



## **AGENDA**

### **ORDINARY MEETING OF COUNCIL**

**27<sup>th</sup> April 2022**  
**Commencing at 3:30pm**

**Council Chambers**  
**Yougenup Road, Gnowangerup WA 6335**

#### [COUNCIL'S VISION](#)

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

Shire of Gnowangerup

**NOTICE OF AN ORDINARY MEETING OF COUNCIL**

Dear Council Member

The next Ordinary Meeting of the Shire of Gnowangerup will be held on Wednesday 27<sup>th</sup> April 2022, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 3:30pm.



Signed: \_\_\_\_\_

**Bob Jarvis**  
**CHIEF EXECUTIVE OFFICER**

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

*When Council uses this expression it means that:*

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

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



### DISCLAIMER

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

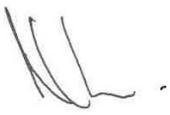
The Shire of Gnowangerup disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

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

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

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

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

Signed:  \_\_\_\_\_

**Bob Jarvis**  
**CHIEF EXECUTIVE OFFICER**



**DECLARATION OF INTEREST FORM**

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

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

Agenda Item(3) \_\_\_\_\_

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

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

The **nature** of my interest is (5) \_\_\_\_\_

\_\_\_\_\_

The **extent** of my interest is (6) \_\_\_\_\_

\_\_\_\_\_

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

Yours sincerely

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

**Notes:**

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

**DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)**

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

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

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

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

**NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)**

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

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

**INTERESTS AFFECTING IMPARTIALITY**

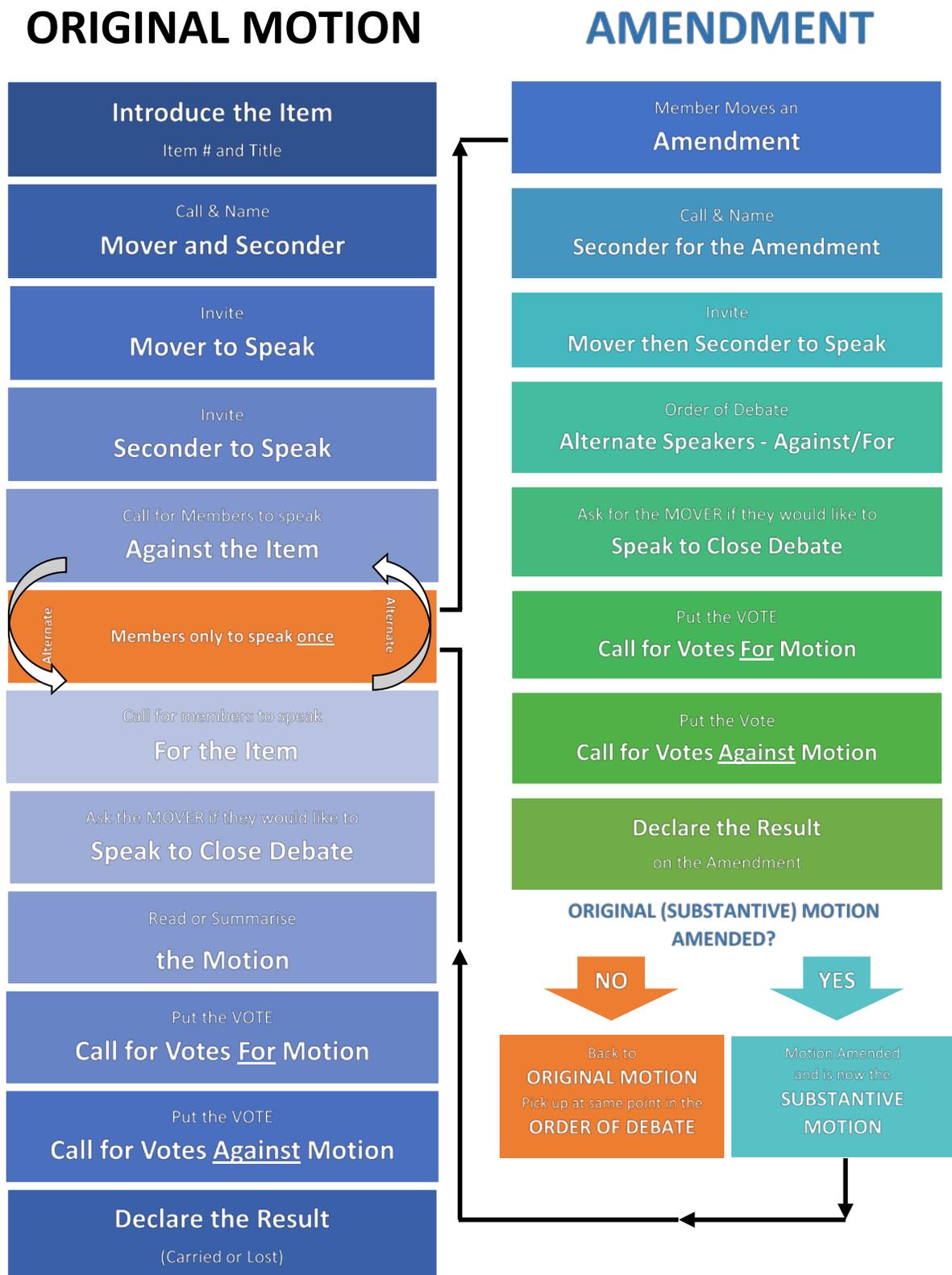
DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be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

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

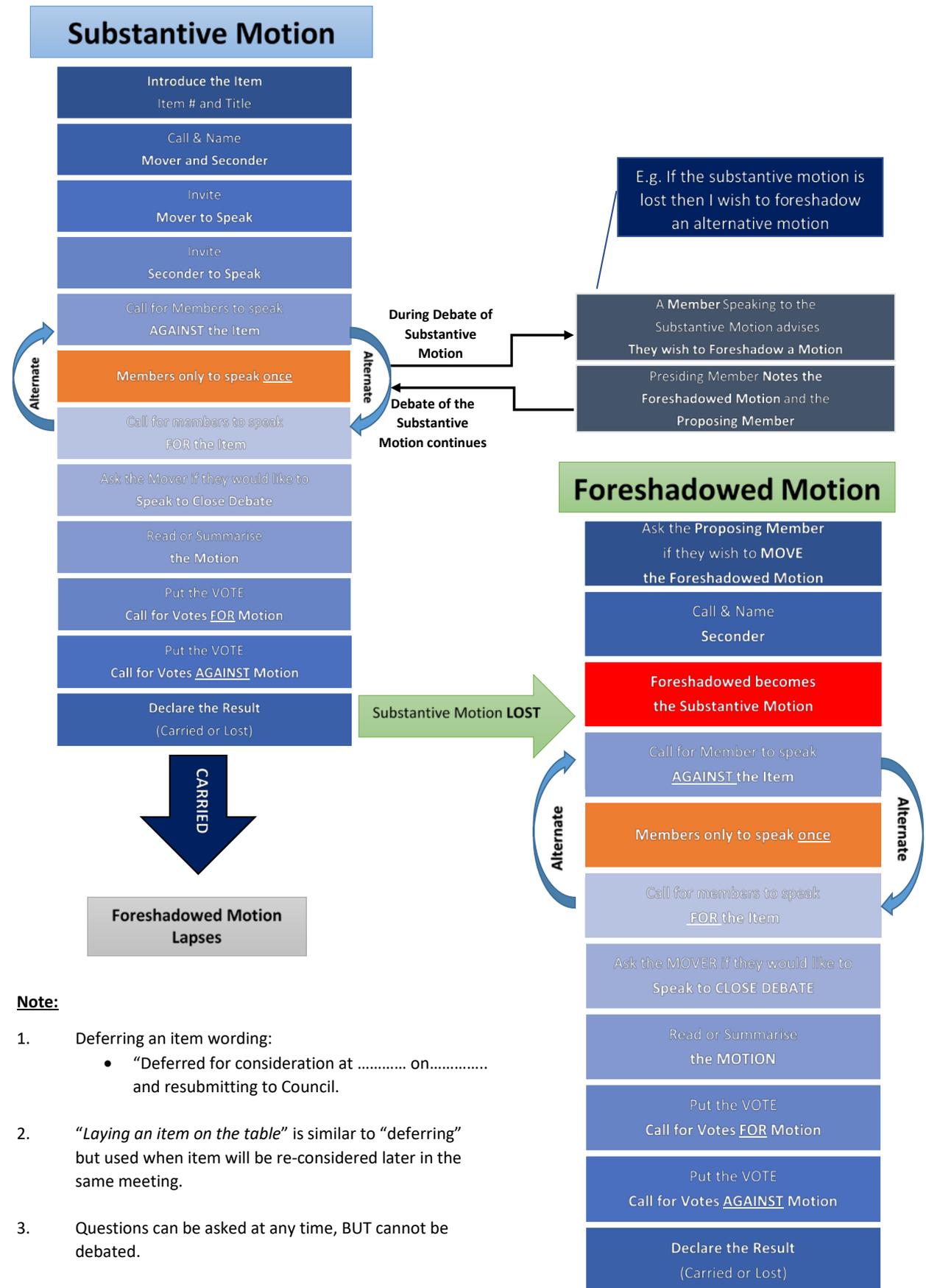
**IMPACT OF AN IMPARTIALITY DISCLOSURE**

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

# Process of Motions



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



E.g. If the substantive motion is lost then I wish to foreshadow an alternative motion

A Member Speaking to the Substantive Motion advises They wish to Foreshadow a Motion  
Presiding Member **Notes** the Foreshadowed Motion and the Proposing Member

During Debate of Substantive Motion  
Debate of the Substantive Motion continues

Substantive Motion LOST

**CARRIED**

Foreshadowed Motion Lapses

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**OPENING PROCEDURES**

**1. OPENING AND ANNOUNCEMENT OF VISITORS**

Shire President, Fiona Gaze welcomes Councillors, staff and visitors and opens the meeting at \_\_\_\_\_pm.

**2. ACKNOWLEDGEMENT OF COUNTRY**

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

**3. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**

**3.1 ATTENDANCE**

**3.2 APOLOGIES**

**3.3 APPROVED LEAVE OF ABSENCE**

**4. APPLICATION FOR LEAVE OF ABSENCE**

Nil

**5. RESPONSE TO QUESTIONS TAKEN ON NOTICE**

**6. PUBLIC QUESTION TIME**

**7. DECLARATION OF FINANCIAL INTERESTS AND INTERESTS AFFECTING IMPARTIALITY**

**8. PETITIONS / DEPUTATIONS / PRESENTATIONS**

**8.1 PETITIONS**

**8.2 DEPUTATIONS**

**8.3 PRESENTATIONS**

**9. CONFIRMATION OF PREVIOUS MEETING MINUTES**

**9.1 ORDINARY MEETING OF COUNCIL MINUTES 23<sup>rd</sup> MARCH 2022**

**OFFICER RECOMMENDATION**

**0422. That the minutes of the Ordinary Council Meeting held on 23<sup>rd</sup> March 2022 be confirmed as a true record of proceedings.**

9.2 SPECIAL MEETING OF COUNCIL MINUTES 13<sup>th</sup> APRIL 2022

**OFFICER RECOMMENDATION**

- 0422. That the minutes of the Special Council Meeting held on 13<sup>th</sup> April 2022 be confirmed as a true record of proceedings.**

**10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

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<b>10.1</b>	<b>ELECTED MEMBERS ACTIVITY REPORT</b>
<b>Date of Report:</b>	27 <sup>th</sup> April 2022
<b>Councillors:</b>	Various

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**Attended the following meetings/events**

REPORTS FOR DECISION

11. REPORT FOR DECISION

<b>11.1</b>	<b>LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC) MEETING MINUTES</b>
<b>Proponent:</b>	N/A
<b>Date of Report:</b>	8 <sup>th</sup> April 2022
<b>Business Unit:</b>	Corporate and Community Services
<b>Officer:</b>	Anrie van Zyl – Finance and Emergency Services Officer
<b>Disclosure of Interest:</b>	Nil

ATTACHMENTS

- Unconfirmed Minutes for the Ordinary LEMC meeting held on the 3<sup>rd</sup> March 2022

PURPOSE OF THE REPORT

For Council to receive and note the minutes of the LEMC meeting held on the 3<sup>rd</sup> March 2022

BACKGROUND

The Shire of Gnowangerup LEMC meets on a quarterly basis and minutes of the meeting are provided to Council for its information

COMMENTS

Nil

CONSULTATION

Nil

LEGAL AND STATUTORY REQUIREMENTS

It is a requirement under Section 38 of the *Emergency Management Act 2005* that all Local Governments establish a local emergency management committee for the local government's district.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Shire of Gnowangerup Strategic Community Plan 2021 – 2031

Theme: Our Community

Community Priority 1.5: Support emergency services planning risk mitigation, response and recovery.

Action 1.5.1: Work with the LEMC to continually improve emergency response planning and delivery

RISK MANAGEMENT CONSIDERATIONS

Nil

IMPACT ON CAPACITY

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

CONCLUSION

LEMC is a committee of Council and Council is required to receive and note the unconfirmed minutes from the meeting held on the 3<sup>rd</sup> March 2022.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

**0422. That Council**

**Receives and notes the unconfirmed minutes of the Local Emergency Management Committee (LEMC) meeting held on the 3<sup>rd</sup> March 2022.**

*Heart of the Stirlings*



## SHIRE OF GNOWANGERUP

### SHIRE OF GNOWANGERUP

#### LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING MINUTES

THURSDAY 3<sup>RD</sup> MARCH 2022 COMMENCED AT 4:30PM

SHIRE OF GNOWANGERUP COUNCIL CHAMBERS – YOUGENUP ROAD GNOWANGERUP

#### 1. OPENING

Fiona Gaze declared the meeting open at 4:35pm.

“I would like to begin by acknowledging the Traditional Custodians of the land on which we meet today, and pay my respect to their Elders past, present and emerging. I extend that respect to Aboriginal and Torres Strait Islander people here today.”

