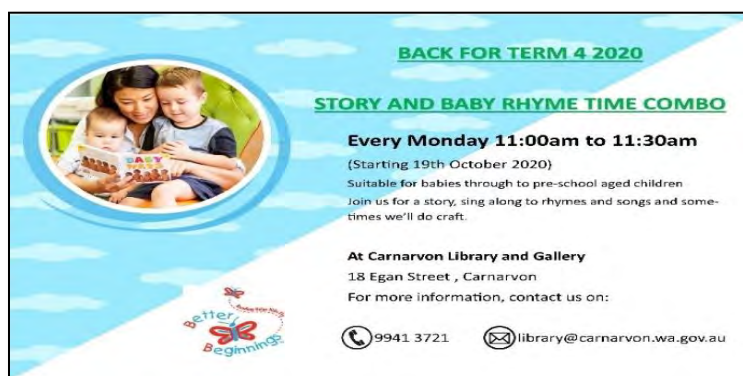
- From other WA libraries: 29
- From Carnarvon patrons: **15**

**LOCAL HISTORY ENQUIRIES: 5**

**LIBRARY AND GALLERY PROGRAMS / EVENTS:**

**Children's Programs / Events:**

- Storytime and Rhyme Time combined into one session per week
- Mondays at 11am
- Sessions are currently being delivered by front desk Library Officer and/or Coordinator



02/11/2020	25 participants
09/11/2020	20 participants
16/11/2020	15 participants
23/11/2020	12 participants
30/11/2020	14 participants

- Better Beginnings Kindergarten Program – Green Bags – School Visits

12/11/2020	St. Mary's School	15 students	(Visit to Library)
23/11/2020	CSOTA	4 students	(Online session at SOTA)
26/11/2020	Christian School	7 students	(Visit to Library)
- Family Film Night – Late Night Thursday

19/11/2020	6 participants
------------	----------------

**Children's Online Programs / Events:**

- Minecraft Online via LibraryCraft.net – Managed by Fremantle Public Library
- Australia Reads – 12/11/2020 Australia Reading Hour – Promotion of participation

**Adult's Programs / Events:**

- 05/11/2020 Adult Book Club 5:30pm - 10 participants
- 16/11/2020 Film Club – Monday Matinee 1pm – 8 participants
- Continued enrolment and delivery of BE CONNECTED program; engaging with seniors for Digital Inclusion Training; Ten sessions delivered – 12 participants


**Be Connected**  
Every Australian online.

**Meet some of our current Be Connected patrons and hear what they think about the program. Call us if you would like help with being online safely.**

"I've used a computer years ago and I want to learn what is new. My grandkids all beat me on knowing about computers, even the seven year old. I'm enjoying it, it's loads of fun!  
(Margaret)"

"There's so much to learn, I don't know what to pick. What do I search on in an internet web browser; what to feed my cat, what is the price of gold, the music I like....(Cameron)"



"I've really appreciated meeting new people joining this program to learn how to be online safely. Its an easy to follow, interactive program and we mentor you throughout the lessons. Its easy to join—just call the Library"  
(Eike)"

For more information on Carnarvon Library & Art Gallery:  
Email: [library.gallery@camarvon.wa.gov.au](mailto:library.gallery@camarvon.wa.gov.au)  
Address: 18 Egan Street, Carnarvon 6701  
Phone: (08) 9941-3727 LIBRARY Phone: (08) 9441 3388 ART GALLERY

CARNARVON  
LIBRARY & ART  
GALLERY

## **LIBRARY OPERATIONS**

- Planning commenced for Summer Reading Challenge 2020/21 – Launching 14<sup>th</sup> December
- 2020 NAIDOC 2020 Oral History Project – photographic exhibition and oral history recordings Opened 09/11/2020 until 03/12/2020
- Registered to participate as a Library Hub for the Propel Youth Sketchbook Project 2021; commenced promotion of project for young people between 12 and 26 years of age
- Meeting with Friends of Local History aiming to re-convene weekly meetings to continue work of digitising local history photos and cataloguing items.
- Inter-library Loans – Country and Regional Libraries – prepared and submitted feedback on current Code of Practice
- Participation in Online Heritage Webinars for Local Government (WALGA)