#### 2. ATTENDANCE

Cr Fiona Gaze	Shire of Gnowangerup Shire President (Chair) & Principal - Gnowangerup District High School
Cr Lex Martin	Shire of Gnowangerup Councillor & Deputy Recovery Coordinator
Bob Jarvis	Shire of Gnowangerup Chief Executive Officer
Ian Graham	Shire of Gnowangerup Deputy Chief Executive Officer and Recovery Coordinator
Geoffrey Carberry	Shire of Gnowangerup Asset & Waste Management Coordinator
Yvette Wheatcroft	Shire of Gnowangerup Manager of Works
Llew Withers	Shire of Gnowangerup EHO
Anrie van Zyl	Shire of Gnowangerup Corporate Risk Officer (Agenda and Minutes Officer)
Kevin Bransby	Community Emergency Service Manager (CESM) – Gnowangerup
Derek Jones	District Officer, Department of Fire and Emergency Services
Andrew Brooker	Community Paramedic – St John Ambulance
Phil Schupp	District Emergency Services Officer, Great Southern - Department of Communities
Tome Grieve	OIC, WA Police – Gnowangerup Police Station
Ken Jones	Manager Infrastructure and Support Services, WACHS Great Southern
Gaynor Howe	Acting Clinical Nurse Manager, WA Country Health Service Great Southern, Gnowangerup Health Services
Michaelia Rooney	Acting Manager of Gnowangerup SES Unit
Carol McCague	Acting Deputy Manager of Gnowangerup SES Unit
Vince Hilder	District Fire Coordinator, DBCA, Albany District
Alex Knowles	Stirling Rangers National Park Ranger, DBCA
Owen Gaze	Fire Weather Officer, Gnowangerup Bushfire Brigade

Mark Bruce Principal, Ongerup Primary School

### **APOLOGIES**

Cr Greg Stewart	Shire of Gnowangerup Deputy Shire President
Kirsty Buchanan	Shire of Gnowangerup Community Development Coordinator
Clair Munch	Clinical Nurse Manager, WA Country Health Service Great Southern, Gnowangerup Health Services
Kate Oliver	Principal, Borden Primary School
Vivienne Gardiner	Regional Road Safety Advisor WALGA RoadWise Program

### **3. CONFIRMATION OF PREVIOUS MINUTES**

That the minutes of the Local Emergency Management Committee meeting held on **Thursday the 2<sup>nd</sup> December 2021** be confirmed as a true and accurate record of proceedings.

**Moved:** Yvette Wheatcroft

**Seconded:** Andrew Brooker  
**CARRIED**

### **4. BUSINESS ARISING FROM PREVIOUS MINUTES**

#### **4.1. Animals in Emergency Welfare Plan Progress Report**

- Draft Plan is 80% complete.
- A meeting between neighbouring shires taking part in resource sharing during emergencies are planned to take place end April or early May to compare plans and to define resource sharing strategies.
- First draft will be ready for comment before the next LEMC meeting in June.

#### **4.2. Bushfire Volunteer Risk Assessment**

- Haven't yet had any feedback from Adam Smith on whether this could be a topic of discussion as our next Emergency Management Forum.
- The regional Forum that was due to take place on the 9<sup>th</sup> March 2022 has been postponed until further notice due to increase in covid infections.

#### **4.3. Gnowangerup Welfare Plan**

- Phill Schupp advised that only contact information was updated in the current plan and no changes to actual content was made.
- Looking to have an updated and changed plan ready for adoption by the end of the year.

#### **4.4. Local Government Fire and Emergency Services Volunteers vaccination requirements**

- Initial response from bushfire volunteers submitting their covid vaccination certificates as proof of double vaccination were good. Unfortunately, not the same can be said for submission of booster certificates.
- The Shire has sent out various text messages and mailbox drop letters of correspondence, urging volunteers to submit their vaccination certificates.
- Lack of response for booster certificates could be due to the availability of vaccines in country towns. Not so readily available.
- Not widely known that you can do walk-ins to get your vaccine.
- Level 2 and 3 incidents will have a covid safety advisor appointed who will be checking volunteer vaccination status, before allowing them onto the fire ground.

- This will not be done for level 1 incidents or during the initial response phase of the fire emergency.
- Ken advised that he would take the challenge of availability of vaccines in country towns back to Albany and try and get more clinics going in country towns.

#### 4.5. Housing in Gnowangerup

- Minister is very interested in the country housing crisis.
- The Shire have established a housing working group.
- Working group are in discussion on what is needed in town in terms of GROH housing, Shire housing and private business housing requirements.
- This is a very serious issue that the group is trying to address.
- Great Southern Development Commission have attended a meeting.
- Shire is also looking at its Planning Policy and looking at erecting a transportable on one of the Shire's freehold properties.
- Development WA are aware of the issues of getting services connected, looking at about \$100,000 for residential and up to \$400,000 for industrial sites.

### 5. COVID-19

#### 5.1. Discussion Points for LEMCs giving consideration to COVID 19 preparations

- Discussion points discussed in general.

#### 5.2. Correspondence received from State Welfare Incident Coordination Centre (SWICC) in relation to Local Covid-19 support services (attached).

- Refer to Southern Agcare as the leading support group

## Discussion Points for LEMCs giving consideration to COVID 19 preparations

### **Great Southern Regional Emergency Operations Centre - WA Country Health Service**

The WA Country Health Service (WACHS) has been preparing for community cases in the regions. Omicron is within WA despite the border opening being delayed and numbers will continue to grow. We will also see community transmission in regional locations.

**Please get tested if you have any symptoms** or have been to an [exposure site](#) and encourage your family and friends to do the same. Controlling infection spread is dependent upon early case identification. Continue to check the list of potential [exposure sites](#) and follow the relevant health advice - given the increasing number of COVID cases, everyone needs to be vigilant.

If you have cold or flu like symptoms (e.g.: sore throat, cough, headache, temp above 37.5), **get tested, isolate and do not attend work or the shops or other community events until you've got a negative test result.** If you test positive, advice about how to manage COVID-19 [is available on HealthyWA](#).

**Omicron is much more infectious than other previous variants** but scientific evidence is increasing worldwide that **having a booster vaccine dose (3<sup>rd</sup> dose) is more effective at managing symptoms** as builds up the antibodies again. It also means if you catch it you'll be less infectious as have lower 'viral load' than someone who's not vaccinated. You're also much less likely to need hospital care but may feel unwell for a few days managed with Panadol and fluids – just like a bad cold or flu. You will be infectious though hence why it is important to stay at home.

**Get together your own and your family's COVID preparedness pack.** Masks, Panadol, thermometer, 2 weeks of your usual prescription medication and other non-prescription meds/vitamins etc on hand, tissues. Work out who will be support your support person and ring you and get you food and drinks.

### **Stepping up the WA Health and Great Southern health system response**

The increasing number of COVID cases has led to changes for our hospitals and services.

1. **Masks** are now a mandatory requirement for [staff and visitors](#) to all WA Health hospitals, health services, aged care facilities and other workplaces.
2. WACHS teams, including emergency departments, are finalising plans to start using routine **rapid antigen tests** (RATs). Additional infrastructure will be needed in some places to manage this. We have currently no definitive advice on when or how RATs will be available to the general community or how they will be used in health services but we know 40million have been ordered by the WA government and 1.5million are currently in WA.
3. **Proof of vaccination requirements** in the community are being [expanded statewide](#) on January 31. This includes visitors to hospitals and aged care facilities.
4. **A Home Monitoring Service** has been procured by WA Health to monitor and support people with COVID at home if they wish (it is an Opt In service). They will contact the person every day and give people at home a small machine called a pulse oximeter which is put the finger to measure blood oxygen levels and pulse rates. If it dips below a certain level the patient will be advised to go to hospital.

5. **COVID telehealth readiness.** WACHS outpatient and community services will be via telehealth (videoconferencing) including into the home where possible, from 31 January 2022. This isn't always possible as some patients need to be seen face to face, but where possible Telehealth is being ramped up like in early 2020.
6. Great Southern has plans in place to **surge up staffing to ensure the essential health services** (EDs, inpatient care, aged care and mental health and public health) continue even if other services and programs are temporarily reduced. We will only enact these plans if many staff get sick or have to stay at home as contacts of positive cases.
7. **Sites across the Great Southern can test people for COVID.** People with symptoms can be tested at the Pioneer Respiratory Clinic or via their GP. Clinipath and Western Diagnostic can test both symptomatic and asymptomatic patients. If the testing demand increases beyond what the hospital or health centre can do we have plans for surge testing locations at Katanning, Ravensthorpe, Denmark and Albany. We need more people trained to be COVID swabbers and support admin processes such as taking people's details and printing of labels for COVID swab specimen tubes or traffic management. Anyone can train to be a swabber.
8. **Our sites can care for people with COVID** and we will transfer people as clinically appropriate to Albany or Perth. There is no ICU only a HDU in the Great Southern so if people need critical ICU care they will have to be transferred to Perth. There is a special COVID ambulance in the Great Southern (stripped out for easier cleaning) but if that's not available a normal ambulance can be used.
9. **If there's a local COVID outbreak in your area the LEMC would be stood up** as the local Incident Support Group (ISG). Health would be the lead agency led by the local health service manager supported by their Operations Manager, the REOC and the Operational Area Support Group (DEMC) members. Health will be calling on local LEMC/ISG members to help practically if needed including if surge testing is needed locally and we need help with equipment, traffic controllers and providing meals/water.

## Kirsty Buchanan

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**From:** Great Southern and Wheatbelt Welfare Response  
<GSWBWelfareResponse@communities.wa.gov.au>  
**Sent:** Wednesday, 2 March 2022 3:22 PM  
**Cc:** Great Southern and Wheatbelt Welfare Response  
**Subject:** Local COVID-19 support services

Good Afternoon,

The Department of Communities internal State Welfare Incident Coordination Centre [SWICC] manages requests for welfare supports related to COVID-19 via **13 COVID [13 26843] option 5, option 2.**

Where there is an assessed hardship, SWICC can support people with isolation or quarantine accommodation and/ or food and personal requisites.

With the hard border changes in place from Thursday 3<sup>rd</sup> March, and expected increases of case numbers in our region, we would like to find out if there are any local support services within your Shire that we may be able to link in with for the delivery of essential items [food and medications] to community members if required.

If these services are available, please send through to the Great Southern and Wheatbelt SWICC Team at [GSWBWelfareResponse@communities.wa.gov.au](mailto:GSWBWelfareResponse@communities.wa.gov.au)

Don't hesitate to contact me if you have any questions or require any further information.

Kind Regards, Fiona Cossart  
**SWICC Team**  
[State Welfare Incident Coordination Centre](#)  
Great Southern & Wheatbelt  
**M:** 0476 793 048  
Department of Communities  
[www.communities.wa.gov.au](http://www.communities.wa.gov.au)



Government of Western Australia  
Department of Communities



## **6. CORRESPONDENCE**

### **INWARDS:**

- 6.1. nbn Presentation Slides, received 1<sup>st</sup> December 2021
- 6.2. LEMC Discussions and COVID19, received 28<sup>th</sup> January 2022 (see Item5)
- 6.3. SEMC Consultation Request - Traffic Management During Emergencies Guidelines, circulated to LEMC members.
- 6.4. 9 March Local EM Forum Delayed, received 25<sup>th</sup> February 2022

### **OUTWARDS**

- 6.5. LEMC Minutes distributed to all members on the 9<sup>th</sup> February 2022

## **7. GENERAL BUSINESS**

### 7.1. LEMC Meeting time

- Keep meetings at 4:30pm
- Andrew Brooker requested that meetings be made available via Teams or Zoom or if face-to-face meetings are preferred to move it to the Town Hall again.
- Andrew's request will be taken into consideration depending on conditions of covid outbreak by the time the next meeting is due.

### 7.2. Regional Road Safety Report

- Postponed to the June LEMC meeting.

### 7.3. Bushfire Risk Management Plan – Progress Report

- Plan is almost complete and will be going to the March Council Meeting for endorsement by Council.
- Once Plan has been approved by the Office of Bushfire Risk Management (OBRM) will the Shire be able to apply for funding for mitigation works.
- There are several areas of concern and was highlighted after the recent fires at Jerramungup how vulnerable our townsites are, especially Ongerup.
- Large sections of the townsite will be undefendable.
- To complicate matters, a large portion of the town has now been allocated to the Native Title Settlement and concerned that the new landowners might not be able to manage the fire mitigation risks of the land. Will have to contact and work with the new owners to make it as safe as possible.
- The same goes for Borden and Gnowangerup.
- Cr Lex Martin advised that many years ago a fundraiser was held for the volunteers and they would get together and burn high risk areas from 6pm onwards. There are various areas that can be done via a controlled burn, but some regulations are preventing it from being done.
- Kevin Bransby advised that the mitigation burning can be done by our volunteers but if they are unable to do so, then a contractor could be brought in.

## 8. REPORTS FROM MEMBERS:

### **Kevin Bransby - Community Emergency Service Manager (CESM) – Gnowangerup**

- Currently busy preparing the documentation for the Local Government Grant Scheme (LGGs) application that is due on the 25<sup>th</sup> March 2022.
- Will once again be applying for a truck and shed for Borden and fast attack vehicle for Gnowangerup
- In addition to the above the Shire will also be applying for a new shed for the Ongerup Brigade who is currently co-located with St John Ambulance in Ongerup.

### **Yvette Wheatcroft - Shire of Gnowangerup Manager of Works**

- Nil

### **Phil Schupp - District Emergency Services Officer, Great Southern - Department of Communities**

- Communities like most have been busy responding to the increased fire events in the Great Southern, South West and Esperance, a number of the evacuation centres and now recovery work has commenced.
- Communities Business Continuity Plans (BCP's) are in place, to help manage critical workforce, like other agencies, if asymptomatic and you are required to work for continuity of operations,
- Change in direction from SWICC central, focus on local regional lead response to COVID-19 requests for accommodation and food.
- Trying to establish accommodation options, limited in the GS, businesses are reluctant in providing accommodation to those isolating. Further discussions around pre-booked accommodation at those sites accepting COVID-19 positive people.
- Communities will assist the HMA, Health in providing care/support arrangements for unaccompanied minors. Work evolving on the provides to be used. Trying to navigate a complex position of responsibility of other people's children in a pandemic. Final work around policy and procedure to be available shortly.
- Looking prepositioning foodbank boxes in the region in case, grocery stores are not open and need to support community members.
- Moving to on call for COVID-19 response. Need to look at localised services, working collaboratively with WACHS, WA Primary Health Alliance and City of Albany. Have produced flyers and checklist for the community to prepare themselves. These have been shared with other LGA's and WALGA. Looking at further community engagement with ensuring people adopt their neighbours to check on them and provide a level of care. Workforce ability is low for all agencies and support groups, greater coordination for food deliveries, packing of hampers if business can't, looking at volunteer networks, guides, scouts and non-frontline emergency service volunteers to boost capacity to support communities.
- Vulnerable cohorts, need to get as much intelligence on numbers, especially not connected with any service providers. These form the group of cohorts that need to be on the radar for local support
- Position welfare centre PPE, look at best place to store, look at training for LGA staff, update and revamp LEWP's.

### **Cr Lex Martin - Shire of Gnowangerup Councillor & Deputy Recovery Coordinator**

- Would just like to add that those high risk areas around our townsites needs to be burned, rather sooner than later.

### **Llew Withers - Shire of Gnowangerup EHO**

- Attended and EHO conference and figures of around 10,000 per day are predicted by the end of March, currently already sitting at 2,000 per day.
- The health system has been geared up to try and deal with the predicted high caseloads.
- The 2m<sup>2</sup> rule now applies to all public buildings to try and reduce the amount of infections by proper social distancing measures.
- Above will be addressed with local organisations, i.e. the bowling clubs. Max 150 patrons in an indoor environment. Important to get the information out to everyone.

### **Geoffrey Carberry - Shire of Gnowangerup Asset & Waste Management Coordinator**

- nbn Satellite dish has now been installed at the Gnowangerup Sporting Complex.
- Wi-Fi is live and requires no password.
- Currently running at a slow speed, but during an emergency the speed will be drastically increased.
- The Gnowangerup Aerodrome is now certified.
- Geoff ran an induction training with the Gnowangerup St John Ambulance volunteers on where to go etc and where to turn the lights on manually, should they fail for some reason.
- Will be running the same with SES and any other hazard management agencies (HMA's) that might require an induction.

### **Michaelia Rooney - Acting Manager of Gnowangerup SES Unit**

- Local manager, Les Nayda, resigned from the unit in December.
- Michaelia has been appointed as the acting Local Manager, with Carol McCague and Mandy Hanna as her deputies. This may change as the role of manager is being advertised but planning to apply for the position.
- SES currently have 3 members learning to drive the RCR truck, as there are a lack of abled volunteers to fill this function.
- SES are always looking for new volunteers, especially members to be trained and operating in road crash rescues.
- SES have attended no less than 9 incidents during the first 2 months of 2022.
- The above has accumulated to more than 400 hours of volunteers work on callouts combined between their members.
- They have had 1,134 hours of combined member training to date and over 420 hours contributed to administration work.
- The above includes:
  - 3 rescues in the Stirling Ranges, 2 on Bluff Knoll and 1 on Ellen Peak.
  - 1 search in the Stirling Ranges – Toolburnup
  - 3 road crashes, 1 on Salt River Road, 1 in Kojaneerup (near Wellstead) and 1 in Jerramungup.
  - 2 calls for assistance at bushfires, 1 in Denmark and 1 in Tambellup.
- They are hoping that the start of the year is not a precedent for what is to follow for the rest of 2022.

- Request that an advert for new SES volunteers be placed on Shire website (SES to provide advert).

**Mark Bruce - Principal, Ongerup Primary School**

- Everything seems to be calm and relaxed in Ongerup.
- Mark raised the issue of consistent and duration of power cuts experienced over the past couple months. It is becoming a real concern for residents.

**Owen Gaze - Fire Weather Officer, Gnowangerup Bushfire Brigade**

- The increase in the amount of power outages can partially be contributed to the high number of pole top fires experienced lately.
- Pole top fires can happen when there is a run of very hot, dry and windy days followed by a sudden misty, cold front. Humidity and light rain can combine with dust built up on insulators, resulting in tracks of dirt that can allow electricity to spark, in some cases eventually resulting in metal fixtures heating to a point that causes a fire.
- Great Southern are experiencing a very hot and dry summer, thus resulting in the above.
- Request that maybe the shire can encourage community to check their poles next time there is a drizzle in the morning. Will help to get on top of fires quickly before spreading and becoming unmanageable.
- Farmers encouraged to enrol their seasonal workers into bushfire training.

**Derek Jones - District Officer, Department of Fire and Emergency Services**

**1. COVID Business Continuity Plans in place – yet to be enacted**

- Possible cessation of training, meetings and other less ‘critical’ aspects of our work.
- Focus shifts to maintaining a response capacity.
- Vigorously endeavouring for full compliance with Chief Health Officer directive regarding vaccination status.
- Evacuation centres – check no clash with COVID surge capacity.

**2. Bushfire Season**

- Recently state was impacted by 4 X Level 3 fires at the one time, including Denmark.
- Pleasing to see local brigades were able to assist with Denmark response.
- Indicative of surge processes for larger incidents within an area.

**3. New Fire Danger Rating System**

- Originated after Royal Commission – identified confusion surrounding warnings.
- Expected to commence 1<sup>st</sup> Sept – behind the scenes trial currently underway.
- Refined and more accurate rate of spread calculations. 2 V 8 fuel types.
- 4 levels

Name	Fire Behaviour Index Range	Indicative description
MODERATE	12-24	Be alert, plan and prepare
HIGH	24-50	Be ready to act
EXTREME	50-100	Take action now These are very dangerous conditions for a bushfire
CATASTROPHIC	100+	These are the deadliest conditions for a bushfire. Do not be in a bushfire risk area.

Table 1: Proposed Fire Danger Rating Framework

**4. Fire Weather District Review**

- Aligned with new FDRS
- Shire now in new FWD – smaller – more relevant.
- Impact of 10% and 1 hour rule

**Final Proposed Fire Weather Districts  
January 2022**



**Gaynor Howe - Acting Clinical Nurse Manager, WA Country Health Service Great Southern, Gnowangerup Health Services**

- All staff are currently required to RAT tests 3 times per week. Visitors to hospital or age care are also required to take a RAT before admitted.
- There door is locked and proof of vaccination is required before entering.
- Visitors are required to donning and doffing when visiting.
- Hospital have plenty stock of PPE and RAT tests.
- Currently involved in the free pulse oximeter program.
- Free Pulse Oximeters - Eligibility Criteria
  - Pulse oximeters may be distributed to people who meet the following criteria:
  - Non-Aboriginal and over 65
  - Aboriginal and over 50
  - Pregnant
    - One pulse oximeter to be provided per household
    - Not for return
    - Recipient to be provided with instructions on how to use the equipment
    - Intention is to pre-position these oximeters with most vulnerable community members ahead of need.
    - Further oximeters may be distributed to patients via the WA COVID Care at Home program if they have not received one from this supply and are diagnosed with COVID-19 and require home-monitoring

**Ken Jones - Manager Infrastructure and Support Services, WACHS Great Southern**

- Strict measures must unfortunately be taken at hospitals, if staff gets sick, then there are no other staff to rely on.
- Encouraging people to stay away from hospitals and only to attend if absolutely necessary.
- Mild covid symptoms can be treated at home with the help from their local GP.
- PCR testing at hospitals in the Great Southern are by appointment only. Patients to phone hospitals and arrange PCR test. Takes a little longer to get back test results if tested in Gnowangerup in comparison to getting tested in Albany or Katanning. Gnowangerup must send tests away and therefore time delay in receiving results.

**Andrew Brooker - Community Paramedic – St John Ambulance (SJA)**

- Business as usual for St John Ambulance
- SJA waiting on consignment of RAT tests. Once received, every patient transported by ambulance will be RAT tested before taken to hospital.
- Volunteer numbers are critically low as previously reported.
- Will take part in a community drive to gain more volunteers.
- SJA do have a Business Continuity Plan in place and rapid response crews can be deployed if required.
- Adequate quantities of PPE stock.

**Tome Grieve - OIC, WA Police – Gnowangerup Police Station**

- Currently only have 4 people in quarantine and they are doing a great job isolating.
- One minor incident at the Gnowangerup IGA where a female entered without a mask. When requested to wear a mask, person responded with an inappropriate act. She will not be prosecuted.

- Attended 1 fatal crash of young female driver at Mindarabin.

**Vince Hilder - District Fire Coordinator, DBCA, Albany District**

- Vince introduced Alex Knowles, the new Stirling Ranges National Park ranger to the committee.
- Busy tourist time at the Ranges.
- DBCA lost 4 members of staff due to vaccine mandate and have not yet been replaced.
- Mandate is in place when entering DBCA premises and vehicles as they are deemed as falling under Emergency Services.
- Jeremy Friend has been appointed as the new District Manager and Peter Hartley as the new Regional Manager.
- In terms of fire, it has been a very busy time with the fires in Bridgetown, Bremer Bay and Denmark.
- The fire incidents highlighted a few things, like the availability of an appropriate Incident Management Centre in Albany during a level 3 incident. Ag sheds have been identified as a useful location.
- Working closely with Aboriginal people in the joint management of parks, water and reserves. They bring a different perspective to the way land and water are managed.

**Alex Knowles - Stirling Rangers National Park Ranger, DBCA**

- Good to be at the meeting and to meet everyone and the community.
- Has already met with SES and Police during incidents at the Stirling Ranges.
- Alex will be the point of contact for anyone requiring ranger services within the national parks.

**Ian Graham - Shire of Gnowangerup Deputy Chief Executive Officer and Recovery Coordinator**

- The Shire had its first Covid Incident Team Management meeting this afternoon. Topics discussed:
  - Internal planning for absenteeism,
  - Working from home policy
  - Distribution of pulse oximeters
  - Purchase and distribution of RAT tests for staff
- Attending a “proof of vaccination policy for local government premises” meeting via Teams. Have to get something in place to be able to protect staff and community.

**Cr Fiona Gaze - Shire of Gnowangerup Shire President (Chair) & Principal - Gnowangerup District High School**

- All year 3's and up are now required to wear a mask at school.
- Secondary kids have been wearing them from the start of the new school term.
- The school does have Business Continuity Plan (BCP) in place.
- Hard to keep up with the daily changes of covid requirements.
- Aim is to keep schools open.
- All staff are vaccinated or getting them vaccinated as part of the Telethon trial.
- Kids seem to have all settled in nicely and all seems happy to be at school.
- Kids having to isolate will be covered by online learning.
- Teachers will only be operating in one medium and not in 3 like in 2020.

### **Bob Jarvis - Shire of Gnowangerup Chief Executive Officer**

- As Ian mentioned there will be Teams meeting with a lawyer to discuss vaccination requirements for local government premises. Local governments are not a “one size fits all” type of organisation.
- There are legal issues around staffing.
- Need to have a policy that fits our need.
- Bob wanted to know what was in place until the Native Settlements have been finalised and who’s interim responsibility will it be to care for those UCLR’s and reserves?
- Derek and Vince commented that that the funding for now is still the same.
- Working closer with the Noongar people in terms of land management.
- The Aboriginal Body Corporate is not yet fully formed and once it is, will work with them in terms of mitigation.

### **9. COMMUNICATIONS EXERCISE**

The committee took part in a simple communications exercise. See attachment for discussions and outcome.

### **10. CLOSING**

Fiona declared the meeting closed at 6:20pm

### **11. DATE OF NEXT MEETING**

Next meeting will take place on Thursday the 2<sup>nd</sup> June at 4:30pm, unless advised by Adam Smith to do otherwise.

# Communications

## Shire of Gnowangerup

Date: March 2022

### Aim

To raise awareness of the importance of effective Public Information practice and improve current methodologies and processes.

### Capabilities

The focus of this exercise is to explore the capability of;

**Community Involvement: Alerts and warnings and Public Information: Messages to communities at all stages of emergency management are planned, coordinated, prompt, reliable and actionable. The messages are clear consistent, accessible culturally and linguistically appropriate.**

### Exercise Objectives

1. To raise awareness of the importance of effective communications and public information to assist the community before, during and after an emergency.
2. To identify and/or improve strategies to provide information to the community before, during and after an emergency. Strategies must be in line with the requirements of the capability framework and take into account restrictions that occur during emergencies such as power outages.

## Bushfire Scenario

At approximately 1300 hours on the afternoon of 2<sup>nd</sup> December 2019 (a school day) a bush fire started in suspicious circumstances just South of Ongerup. The bush fire fanned by southerly winds was pushed northward traveling at over 1400m per hour impacting properties and forcing residents to either actively defend or evacuate their properties.

An Emergency Warning has been issued and over 50 residents have already evacuated including elderly and small children.

There have been unconfirmed reports of multiple property losses and with the weather report not showing any improvement, the potential for major losses through that area is high.

There is potential for Gnowangerup/Jerramungup Road to be impacted. Power is out across large areas of the Gnowangerup Shire (including Ongerup), leaving many residents unable to access water.

There have been two reported cases of serious injury and multiple reported cases of smoke and heat related illness causing increases to 000 calls for SJA.

## Special Idea 1 – Early actions

Questions:

- 1. How can residents across the Shire receive the Emergency Warning if the power is out? During the first 2 hours when Telstra backup batteries are working.**

Social Media / Shire web page / bulk text message in the early stages when phone batteries are still full.

ABC Radio

13DFES (13 3337) general emergency information

- 2. What strategies can be used to assist get this message to affected residents?**

Local government can assist by disseminating DFES warnings through their existing comms networks.

Appointed communications officer for emergency. Battery powered laptop available?  
One source of truth.

## **Special Idea 2 – Evacuation**

At an Incident Support Group meeting held 2 hours later, the Incident Controller advises that he has some concerns for the safety of residents throughout Ongerup. Not only for those with significant damage to their homes, but also those without power. Given the heat and the fact that much of this area is also without water, the incident controller directs that all residents from Ongerup are to be evacuated. He also recommends that any other residents in the surrounding farming areas or those feeling unsafe should relocate to the evacuation centre.

### **Questions**

**1. How will advice to relocate be disseminated to the community?**

DFES warnings.

Local messaging systems. Notice boards, SMS, VMBs etc..

Door knocking Police and Volunteers

Media, ABC radio

Social media

**2. What Key messages should communications include?**

Address of the evacuation centre being opened.

Safest Route to get there. Road closures.

Duration

What to bring – medicines, scripts, reading glasses, legal documents, mobile phone and charger.

Animal messaging – where to take stock and pets.

### **Scenario**

No power means no landlines. Telstra batteries don't last long.

How do we get the info to our residents?

Push the ABC radio as they are the contracted emergency radio broadcaster. Using a battery powered or wind up.