## **GALLERY OPERATIONS**

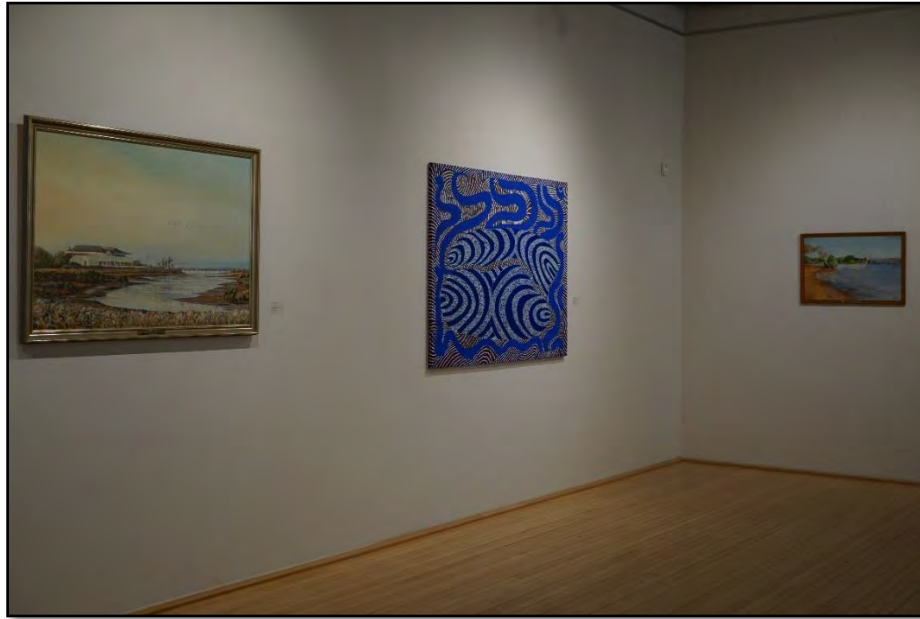
- NAIDOC 2020 Oral History Project – photographic exhibition and oral history recordings Opened 09/11/2020 until 03/12/2020
- How did I get here? Exhibition closed 05/11/2020
- Shire Collection Part I Exhibition opened 09/11/2020 until 17/12/2020
- Expressions of interest advertised for 2021 Exhibitions
- Meeting with Gascoyne Arts Society Inc. (Jenny Walsh) – information sharing regarding our Gallery calendar and Society's plans; discussed opportunities for exhibiting in Gallery space; shared Hire Pack.
- Preparation and planning for Australian Maritime Museum exhibition Submerged: Stories of Australia's Shipwrecks – Opens 04/01/2021 until 28/01/2021
- Preparation and planning for Lock Hospital Display in January 2021



NAIDOC 2020 – Oral History Project Display







Shire Collection Part I – Exhibiting 12/11/202 to 17/12/2020

#### **Development Services Support Officer**

Support for EMDS, Building, Planning, Rangers, Health, Visitors Centre, Civic Centre, CESM and Co-ordinator for the Aquatic Centre with:

- Building webpage update and improvement (Ongoing)
- Setup Development SharePoint site (Ongoing)
- Secretariat duties for LEMC
- Investigate funding for projects needing to be addressed and funding due to budget restraints (Ongoing)
- Communications, public notices, consulting with staff and stakeholders
- Monitor and record Aquatic Centre maintenance and operations
- Assist with Gascoyne River Volunteer Bush Fire Brigade administration (Ongoing)
- Respond to building, ranger, health and development enquiries
- Review, write and test processes for Development Services
- Local Law project, review of LL and collating of officer comments and liaising with contractor
- Ranger services admin, investigating FER, Final Demand and arranging appropriate training (ongoing)
- Assist on Front counter every day due to being short staffed in Customer Service
- Assist with final Council report for LPS 13