13DFES (13 3337) general emergency information



RoadWise®



WALGA

RoadWise is funded by the State Government and supported by Local Governments  
www.roadwise.asn.au

# WALGA RoadWise

## Road Safety Report – Great Southern February 2022

### Road Safety Performance on Local Government Roads

Around 20 percent of WA’s population live in regional areas such as the Great Southern, however regional WA accounts for approximately 40 percent of people killed or seriously injured on our roads.<sup>1</sup> The following table highlights the types of crashes that resulted in 155 people being killed or seriously injured (KSI) in the Great Southern between 2014-2018.<sup>2</sup>

Crash Type	KSI	% KSI Crashes	Crash Type	KSI	% KSI Crashes
Non-collision	40	25.8%	Hit Object	5	3.2%
Off carriageway, Hit object	29	18.7%	Rear End	5	3.2%
Right Angle	27	17.4%	Other	4	2.6%
Off Carriageway, Non-collision	18	11.6%	Right Turn Thru	4	2.6%
Hit Pedestrian	13	8.4%	Sideswipe	4	2.6%
Head On	5	3.2%	Hit Animal	1	0.6%

Single vehicle run-off crashes continue to be the most common type of road crash in regional areas, including the Great Southern. Three in every four serious crashes on regional Western Australia roads also involved a local driver either within their own Local Government area or an adjacent one.<sup>3</sup>

Crash insights reveal that 55 percent of rural crashes are on roads of 110km/h and often involve the vehicle running off the road and hitting an object such as a tree.<sup>2</sup>

**The sealing of road shoulders and installation of audible edge and centre lines on a number of WA’s rural roads has reduced severe and casualty crash rates by 58% and 80% respectively.<sup>2</sup>**

<sup>1</sup> Government of Western Australia, Driving Change: Road Safety Strategy for Western Australia 2020-2030, <https://www.wa.gov.au/government/publications/driving-change-road-safety-strategy-2020-2030>, 10 January 2022.

<sup>2</sup> WALGA RoadWise, Road Safety Performance on Local Government Roads 2014-2018 Great Southern Region, 7 September 2021.

<sup>3</sup> Government of Western Australia, Driving Change: Road Safety Strategy for Western Australia 2020-2030, <https://www.wa.gov.au/government/publications/driving-change-road-safety-strategy-2020-2030>, 10 January 2022.

The *WALGA RoadWise Road Safety Performance on Local Government Roads Reports* aim to provide information focusing on KSI road trauma specific to each WA region and focus on Local Government roads.

Click here to access the reports: <https://www.roadwise.asn.au/onlineform/>

## **Road Safety Management System**

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The Road Safety Management System (RSMS) is a new service for Local Governments developed by WALGA's RoadWise Program.

Local Governments have a strategic and operational role in road safety as road managers, road system designers, planning authorities and fleet managers, in addition to their community development and leadership roles.

The aim of RSMS is to provide strategic advice and practical support to Local Governments to systematically manage local road safety performance with the long-term goal of eliminating death and serious injury on the local road network.

For more information on this service, please contact Jo Malcolm via email [jmalcolm@walga.asn.au](mailto:jmalcolm@walga.asn.au) or 9213 2523

## **CASE EXAMPLE: Wheatbelt Local Government Road Safety Audit Project**

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The Shire of Toodyay received a Road Safety Community Grant to upskill Local Government staff as a panel of trainee auditors for the Avon Valley. Staff from the four participating Local Governments completed the Institute of Public Works Engineering Australasia Western Australia online Road Safety Audit course. This was followed by a workshop facilitated by Shawmac Senior Auditors, Richard Jois and Damir Vagaja.

The workshop included presentations on the safe system, case study discussions, crash types and suitable countermeasures, and the importance of data analysis. Sharing knowledge and expertise in the workshop format allowed Local Governments to identify problem locations and prioritise their treatment - for example, run-off road crashes are the priority crash type requiring treatment in the Wheatbelt.

The project was funded through a Road Safety Community Grant.

**Road Safety Community Project Grants are available up to \$25,000 and can run for 12 months. The current round closes on 31 March 2022**

Visit the Road Safety Community Grants Portal here: <https://communityconnect.rsc.wa.gov.au/community-grants-portal> for more information.

## **National Road Safety Strategy 2021-30**

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The National Road Safety Strategy 2021-30 was released by the Infrastructure and Transport Ministers on 22 December 2021.

The strategy has three key themes: safe roads, safe vehicles and safe road use. Speed management is embedded within all three themes. The Strategy will be supported by a National Road Safety Action Plan.

Follow the link for a copy of the Strategy: [roadsafety.gov.au/nrss](https://roadsafety.gov.au/nrss).

## **RoadWise Road Safety Newsletter**

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The latest edition of the *RoadWise Road Safety Newsletter* can be accessed from the RoadWise website; [www.roadwise.asn.au/roadwise-road-safety-newsletter.aspx](http://www.roadwise.asn.au/roadwise-road-safety-newsletter.aspx) or email RoadWise at [roadwise@walga.asn.au](mailto:roadwise@walga.asn.au)

## National Road Safety Week 2022

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National Road Safety Week runs between 15 - 22 May 2022. Planning is underway in Western Australia for a full calendar of events, by Road Safety Council member agencies, including WALGA.



One of the regular features of National Road Safety Week is the 'shine a light on road safety' initiative. Lighting up iconic buildings and features yellow shines a light on road safety and recognises the people killed, seriously injured and affected by road trauma on our roads, every year.

Does your Local Government or community have a building, landmark or tourist attraction which could be lit up in yellow from 15-22 May?

Please contact: Regional Road Safety Advisor, Vivienne Gardiner on 0418 904 081 or [vgardiner@walga.asn.au](mailto:vgardiner@walga.asn.au).

Image: Albany Town Hall. Credit Road Safety Commission

**If you are thinking of holding an event or doing a project National Road Safety Week Grants Close 18 February 2020.** <https://communityconnect.rsc.wa.gov.au/community-grants-portal>.

### Calendar of Events

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- **National Road Safety Week:** 15-22 May 2022.
- **National Road Safety Week Grants:** Close 18 February 2020 [Click link](#).
- **Road Safety Community Project Grants:** Close 31 March 2022 [Click link](#).



# Emergency Preparedness and the nbn™ network



nbn™ Local

nbn-Confidential: Commercial

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# The nbn™ network in an emergency

nbn is included in every state and territory's Emergency Response Plan

Communications during an emergency event are vital.

nbn is embedded within emergency prevention, preparedness, response and recovery planning in every Australian state and territory. In an emergency event where the nbn™ network is affected we will aim to:



## Prioritise

connections to essential services



## Deploy

temporary network equipment



## Establish

plans for reconnection of all services

Please note: factors outside of nbn's control including, but not limited to, weather conditions, terrain, damage from an incident, safety and directions from emergency services could impact our ability to respond.

# Monitoring and prioritisation



The **nbn**<sup>™</sup> network is constantly monitored at our operations centre in Melbourne

**nbn** has sophisticated monitoring systems in place to ensure any significant area outage is quickly identified and services restored as quickly as possible. When a disaster or emergency event occurs, that has a significant impact on the **nbn**<sup>™</sup> network, we take steps to:



- Prioritise connections to essential services, such as hospitals, fire, police and emergency services;
- Support restoration of services such as traffic management, sewerage, power and water utilities, and
- Reconnect business services essential to community recovery such as banks, petrol stations and supermarkets



# Temporary portable network solutions

## nbn can support communities with portable network solutions

Our portable network assets help nbn provide a solution to support impacted communities following an incident. These include:



### NOW (Network on Wheels)

A versatile, towable enclosed trailer that contains rack space, cooling, power systems, fibre distribution and devices for a small exchange. It can be used to support Fibre-to-the-Premise/Node/Curb and Fixed Wireless networks.



### Multi-Tech Trailers

A technology diverse trailer that is self-powered containing equipment to support Fibre-to-the-Node, Hybrid Fibre-Coaxial and Fixed Wireless networks. Complemented by Wireless Mast Trailers (WMT) for fixed wireless support.



### Hybrid Power Cubes

Next generation generators which combine solar and diesel power sources to enable nbn™ Fixed Wireless facilities to operate for long periods of time without a power grid connection.

Agenda

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# Temporary portable network solutions

## nbn can support communities with portable network solutions

Our portable network assets help nbn provide a solution to support impacted communities following an incident. These include:



### Road Muster trucks

These vehicles are equipped with an nbn™ Sky Muster™ satellite dish to provide emergency workers and evacuated residents with a valuable Wi-Fi connection. These trucks can also display crucial information via external LCD screens.



### Portable satellite communication kits

These compact kits are easily transportable to areas without communication services. They can be deployed to assist emergency services during disaster situations.



# Preparing for an emergency

While emergency events are difficult to predict, to help support affected communities during relief and recover phases we generally have temporary **nbn™** network equipment positioned close to at-risk areas to deploy them as soon as it's safe to do so.

## Northern Territory:

- 1x NOW Trailer
- 1x Multi Tech Trailer
- 4x Power Hybrid Cubes
- 1x RoadMuster trucks
- 1x Portable Satellite kit

## Queensland:

- 1x NOW trailer
- 2x Multi Tech Trailers
- 8x Hybrid Power Cubes
- 2x RoadMuster trucks
- 1x Portable Satellite kit

## Western Australia:

- 2x Multi Tech Trailers
- 1x WMT
- 4x Power Hybrid Cubes
- 1x RoadMuster truck
- 3x Portable Satellite kits

## New South Wales/ACT:

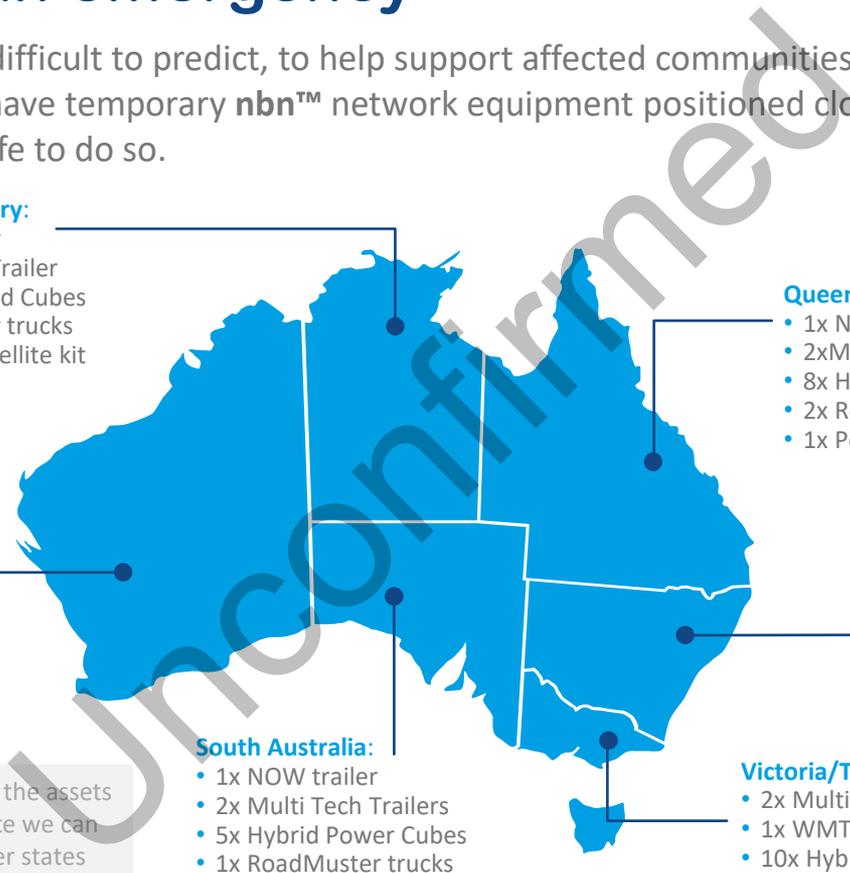
- 2x Multi Tech Trailers
- 1x WMT
- 10x Hybrid Power Cubes
- 2x RoadMuster trucks
- 3x Portable Satellite kits

## South Australia:

- 1x NOW trailer
- 2x Multi Tech Trailers
- 5x Hybrid Power Cubes
- 1x RoadMuster trucks
- 2x Portable Satellite kits

## Victoria/TAS:

- 2x Multi Tech Trailers
- 1x WMT
- 10x Hybrid Power Cubes
- 2x RoadMuster trucks
- 2x Portable Satellite kits



This map provides an indicative guide as to the assets currently available in each state. Please note we can generally deploy any of these assets in other states when required.

Agenda

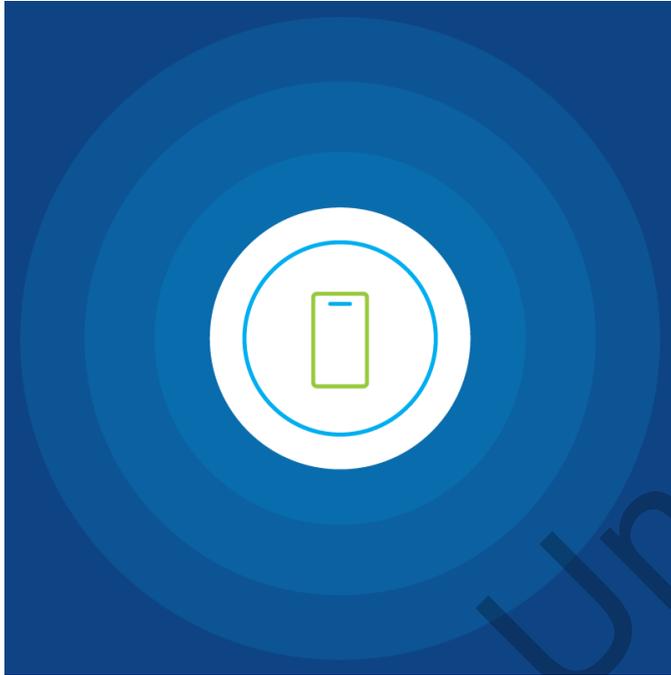
Ordinary Council Meeting 27 April 2022



# Emergency Preparedness tips

# Be prepared for an emergency

Australian households can follow these tips

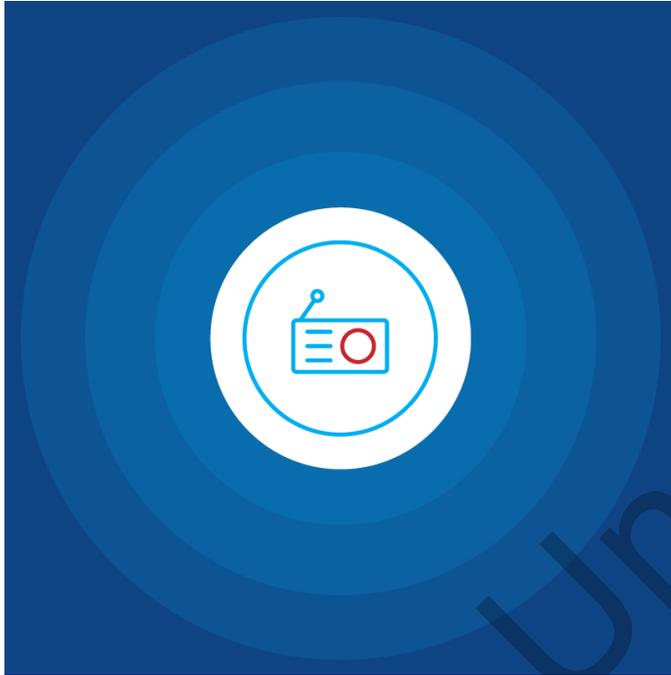


## Stay on your mobile

Keep a charged mobile phone and portable battery pack ready to use, or if your **nbn**<sup>™</sup> connection is disrupted in an emergency event. Consider turning off cellular data on unnecessary apps to save battery.

# Be prepared for an emergency

Australian households can follow these tips



## Stay updated

Local radio is a good source of information during an emergency, so include a battery powered radio in your emergency kit. Also follow local and emergency services as well as utility companies and **nbn** (@NBN\_Australia) on social media.

# Be prepared for an emergency

Australian households can follow these tips



## Back up

To access important information and essential documents from anywhere, including insurance and financial documents, consider creating a digital back up on a USB or in the cloud.

# Be prepared for an emergency

Australian households can follow these tips



## Alternate power source

If there is a power outage, equipment connected to **nbn**<sup>™</sup> services will not work. For home needs during these times, you might want to consider investing in an alternative power source, like a generator. Unfortunately though, alternative options like generators will not bring back home internet if the **nbn**<sup>™</sup> network is also experiencing a power loss.

# Creating an emergency kit



## Being prepared can help reduce disruption

An emergency communications kit can help you to stay connected in a power outage, or if there is a disruption to services over the **nbn**™ network.

Below are examples of what to keep in your physical emergency kit and your digital emergency kit.

### Physical Emergency Kit:

- Mobile phone
- Mobile phone charger
- Charged portable power pack
- Battery powered radio
- Spare batteries
- Hard copy important documents  
e.g. insurance policies, passports,  
legal documents

### Digital Emergency Kit:

- Important documents scanned and saved securely online e.g. drivers licence, passports, insurance documents, legal documents
- Important contacts saved on mobile phone or saved securely online



# Connected devices in a power outage



# What happens in a power outage?

## Most internet connected devices require power to operate

Equipment connected via the **nbn**<sup>™</sup> network will not work during a power outage. While the **nbn**<sup>™</sup> network has in-built power resiliency, the **nbn**<sup>™</sup> network requires power at both the exchange and within the home or business to operate.

Communities impacted by a power outage due to an emergency or other unexpected event should be prepared to be without internet, fixed line telephone and other services which require an internet connection for a period of time.

If you have essential electrical equipment connected to the **nbn**<sup>™</sup> network you might want to consider investing in an alternative power source, for example a UPS or generator, to have on standby during emergencies.



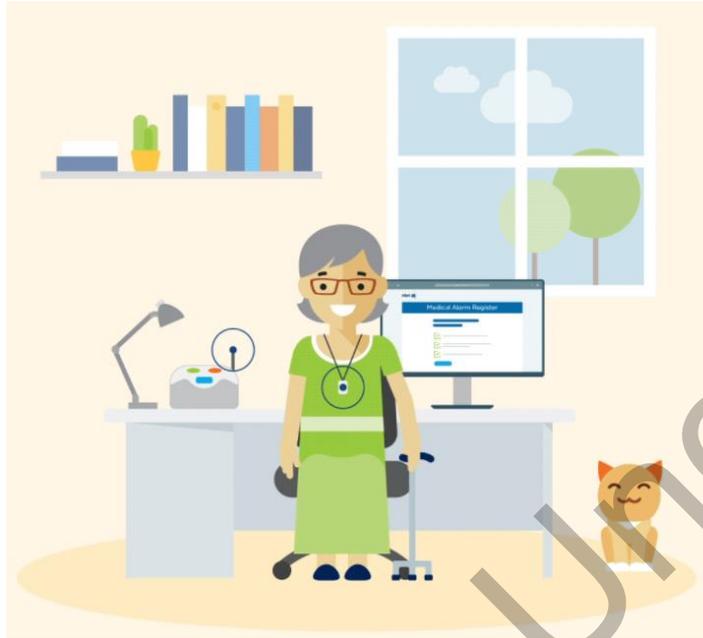
**Tip 1:** If your premises is experiencing a power outage, use a smartphone or other smart device connected to mobile data to visit [www.nbn.com.au/powerblackouts](http://www.nbn.com.au/powerblackouts) for helpful information.

**Tip 2:** If the power is still on but you experience problems with your **nbn**<sup>™</sup> network service, contact your phone and internet provider.

# Equipment that may be affected by a power outage



Which devices could be impacted if you lose connectivity?



Many devices now rely on connectivity to operate. It is important to understand which devices could be impacted if you lose connectivity.

If you use any of the following equipment, **nbn** recommends you speak to the supplier of that device about the best solution for ongoing service continuity.

- Medical alarm, auto-dialler or emergency call button
- Security alarms
- EFTPOS or health claim terminal
- Monitored fire alarm
- Lift emergency phone
- Fax and teletypewriter devices

# Landline phones



## Understand what happens to your landline in a power outage



The **nbn**<sup>™</sup> network requires power at both the exchange and within the home or business to operate.

All types of landline phones (cordless phones, as well as older style un-powered corded phones) will not work in a power outage if you are in an **nbn** fixed line area (underground/overhead cabling).



Note: This may not apply to those landline phones connected in **nbn**<sup>™</sup> Fixed Wireless or **nbn**<sup>™</sup> Sky Muster satellite areas, as **nbn** has not taken over the existing copper line in these areas. Check with your phone or internet provider.

More information: [www.nbn.com.au/landline](http://www.nbn.com.au/landline)



# Thank you



**nbn**™ Local

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<b>11.2</b>	<b>ANNUAL ELECTORS MEETING MINUTES HELD ON 23 MARCH 2022</b>
<b>Location:</b>	N/A
<b>Proponent:</b>	N/A
<b>Date of Report:</b>	14 <sup>th</sup> April 2022
<b>Business Unit:</b>	Strategy and Governance
<b>Officer:</b>	Anita Finn - Executive Assistant
<b>Disclosure of Interest:</b>	Nil

#### ATTACHMENT

- Unconfirmed Minutes of the Annual Electors Meeting held on 23<sup>rd</sup> March 2022

#### PURPOSE OF THE REPORT

For Council to note that no decision was made at the Annual Elector's Meeting on 23<sup>rd</sup> March 2022 and to receive and note the unconfirmed Minutes of the Annual Electors Meeting 23<sup>rd</sup> March 2022.

#### BACKGROUND

It is a requirement under Section 5.33 of the Local Government Act 1995 that all decisions made at an Electors' meeting are to be considered at the next Ordinary Council meeting. No member of the public attended the Annual Electors Meeting 23<sup>rd</sup> March 2022 and no decision was made at this meeting.

#### COMMENTS

Nil

#### CONSULTATION WITH THE COMMUNITY AND GOVERNMENT AGENCIES

Nil

#### LEGAL AND STATUTORY REQUIREMENTS

##### ***s5.33. 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.*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

STRATEGIC RISK MANAGEMENT CONSIDERATIONS

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

**0422. That Council:**

- 1. Receives and notes the minutes of the Annual Electors Meeting 23<sup>rd</sup> March 2022, and**
- 2. Notes that no decision was made at the Annual Electors Meeting 23 March 2022 pursuant to Section 5.33 of the Local Government Act 1995.**

*Heart of the Sterlings*



**SHIRE OF GNOWANGERUP**

# **MINUTES**

## **ANNUAL ELECTORS MEETING**

**WEDNESDAY 23<sup>rd</sup> MARCH 2022**

**TOWN HALL OF GNOWANGERUP,  
YOUGENUP ROAD, GNOWANGERUP, WA, 6335  
Commencing at 7:00pm**

**Shire of Gnowangerup**

**NOTICE OF THE ANNUAL GENERAL MEETING OF ELECTORS**

Notice is hereby given that the Annual General Meeting of Electors of the Shire of Gnowangerup will be held on Wednesday 23rd March 2022 at the Town Hall, Yougenup Road, Gnowangerup, WA, 6335, commencing at 7:00pm.

Signed:  \_\_\_\_\_

**Bob Jarvis**  
**CHIEF EXECUTIVE OFFICER**

Unconfirmed

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## 1. OPENING

Shire President Fiona Gaze welcomed Councillors and staff and opened the meeting at 7:04pm.

## 2. ACKNOWLEDGEMENT OF COUNTRY

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

## 3. ATTENDANCE / APOLOGIES

### 3.1 ATTENDANCE

Cr Fiona Gaze  
Cr Greg Stewart JP  
Cr Mick Creagh  
Cr Rebecca Kiddle  
Cr Kate O’Keeffe JP  
Cr Peter Callaghan  
Cr Rebecca O’Meehan

Shire President  
Deputy Shire President

Bob Jarvis  
Ian Graham  
Yvette Wheatcroft  
Geoff Carberry  
Anita Finn  
Kirsty Buchanan

Chief Executive Officer  
Deputy Chief Executive Officer  
Manager of Works  
Asset and Waste Management Coordinator  
Executive Assistant  
Community Development Coordinator

Members of the Public  
NIL

### 3.2 APOLOGIES

Cr Shelley Hmeljak  
Cr Lex Martin

**4. CONFIRMATION OF PREVIOUS MEETING MINUTES**

**4.1 ANNUAL ELECTORS MEETING HELD 3<sup>rd</sup> FEBRUARY 2021**

**Moved: Cr K O’Keeffe**

**Seconded: Cr G Stewart**

**That the minutes of the Annual Electors Meeting held on 3<sup>rd</sup> February 2021 be confirmed as a true and correct record of proceedings.**

**UNANIMOUSLY CARRIED: 8/0**

**4.2 BUSINESS ARISING FROM MINUTES**

**Nil**

**5. CONTENTS OF THE 2020/2021 ANNUAL REPORT**

**5.1 PRESIDENT’S REPORT 2020/2021**

**Moved: Cr F Gaze**

**Seconded: Cr R Kiddle**

**That the Presidents report for 2020/2021 be received and the contents noted.**

**UNANIMOUSLY CARRIED: 10/0**

**5.2 CHIEF EXECUTIVE OFFICER’S REPORT 2020/2021**

**Moved: Cr R O’Meehan**

**Seconded: Cr P Callaghan**

**That the Chief Executive Officer’s report for 2020/2021 be received and the contents noted.**

**UNANIMOUSLY CARRIED: 10/0**

**5.3 RECEIVING OF THE 2020/2021 ANNUAL REPORT INCLUDING THE ANNUAL FINANCIAL REPORT**

**Moved: Cr F Gaze**

**Seconded: Cr M Creagh**

**That the 2020/2021 Annual Report including the annual financial report be received.**

**UNANIMOUSLY CARRIED: 10/0**

**6. QUESTIONS TAKEN ON NOTICE**

Nil

**7. GENERAL BUSINESS**

Nil

**8. CLOSURE**

Shire President Fiona Gaze, thanked Councillors and staff and closed the meeting at 7:08pm.

**Whilst it was apparent that no member of the public will attend the meeting, the Council remain in the Town Hall until 7:20pm in order to reinstate the meeting if members of public arrive.**

**FOOTNOTES**

*Voting:*

- *Each elector present at the meeting is entitled to one vote on each matter to be decided, but does not have to vote.*
- *All decisions are to be made by a simple majority vote.*
- *Voting is to be conducted so that no voter's vote is secret.*

**Definition of the Elector**

*An elector is defined in the Local Government Act 1995. An elector is a person who is eligible to vote in an election of the Shire of Gnowangerup. For the purpose of meeting of electors, the definition of an elector is to include ratepayers.*

**Procedures at Electors Meetings**

*The procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.*

**11.3 MEMBERS FEES AND ALLOWANCES 2022/23 FINANCIAL YEAR**

**Location(s):** N/A  
**Proponent:** N/A  
**Date of Report:** 14<sup>th</sup> April 2022  
**Officer:** Bob Jarvis – Chief Executive Officer  
**Disclosure of Interest:** Nil

ATTACHMENTS

Nil

PURPOSE OF THE REPORT

For Council to consider the annual Members Fees and Allowances for the 2022/23 financial year.

BACKGROUND

The Salaries and Allowances Tribunal provides an annual determination in regard to fees, allowances and reimbursements payable to Elected Members. Local Government CEO and Elected Members Determination No. 1 of 2022, dated 7<sup>th</sup> April 2022, stipulates the following minimum and maximum annual allowances apply for the 2022/23 year for a Band 4 Local Government:

	Min. \$	Max. \$
SHIRE PRESIDENT – ANNUAL ALLOWANCE	\$526.00	\$20,565.00
DEPUTY SHIRE PRESIDENT – ANNUAL ALLOWANCE (25%)	\$132.00	\$5,141.00
SHIRE PRESIDENT - ANNUAL MEETING FEES	\$3,679.00	\$20,022.00
COUNCILLOR – ANNUAL MEETING FEES	\$3,679.00	\$9,742.00
ICT EXPENSES – ANNUAL ALLOWANCE	\$500.00	\$3,500.00

COMMENTS

The current (2021/22) Members Fees and Allowances are:

	\$
SHIRE PRESIDENT – ANNUAL ALLOWANCE	\$15,529.00
DEPUTY SHIRE PRESIDENT – ANNUAL ALLOWANCE (25%)	\$3,882.25
SHIRE PRESIDENT - ANNUAL MEETING FEES	\$16,224
COUNCILLOR – ANNUAL MEETING FEES	\$8,112
ICT EXPENSES – ANNUAL ALLOWANCE	\$669

The increase to the bands represents an increase of 2.50%, which, if translated to an increase in the current Gnowangerup (2021/2022) fees and allowances, would be the fees and allowances which appear in the officer's recommendation. However, Council may exercise its right to have an increase of any magnitude it wishes up to but not exceeding the maximums allowable within the band. It should be noted that ICT allowances were not increased as part of the tribunal's determination. However, the officer recommendation is to adopt a 2.5% in this allowance.

#### CONSULTATION

Nil.

#### LEGAL AND STATUTORY REQUIREMENTS

Local Government Act 1995 s.5.98 and 5.99.

#### POLICY IMPLICATIONS

Nil.

#### FINANCIAL IMPLICATIONS

The Members Fees and Allowances will be included in the 2022/23 Annual Budget.

#### STRATEGIC IMPLICATIONS

Nil

#### ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may resolve to increase or decrease the members fees and allowances, the implication being an increase (or decrease) for members fees and allowances in the 2022/23 Annual Budget.

#### CONCLUSION

The March 2022 WALGA Economic Briefing Report states:

- *The Perth Consumer Price Index (CPI) increased 1.44% for the December quarter driven by increases in housing costs, petrol prices and domestic travel costs. Annualised this is 5.66% for the year to December 2021, the first time Perth CPI has been above 5% since 2001. This is above the Australian CPI of 1.3% for the quarter and 3.5% for the year.*

And

- *The rate of growth in Local Government costs is expected to slow to 2.5% in 2022-23*

Therefore a 2.5% increase is recommended.

#### VOTING REQUIREMENTS

Absolute majority.

**OFFICER RECOMMENDATION**

**0422. That Council:**

**Adopts the following Members Fees and Allowances for the 2022/23 financial year (2.5% increase on 2021/22 – rounded up or down to the nearest dollar):**

	\$
SHIRE PRESIDENT – ANNUAL ALLOWANCE	\$15,917.00
DEPUTY SHIRE PRESIDENT – ANNUAL ALLOWANCE (25%)	\$3,979.00
SHIRE PRESIDENT - ANNUAL MEETING FEES	\$16,630.00
COUNCILLOR – ANNUAL MEETING FEES	\$8,315.00
ICT EXPENSES – ANNUAL ALLOWANCE	\$686.00

#### 11.4 QUARTERLY REVIEW OF CORPORATE BUSINESS PLAN

<b>Location:</b>	N/A
<b>Proponent:</b>	N/A
<b>Date of Report:</b>	14 <sup>th</sup> April 2022
<b>Business Unit:</b>	Strategy and Governance
<b>Officer:</b>	Anita Finn – Executive Assistant
<b>Disclosure of Interest:</b>	Nil

#### ATTACHMENTS

- Quarterly Corporate Business Plan Review for 3<sup>rd</sup> Quarter 2021/2022

#### PURPOSE OF THE REPORT

For Council to note the Quarterly Corporate Business Plan (CBP) Review for the quarter ending 31<sup>st</sup> March 2022 (i.e. the progress of the actions/projects in the existing CBP) and to adopt any amendments to the existing CBP.

#### BACKGROUND

Council adopted its Integrated Strategic Plan (Strategic Community Plan 2021-2031 and Corporate Business Plan 2021-2025) in July 2021. Regulation 19DA(4) of the *Local Government (Administration) Regulations 1996* requires a local government to review its current Corporate Business Plan each year. Regulation 19C(4) requires a local government to review its Strategic Community Plan at least once every four years.

#### COMMENTS

The attached report confirms that the Shire is on track to meet its Integrated Planning and Reporting (IP&R) commitments and satisfies Regulations 19C and 19DA of the Local Government (Administration) Regulations 1996.

#### CONSULTATION

Nil

#### LEGAL AND STATUTORY REQUIREMENTS

LG Act 1995 s5.56:

##### **5.56. *Planning for the future***

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

Local Government (Administration) Regulations 1996:

##### **19C. *Strategic community plans, requirements for (Act s. 5.56)***

- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government’s strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.  
  
\*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil. All actions/projects have been budgeted for or will be budgeted for in future years.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan 2021-2031

Community Priority: Forward planning and implementation of relevant plans to achieve strategic priorities

Actions: Deliver the scheduled reviews of the Shire Integrated Planning Framework

**STRATEGIC RISK MANAGEMENT CONSIDERATIONS:**

<b>Strategic Risk Category</b>	Ineffective Leadership
<b>Consequence Rating</b>	Minor
<b>Likelihood Rating</b>	Unlikely
<b>Control Rating</b>	Effective
<b>Risk Acceptance Criteria</b>	Acceptable

**IMPACT ON CAPACITY**

Nil

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Nil

**CONCLUSION**

The new reporting tool is a relatively simple way to report to Council on the progress of the CBP actions. The adoption of the updated CBP reinforces Council's commitment to meaningful strategic planning and provides a sound basis for continual improvement within the Shire.

**VOTING REQUIREMENTS**

Absolute majority

**OFFICER RECOMMENDATION**

**0422. That Council:**

- 1. Notes and approves the achievements against the actions in the attached Quarterly Corporate Business Plan (CBP) Review for the quarter ending 31<sup>st</sup> March 2022;**
- 2. Notes that there were no amendments to the existing CBP during this quarter; and;**
- 3. Directs the CEO to publish the attached report on the Shire's web page.**

## CORPORATE BUSINESS PLAN – QUARTERLY UPDATE Q3 2021-22

STATUS TRAFFIC LIGHT:	Not Commenced	In Progress	Completed
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### 1 Our Community

Community Priority	Actions	21 22	22 23	23 24	24 25	Resp.	Status	Quarterly Update
1.1 Identify and deliver opportunities for young people across the Shire	1.1.1 Engage with young people to determine programs and support that provide employment and activities for young people	Ongoing				CDC		Investigating a Skatepark for Gnowangerup.
1.2 Facilitate and advocate for the provision of quality health services, health facilities and programs	1.2.1 Advocate for and support mental health and social support services with a focus on vulnerable families	Ongoing				CDC		Investigating Mental Health policy, Mental Health section on Shire website, promoted R U Ok Day and Mental Health Week, Act/Belong/Commit Partner. Joined LiveLighter and promoting on social media.
	1.2.2 Improve access and inclusion for disabled people by delivering the actions detailed in the Shire Disability Access and Inclusion Plan	Ongoing				CDC		Ongoing.
1.3 Strengthen the sense of place, culture and belonging through inclusive community partnerships	1.3.1 Partner with local community and business groups to strengthen the relationship and communication between our three communities	Ongoing				CDC		Regular CEO visits to Borden and Ongerup, work closely with CRC's and Borden Pavilion.

	1.3.2 Partner with local Noongars to record their history, build trust and to identify opportunities for engagement and employment	Ongoing				<b>CDC</b>		Currently consulting with Noongar community on Gnowangerup springs story boards and trails interpretations.
1.4 Support local volunteer organisations through initiatives that reduce volunteer fatigue and strengthen their resilience	1.4.1 Partner with community groups to support and deliver community events and workshops	Ongoing				<b>CDC</b>		Annual community grant process, partner with CRC's, facilitate emergency services meetings.
	1.4.2 Develop a database of community resources and skills to support community development	✓				<b>CDC</b>		In development.
1.5 Support emergency services planning, risk mitigation, response and recovery	1,5,1 Work with the LEMC to continually improve emergency response planning and delivery	Ongoing				<b>CRO</b>		

## 2 Our Economy

Community Priority	Actions	21 22	22 23	23 24	24 25	Resp.	Status	Quarterly Update
2.1 Support businesses and business growth across the Shire	2.1.1 Support local business groups to assist in business development and job growth within the Shire	Ongoing				CEO		<p>Have provided information from Small Business Development Corporation directly to local businesses. Have involved business groups in the Housing and Accommodation Working Group Meeting and organised a follow up meeting with the Shire's Planner.</p> <p>Tender will be prepared for Chalet development at Gnowangerup Caravan Park which can be used by visiting consultants trades etc for local business.</p>
	2.1.2 Work with relevant state agencies to release the industrial lots in Quinn St	✓	✓			CEO		CEO and Planner met with Development WA and outlined land needs for industrial and housing within the Shire.

2.2 Coordinated planning and promotion of our Shire to visitors and tourists	2.2.1 Partner with GS Treasures and GSCORE/Outdoors Gt Southern and local business to develop tourism opportunities	Ongoing				CDC		Ongoing.
	2.2.2 Investigate tourism branding and promotion opportunities					CDC		Not yet commenced.
	2.2.3 Plan and deliver an extension to the Gnowangerup Heritage Trail	✓	✓			CDC		Currently working with Outdoors Great Southern. Community consultation complete for springs storyboard.
	2.2.4 Investigate the opportunity of attracting a major event, festival or attraction to the Shire	✓				CDC		Investigating “Stay on your Feet” Weekend.
2.3 Local businesses and the Shire have access to diverse skills, and appropriate services	2.3.1 Advocate for improved communications infrastructure.	Ongoing				DCEO		In progress. Superloop now operational in parts of GNP Shire.
	2.3.2 Work with relevant stakeholders to attract small business and trades to the Shire	Ongoing				CEO		The Shire is using the services of fledgling trades within the Shire and looking at changes to the Town Centre area Zone as part of the Local Planning Scheme review to see what other incentives might be offered

### 3 Our Infrastructure

Community Priority	Actions	21 22	22 23	23 24	24 25	Resp.	Status	Quarterly Update
3.1 Parks, gardens, streetscapes, recreational and social spaces are safe and encourage active and healthy lifestyles	3.1.1 Identify opportunities to improve streetscaping in all 3 towns in a manner that is consistent and reflects our heritage	✓				MW		The grant funded street scape projects in Borden and Ongerup are now complete
3.2 We prepare and maintain our assets and infrastructure for current and future community use	3.2.1 Conduct the statutory review of the Local Planning Scheme to promote community and economic development	✓	✓			TP		Local Planning Scheme Review document underway and should be completed for adoption by Council for the October 2021 OCM. Consultants have been appointed for the new Local Planning Strategy also due to commence in October 2021.
	3.2.2 Develop and implement a comprehensive Asset Management framework to ensure a strategic approach to infrastructure planning, maintenance, and enhancement	✓	✓			DCEO		New Asset Management Plans adopted by Council July 2021.

## 4 Our Natural Environment

Community Priority	Actions	21 22	22 23	23 24	24 25	Resp.	Status	Quarterly Update
4.1 A high standard of environmental health and waste services	4.1.1. Investigate opportunities to improve shire waste services and facilities	✓	✓			<b>AWMC</b>		Ongoing
	4.1.2 Develop and adopt a compliant Public Health Plan and progressively deliver agreed actions	✓				<b>DCEO</b>		Public Health Plan adopted March 2022.
4.2 Conservation of our natural environment	4.2.1 Partner with relevant agencies and local stakeholders such as the NSPNR to preserve and/or enhance the natural environment	Ongoing				<b>CEO</b>		Working with Shire's of Katanning and Broomehill Tambellup on completing application for a Contiguous Local Authorities Group, with training funds to come from this source to train groups like NSPNR to carry out mosquito mitigation.
	4.2.2 Deliver water conservation projects for the Drought Communities Relief program	✓	✓			<b>CEO</b>		All Drought Communities Water projects complete

## 5 Our Organisation

Community Priority	Actions	21 22	22 23	23 24	24 25	Resp.	Status	Quarterly Update
5.1 Investment in the skills and capabilities of our staff and leaders	Continue representation on relevant Boards, Committees and working groups to influence positive local and regional outcomes	Ongoing				CEO		Regular meetings with VROC, Zone, GSDC, Katanning Hospital, LG Professionals to influence positive outcomes for the Shire
	Organise professional development opportunities and mentoring support to develop the capability of staff and Councillors					CEO		Training provided for Rates, EFT, Transport, Records, Finance and Emergency Management in the last quarter
5.2 Shire communication is consistent, engaging, and inclusive	Develop and implement a simple Engagement Toolkit to assist with community engagement	✓				CDC		Planning has commenced.
5.3 Forward planning and implementation of relevant plans to achieve strategic priorities	Deliver the scheduled reviews of the Shire Integrated Planning Framework	✓	✓	✓	✓	DCEO		Updated Strategic Community Plan and Corporate Business Plan completed and adopted August 2021.
	Review and update statutory requirements such as local laws and record keeping plan	Ongoing				DCEO		Ongoing. Medical Centre Records Risk Assessment commenced Sep. 2021.

	Conduct a review of the ITC Strategy and integrate with the Business Continuity Plan	✓				<b>DCEO</b>		In progress – ITC Strategy to be updated by end of Q3 and BCP updated by end of Q4.
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<b>11.5</b>	<b>ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2022</b>
<b>Location:</b>	Shire of Gnowangerup
<b>Proponent:</b>	N/A
<b>Date of Report:</b>	1 <sup>st</sup> April 2022
<b>Business Unit:</b>	Strategy and Governance
<b>Officer:</b>	Bob Jarvis – Chief Executive Officer
<b>Disclosure of Interest:</b>	Nil

#### ATTACHMENTS

- Shire of Gnowangerup Activities in Thoroughfares and Public Places and Trading Local Law 2022 adopted by Council 15<sup>th</sup> December 2021 (DRAFT)
- E-mail from the Department of Local Government Sport and Cultural Industries dated 1<sup>st</sup> April 2022, and containing comments for correcting and amending the local law to reflect changes in legislation referred to in the Local Law, drafting errors and clarification suggestions
- Shire of Gnowangerup Activities in Thoroughfares and Public Places and Trading Local Law 2022 (DRAFT) corrected to include comments from the Department of Local Government Sport and Cultural Industries and presented as a “track changes” document.
- An amended copy (DRAFT), with the changes from the track Changes version incorporated into the Local Law, ready for Gazettal

#### PURPOSE OF THE REPORT

To propose that Council make an Activities in Thoroughfares and Public Places and Trading Local Law 2022.

#### BACKGROUND

At the ordinary meeting held on 15<sup>th</sup> December 2021, Council adopted a draft Shire of Gnowangerup Activities in Thoroughfares and Public Places and Trading Local Law. The draft local law was advertised for public comment, and copies sent to the Minister for Local Government as required by s3.12 of the Local Government Act 1995.

#### COMMENTS

Under the Local Government Act 1995 (the Act), Local Governments are required to carry out periodic reviews of their local laws to determine whether they should be repealed or amended. As part of the Shire’s ongoing review of its local laws, Shire officers have determined that there is a requirement for a new Shire of Gnowangerup Activities in Thoroughfares and Public Places and Trading Local Law.

The need for this new local law has been determined through increased activity from mobile traders and the fact that the Shire does not currently have a local law to provide for regulation and control.

## CONSULTATION

WALGA model LG Activities in Thoroughfares and Public Places and Trading Local Law, various other current WA LG Council Activities in Thoroughfares and Public Places and Trading Local Laws. Workshop with Council.

A local government is to give state-wide and local public notice stating that it proposes to make a local law, the purpose and effect of which is summarized in the notice for a period of 6 weeks after it first appears.

The draft local law was advertised state-wide on 15 January 2022 for public comment, closing on Friday 18 March 2022. No comments were received from the public. A copy of the draft local law was also sent to the Minister in accordance with s3.12(3)(b). The Department of Local Government Sport and Cultural Industries responded on the 1<sup>st</sup> April 2022 with a list of comments recommended for inclusion or change. These are generally to correct errors or changes in legislation and do not represent a significant change to the purpose and effect of the local law. A copy of the e-mail from the Department is provided as an attachment with the amendments as suggested by the Department shown as track changes.

The suggested changes were provided to the Council at its workshop on the 13<sup>th</sup> April 2022, and are reproduced here:

### 1. Clause 2.6 – giving legislative effect to administrative policy

Subclause 2.6 states that an “acceptable material” is any material that appears on a particular list maintained by the local government.

This means that part of the local law is now effectively contained on the local government’s list. The Delegated Legislation Committee has previously determined that this is inappropriate, since the list can be amended at any time without parliamentary scrutiny.

It is suggested that the issue be dealt with by either of the following:

- amend clause 2.6 to include a defined list of acceptable materials; or
- create a new schedule containing a list of acceptable materials, then amend clause 2.6 to refer to that schedule; or
- Define an acceptable material to be “any material which will create a hard service or is approved by the local government”.

This will ensure that the local law is self-contained and doesn’t give direct legislative effect to local government policy.

### 2. Clause 4.7 Retailer taken to own trolley

This clause provides that in the absence of evidence to the contrary, it will be assumed that a shopping trolley is owned by whichever retailer is marked on that trolley.

As a rule, the plaintiff to a legal action is responsible for proving the elements of that legal action. This rule is presumed to apply except where enacting legislation has expressly stated otherwise.

Since the Local Government Act 1995 does not expressly state that local laws can reverse the onus of proof, it is debatable whether local governments have the power to make local laws which do this.

The Delegated Legislation Committee has previously explored this issue in the local laws of other local governments. In those cases, the Committee concluded that it would permit the clause, since the burden on retailers was not particularly onerous.

However, the Committee concluded that the clause may not be legally valid and its enforceability may be vulnerable to legal challenge. This conclusion is set out in item 4 of the Committee's 16th Report. The Shire should keep this in mind if it chooses to retain the clause and rely on it in the future.

### 3. Clause 5.1 – Definition

This clause currently refers to the Wildlife Conservation Act 1950. This reference is incorrect as the legislation was recently repealed.

It is suggested that the definition for protected flora and rare flora be deleted. The following definitions should be inserted as a replacement:

- specially protected flora has the meaning given to it in section 5 of the Biodiversity Conservation Act 2016.
- threatened flora has the meaning given to it in section 5 of the Biodiversity Conservation Act 2016.

The Shire should review the local law to ensure that all references to “protected flora” and “rare flora” are replaced accordingly.

### 4. Clause 5.16 ‘Rejection of burning permit’

Clause 5.16 creates several conditions in which a permit cannot be approved. The Delegated Legislation Committee has raised concerns that these conditions could prevent the local government from approving a permit in order to deal with an urgent fire hazard.

As a result, the Committee requested 5.16(b) be amended so that where an immediate fire hazard exists in a thoroughfare, permits can be granted to facilitate the removal of that hazard.

### 5. Clause 6.3(3) – Trader’s permit

States that a trader may be required to move on from a particular area within a “reasonable time” after the last purchase.

The Delegated Legislation Committee has concluded that this subclause is vague and may impose unreasonable conditions on street traders. It is suggested that subclause (3) be deleted. If this does not occur, the Committee is likely to request an undertaking that it be removed.

### 6. Clause 6.8 ‘Trade Measurement Administration Act 2006’

This clause refers to the Trade Measurement Administration Act 2006. This Act has been repealed and is now covered by national legislation. It is suggested that the reference to the TMA is changed to refer to the ‘National Measurements Act 1960 (Cth)’.

### 7. Clause 6.18 – Obligations of permit holder

The Delegated Legislation Committee has previously found issues with paragraph (d).

It is suggested that the paragraph be removed. If this doesn't occur, it is likely the Committee will request an undertaking to have it deleted.

8. Minor edits

The following minor edits are suggested:

- Clause 1.2: Defined terms should be bold and italics without quote marks and each definition should commence on a new line.
- Clause 2.4:
  - o After 'where' change the full stop to a hyphen.
  - o This clause currently refers to "building licenses". It is suggested this term be changed to "building permit" to reflect current terminology.
- Clause 2.12: Change the full stop to a hyphen.
- Clause 5.1: In the definition of Roadside Conservation Committee move the word "and" to the end after the comma.
- Clause 5.12 change "subclause 7.1(2)" to "clause 7.1(2)"
- Clause 6.15: Move "permit" to a new line.
- Clause 7.4: change "paragraph 7.2(1)(a)" to "clause 7.2(1)(a)"
- Clause 7.5: This clause does not clearly indicate when a variation in conditions becomes effective or whether the permit holder should receive a written notice when a condition is varied. The Shire may wish to address these issues.
- Clause 8.1 does not state that a right of appeal exists in relation to decisions made under Clause 7.8. The Shire should ensure this wording reflects the Shire's intent.
- Schedule 1:
  - o It is suggested that each penalty be assigned an item number, as this will make the Schedule easier to amend in the future.
  - o In the item for clause 2.1(a) change "Plant of 0.75m in height" to "Plant (except grass or similar plant)".
  - o The item for clause 2.9(1) is split into two lines and should be merged.
  - o Change "2.17(2)" to "2.18(2)".
  - o Change "2.19(1)" to "2.20(1)".
- Many clauses in the local law appear to lack full stops at the end of clauses. This includes clauses 2.16, 2.19, 5.14, 5.16, 6.5(1), 6.10, 6.20, 7.2 7.5 and 9.4

LEGAL AND STATUTORY REQUIREMENTS

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

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

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Nil.

### STRATEGIC IMPLICATIONS

Strategic Community Plan

Theme: A Sustainable and Capable Council

Objective: Provide accountable and transparent leadership

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

### ALTERNATE OPTIONS AND THEIR IMPLICATIONS

An alternative option would be not to adopt the proposed new Activities in Thoroughfares and Public Places and Trading Local Law 2022.

Adoption of the draft Activities in Thoroughfares and Public Places and Trading Local Law 2022 is recommended in order to ensure compliance with current legislation and practices. The proposed Activities in Thoroughfares and Public Places and Trading Local Law will provide control and regulation as stated above.

### VOTING REQUIREMENTS

Absolute majority

### OFFICER RECOMMENDATION

**0422. That Council:**

- 1. In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Gnowangerup Activities in Thoroughfares and Public Places and Trading Local Law 2022 attached to and forming part of this report and which includes amendments arising out of comments provided by the Department of Local Government Sport and Cultural Industries;**
- 2. In accordance with s3.12(5) of the Local Government Act 1995, directs the CEO to cause the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and Emergency Services;**
- 3. After Gazettal, in accordance with s3.12(6) of the Local Government Act 1995, directs the CEO to give local public notice:**
  - a. Stating the title of the Local Law;**
  - b. Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and**
  - c. Advising that copies of the local law may be inspected or obtained from the Shire office.**

- 4. Following Gazettal, within 10 business days of publication date, in accordance with the Subsidiary Legislation Explanatory Memoranda directions as issued by the Minister on 2<sup>nd</sup> December 2021, the agency responsible for administering the subsidiary legislation (the Shire) must provide to the Joint Standing Committee on Delegated Legislation the following documents:**
- a. One hard copy (double sided) and one electronic copy of the subsidiary legislation as published in the Government Gazette;**
  - b. One hard copy (double sided) and one electronic copy of an Explanatory Memorandum, prepared in accordance with this Circular, signed by the Chief Executive Officer (CEO) of the agency and initialled or signed by the responsible Minister;**
  - c. One hard copy (double sided) and one electronic copy of a completed Statutory Procedures Checklist in Appendix 2 format for a region planning scheme or an amendment to it;**
  - d. An electronic copy of any principal subsidiary legislation not on the Western Australian legislation website amended by the subsidiary legislation consolidated with all amendments up to the date immediately before the most recent amendments take effect;**
  - e. Where the Parliamentary Counsel’s Office (PCO) has produced a copy of the principal subsidiary legislation marked with the amendments made by the instrument under scrutiny, a link to the ‘document compare’ on the Western Australian legislation website.**

**DRAFT - Adopted by Council 15/12/2021**

**DRAFT LOCAL GOVERNMENT ACT 1995**

**SHIRE OF GNOWANGERUP**

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES  
AND TRADING LOCAL LAW 2021**

# DRAFT - Adopted by Council 15/12/2021

## LOCAL GOVERNMENT ACT 1995

Shire of Gnowangerup

### ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2021

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## LOCAL GOVERNMENT ACT 1995

Shire of Gnowangerup

### ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING AMENDMENT LOCAL LAW 2017

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

#### PART 1 – PRELIMINARY

##### 1.1 Citation

This local law may be cited as the *Shire of Gnowangerup Activities In Thoroughfares and Public Places and Trading Amendment Local Law 2021*.

##### 1.2 Definitions

In this local law unless the context otherwise requires:

- “Act”** means the *Local Government Act 1995*; **“applicant”** means a person who applies for a permit;
- “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;
- “built-up area”** has the meaning given to it in the *Road Traffic Code 2000*;
- “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 in 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;
- “crossing”** means a crossing giving access from a public thoroughfare to:
- (a) private land; or
  - (b) a private thoroughfare serving private land;
- “district”** means the district of the local government;
- “footpath”** has the meaning given to it in the *Road Traffic Code 2000*;
- “garden”** means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;
- “intersection”** has the meaning given to it in the *Road Traffic Code 2000*;
- “kerb”** includes the edge of a carriageway;
- “lawn”** means any part of a thoroughfare 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;
- “liquor”** has the meaning given to it in section 3 of the *Liquor Control Act 1988*;
- “local government”** means the Shire of Gnowangerup;
- “local government property”** means anything except a thoroughfare:
- (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;
- “lot”** has the meaning given to it in the *Planning and Development Act 2005*; **“owner”** or **“occupier”** in relation to land does not include the local government; **“permissible verge treatment”** means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;
- “permit”** means a permit issued under this local law; **“permit holder”** means a person who holds a valid permit; **“person”** does not include the local government;

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“**premises**” for the purpose of the definition of “public place” in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

“**public place**” includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include:

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

“**Regulations**” means the *Local Government (Functions and General) Regulations 1996*;

“**sign**” includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

“**thoroughfare**” has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;

“**local planning scheme**” means a Local Planning Scheme of the local government made under the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*;

“**townsite**” means all townsites within the district which are:

- (a) constituted under section 26(2) of the *Land Administration Act 1997*;
- (b) referred to in clause 37 of Schedule 9.3 of the Act.

“**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 mobility scooter or any device designed for use by a physically impaired person on a footpath; and
- (d) a pram, a stroller or a similar device;

“**verge**” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does not include any footpath.

## 1.3 Application

This local law applies throughout the district.

## PART 2 – ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

### Division 1 - General

## 2.1 General prohibitions

A person shall not:

- (a) plant any plant (except grasses or a similar plant) on a thoroughfare within 10m of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless:
  - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare 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) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;
- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (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 thoroughfare; or

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- (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades or similar device.

## 2.2 Activities allowed with a permit – general

- (1) A person shall not, without a permit:
  - (a) dig or otherwise create a trench through or under a kerb or footpath;
  - (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge 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 thoroughfare as a thoroughfare;
  - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
  - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
  - (f) damage a thoroughfare;
  - (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
  - (h) fell any tree onto a thoroughfare;
  - (i) 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 any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
  - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
  - (k) on a public place use anything or do anything so as to create a nuisance;
  - (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
  - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

## 2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless:
  - (a) that is permitted under the *Liquor Control Act 1988* or under another written law; or
  - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

### *Division 2 - Vehicle crossing* Subdivision 1 - Temporary crossings

## 2.4 Permit required

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, 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 person named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
  - (b) the registered proprietor of the lot, if no building licence has been issued under the *Building Act 2011* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit

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is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall 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 thoroughfare.

## *Subdivision 2 - Redundant vehicle crossings*

### **2.5 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 thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government 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 thoroughfare, which may be affected by the removal,within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

## *Division 3 - Verge treatments*

### *Subdivision 1 - Preliminary*

### **2.6 Definition**

In this Division, unless the context otherwise requires:

“**acceptable material**” means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government.

### **2.7 Application**

This Division only applies to townsites.

## *Subdivision 2 - Permissible verge treatments*

### **2.8 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) The permissible verge treatments are:
  - (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 thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and
    - (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;
  - (c) the installation of an acceptable material; or
  - (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

### **2.9 Only permissible verge treatments to be installed**

- (1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) 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 2.10.

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## 2.10 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment shall:

- (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 is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

## 2.11 Notice to owner or occupier

The local government 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 Division.

### *Subdivision 3 - Existing verge treatments*

## 2.12 Transitional provision

(1) In this clause:

“**former provisions**” means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(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.

### *Subdivision 4 – Parking and driving on verges or crossovers*

## 2.13 Parking or driving on verges or crossovers

A person shall not park or drive any vehicle on a verge or crossover without prior permission of the property owner of the property adjoining the verge or crossover.

### *Subdivision 5 - Public works*

## 2.14 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 4 - Property numbers*

#### *Subdivision 1 - Preliminary*

## 2.15 Definition

In this Division, unless the context requires otherwise:

“**Number**” means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

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## *Subdivision 2 - Assignment and marking of numbers*

### **2.16 Assignment of numbers**

The local government may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

## *Division 5 - Fencing*

### **2.17 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act**

The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act:

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property.

## *Division 6 - Signs erected by the local government*

### **2.18 Signs**

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall 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.

### **2.19 Transitional**

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.17 if:

- (a) the sign specifies a condition of use relating to the public place 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 thoroughfare*

### **2.20 No driving on closed thoroughfare**

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless:
  - (a) that is in accordance with any limits or exceptions 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 thoroughfare**” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

## **PART 3 – ADVERTISING SIGNS ON THOROUGHFARES**

### *Division 1 - Preliminary*

#### **3.1 Definition**

In this Part, unless the context otherwise requires:

“**advertising sign**” means a sign used for the purpose of advertisement and includes an “election sign”;

“**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;

“**election sign**” means a sign or poster which advertises any aspect of a forthcoming Federal,

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State or Local Government election; and

“portable direction sign” means a portable free standing direction sign; and

“portable sign” means a portable free standing advertising sign.

## *Division 2 - Permit*

### **3.2 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 500mm in height nor 0.5m<sup>2</sup> 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 2.5m;
  - (c) on or within 3m 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.

### **3.3 Matters to be considered in determining application for permit**

In determining an application for a permit for the purpose of clause 3.2(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.

## *Division 3 – Conditions on permit*

### **3.4 Conditions on portable sign**

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 1m in height;
  - (ii) not exceed an area of 1m<sup>2</sup> on any side;
  - (iii) relate only to the business activity described on the permit;
  - (iv) contain letters not less than 200mm 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;
- (b) no more than one portable sign shall be erected in relation to the one building or business.

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## 3.5 Conditions on election sign

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign:

- (a) being erected at least 30m from any intersection;
- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition;
- (f) not being erected until the election to which it relates has been officially announced;
- (g) being removed within 24 hours of the close of polls on voting day;
- (h) not being placed within 100m of any works on the thoroughfare;
- (i) being securely installed;
- (j) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

## PART 4 – OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

### *Division 1 - Animals and vehicles*

#### 4.1 Leaving animal or vehicle in public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

#### 4.2 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 shall not:
  - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
  - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
  - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built- up area, unless that person does so under a permit or under the authority of a written law.

### *Division 2 - Shopping trolleys*

#### 4.3 Definition

In this Division:

“retailer” means a proprietor of a shop in respect of which shopping trolleys are provided for the

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use of customers of the shop; and

**“shopping trolley”** means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

#### 4.4 Shopping trolley to be marked

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

#### 4.5 Person not to leave trolley in public place

A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

#### 4.6 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 local government 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 shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer:

- (a) requests the local government to collect and deliver the shopping trolley to the retailer; and
- (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

#### 4.7 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 5 - ROADSIDE CONSERVATION

### *Division 1 - Preliminary*

#### 5.1 Definition

In this Part:

**“MRWA”** means Main Roads Western Australia;

**“protected flora”** has the meaning given to it in section 6(1) of the *Wildlife Conservation Act 1950*;

**“rare flora”** has the meaning given to it in section 23F of the *Wildlife Conservation Act 1950*;

**“Roadside Conservation Committee”** means the Roadside Conservation Committee and appointed by the responsible Minister;

**“special environmental area”** means an area designated as such under clause 5.7.

#### 5.2 Application

This Part does not apply to the townsite.

### *Division 2 - Flora roads*

#### 5.3 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.

#### 5.4 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” (April 2005) prepared by the Roadside Conservation Committee.

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## 5.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA 'flora road' sign.

## 5.6 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.

### *Division 3 - Special environmental areas*

## 5.7 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.

## 5.8 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.

### *Division 4 – Planting in thoroughfares*

## 5.9 Permit to plant

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

## 5.10 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 5.9, 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.

### *Division 5 - Clearance of vegetation*

## 5.11 Permit to clear

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1.5m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

## 5.12 Application for permit

In addition to the requirements of subclause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 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.

### *Division 6 - Fire management*

## 5.13 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.

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## 5.14 Application for permit

In addition to the requirements of subclause 7.1(2), an application for a permit for the purposes of clause 5.13 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.

## 5.15 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause

5.13 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.

## 5.16 Prohibitions on burning

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government:

- (a) for burning between 31 August 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.

### *Division 7 - Firebreaks*

## 5.17 Permit for firebreaks on thoroughfares

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

## 5.18 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 5.17 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.

### *Division 8 – Commercial wildflower harvesting on thoroughfares*

## 5.19 General prohibition on commercial wildflower harvesting

Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.

## 5.20 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

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- (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

## PART 6 - TRADING ON THOROUGHFARES AND PUBLIC PLACES

### *Division 1 - Stallholders and traders* Subdivision 1 - Preliminary

#### 6.1 Definition

In this Division, unless the context otherwise requires:

**“Competition Principles Agreement”** means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

**“public place”** includes:

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and

- (b) local government property,

but does not include premises on private property from which trading is lawfully conducted under a written law;

**“stall”** means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire; **“stallholder”** means a person in charge of a stall;

**“stallholder’s permit”** means a permit issued to a stallholder;

**“trader”** means a person who carries on trading; **“trader’s permit”** means a permit issued to a trader; and **“trading”** includes:

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;

- (b) displaying goods in any public place for the purpose of:

- (i) offering them for sale or hire;  
(ii) inviting offers for their sale or hire;  
(iii) soliciting orders for them; or  
(iv) carrying out any other transaction in relation to them; and

- (c) the going from place to place, whether or not public places, and:

- (i) offering goods or services for sale or hire; or  
(ii) inviting offers or soliciting orders for the sale or the hire of goods or services,

but does not include:

- (d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or

the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;

- (e) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;

- (f) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;

- (g) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and

- (h) the selling or hiring or the offering for sale or hire of:

- (i) goods by a person who represents a manufacturer of the goods; or  
(ii) services by a person who represents a provider of the services, which are only sold directly to consumers and not through a shop.

#### Subdivision 2 - Permits

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## 6.2 Stallholder's permit

- (1) A person shall not conduct a stall on a public place unless that person is:
  - (a) the holder of a valid stallholder's permit; or
  - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall:
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
  - (c) specify the proposed location of the stall;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
  - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
  - (f) be accompanied by an accurate plan and description of the proposed stall.

## 6.3 Trader's permit

- (1) A person shall not carry on trading unless that person is:
  - (a) the holder of a valid trader's permit; or
  - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall:
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
  - (c) specify the location or locations in which the applicant proposes to trade;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
  - (e) specify the proposed goods or services which will be traded; and
  - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.
- (3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

## 6.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper only is not required to obtain a permit.

## 6.5 Relevant considerations in determining application for permit

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to:
  - (a) any relevant policies of the local government;
  - (b) the desirability of the proposed activity;
  - (c) the location of the proposed activity;
  - (d) the principles set out in the Competition Principles Agreement; and
  - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds:
  - (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
  - (b) that:

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- (i) the applicant is an undischarged bankrupt or is in liquidation;
- (ii) the applicant has entered into any composition or arrangement with creditors; or
- (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property;

## 6.6 Conditions of permit

- (1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include:
- (a) the place, the part of the district, or the thoroughfare to which the permit applies;
  - (b) the days and hours during which a permit holder may conduct a stall or trade;
  - (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
  - (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
  - (e) the number of persons and the names of persons permitted to conduct a stall or trade;
  - (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
  - (g) whether and under what terms the permit is transferable;
  - (h) any prohibitions or restrictions concerning the:
    - (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
    - (ii) the use of amplifiers, sound equipment and sound instruments;
    - (iii) the use of signs; and
    - (iv) the use of any lighting apparatus or device;
  - (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
  - (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
  - (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
  - (l) the acquisition by the stallholder or trader of public risk insurance;
  - (m) the period for which the permit is valid; and
  - (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.
- (2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

## 6.7 Exemptions from requirement to pay fee or to obtain a permit

- (1) In this clause:
- "charitable organisation"** means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and
- "commercial participant"** means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.
- (2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on:
- (a) on a portion of a public place adjoining the normal place of business of the applicant; or
  - (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

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- (3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

## Subdivision 3 - Conduct of stallholders and traders

### 6.8 Conduct of stallholders and traders

- (1) A stallholder while conducting a stall or a trader while trading shall:
- display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
  - not display a permit unless it is a valid permit; and
  - when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Trade Measurement Administration Act 2006*.
- (2) A stallholder or trader shall not:
- deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
  - act in an offensive manner;
  - use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
  - in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

## Division 2 - Street entertainers

### Subdivision 1 - Preliminary

### 6.9 Definition

In this Division, unless the context otherwise requires:

**"perform"** includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking; **"permit"** means a permit issued for the purpose of clause 6.10;

**"permitted area"** means the area or areas, specified in a permit, in which the permit holder may perform; and

**"permitted time"** means the time or times, specified in a permit, during which the permit holder may perform.

### Subdivision 2 - Permits

### 6.10 Permit required to perform

A person shall not perform in a public place without a permit.

### 6.11 Variation of permitted area and permitted time

- (1) The local government may by notice in writing to a permit holder vary:
- the permitted area;
  - the permitted time; or
  - both the permitted area and the permitted time, shown on a permit.
- (2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

### 6.12 Duration of permit

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

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## 6.13 Cancellation of permit

The CEO may cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorised person, the performance otherwise constitutes a nuisance.

## 6.14 Obligations of permit holder

A permit holder shall not in a public place:

- (a) perform wearing dirty, torn or ragged clothing;
- (b) act in an offensive manner; or
- (c) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier -
  - (i) other than in the permitted area; and
  - (ii) unless the musical instrument or device is specified in the permit.

### *Division 3 - Outdoor eating facilities on public places*

## 6.15 Definition

In this Division -

**"Facility"** means an outdoor eating Facility or establishment on any part of a public place, but does not include such a Facility or establishment on private land; **"permit holder"** means the person to whom a permit has been issued for the purpose of clause 6.16; and **"public place"** has the meaning given to it in clause 6.1.

## 6.16 Permit required to conduct Facility

A person shall not establish or conduct a Facility without a permit.

## 6.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not-

- (a) the Facility is conducted in conjunction with and as an extension of food business which abut on the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food business registered in accordance with the *Food Act 2008* and whether the use of the premises is permitted under the local planning scheme;
- (c) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (d) the Facility would -
  - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
  - (ii) impede pedestrian access; and
- (e) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

## 6.18 Obligations of permit holder

(1) The permit holder for a Facility shall:

- (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law.
- (b) ensure that the eating area is kept in a clean and tidy condition at all times;
- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
- (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility; and

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- (2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.
- (3) In subclause (2), “work” includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

## **6.19 Removal of Facility unlawfully conducted**

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

## **6.20 Use of Facility by public**

- (1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.
- (2) A person shall leave a Facility when requested to do so by the permit holder.

## **6.21 Temporary removal of Facility may be requested**

- (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service.
- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

## **PART 7 - PERMITS**

### *Division 1 - Applying for a permit*

## **7.1 Application for permit**

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall -
  - (a) be in the form determined by the local government;
  - (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 and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

## **7.2 Decision on application for permit**

- (1) The local government may:
  - (a) approve an application for a permit unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a

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permit on other grounds under subclause (1)(b).

## *Division 2 - Conditions*

### **7.3 Conditions which may be imposed on a permit**

The local government may approve an application for a permit subject to conditions relating to -

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder 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 use of the public place by the permit holder.

### **7.4 Imposing conditions under a policy**

(1) In this clause:

"**policy**" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under paragraph 7.2(1)(a).

- (2) Under paragraph 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy, which is relevant to the application for a permit, with the form of permit referred to in subclause 7.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government 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 shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

### **7.5 Compliance with and variation of conditions**

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

## *Division 3 - General*

### **7.6 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) cancelled under clause 7.10.

### **7.7 Renewal of permit**

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

# DRAFT - Adopted by Council 15/12/2021

- (2) The provisions of:
- (a) this Part; and
  - (b) any other provision of this local law relevant to the permit, which is to be renewed, shall apply to an application for the renewal of a permit with all the necessary changes required.

## 7.8 Transfer of permit

- (1) An application for the transfer of a valid permit is to:
- (a) be made in writing;
  - (b) be signed by the permit holder and the proposed transferee of the permit;
  - (c) provide such information as the local government may require to enable the application to be determined; and
  - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by:
- (a) an endorsement on the permit signed by the CEO; or
  - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

## 7.9 Production of permit

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

## 7.10 Cancellation of permit

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a -
- (i) condition of the permit; or
  - (ii) provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder:
- (a) shall return the permit as soon as practicable to the local government; and
  - (b) is to be taken to have forfeited any fees paid in respect of the permit.

## PART 8 - OBJECTIONS AND APPEALS

### 8.1 Application of Part 9 Division 1 of Act

When the local government makes a decision -

- (a) under clause 7.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

## PART 9 - MISCELLANEOUS NOTICES

### 9.1 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 thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on 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.

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## 9.2 Hazardous plants

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a 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.

## 9.3 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage, order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

## 9.4 Notice to remove thing unlawfully placed on thoroughfare

Where anything is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

## PART 10 - ENFORCEMENT

### *Division 1 - Notices given under this local law*

#### 10.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do anything, if the person fails to comply with the notice, the person commits an offence.

#### 10.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

### *Division 2 - Offences and penalties*

#### *Subdivision 1 - General*

#### 10.3 Offences

- (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) Any person who commits an offence under this local law is liable, upon conviction, to a penalty 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.

#### *Subdivision 2 - Infringement notices and modified penalties*

#### 10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

#### 10.5 Forms

Unless otherwise specified, 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 *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in

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Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; 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 *Local Government (Functions and General) Regulations 1996*.

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## SCHEDULE 1 PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 10m of intersection	150
2.1(b)	Damaging lawn or garden	150
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	150
2.1(d)	Placing hazardous substance on footpath	150
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	150
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	150
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	150
2.2(1)(b)	Throwing or placing anything on a verge without a permit	150
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	150
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	150
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	150
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	150
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	150
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	150
2.3(1)	Consumption or possession of liquor on thoroughfare	150
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.9(1)	Installation of verge treatment other than permissible verge treatment	250
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	150
2.11	Failure to comply with notice to rectify default	150
2.13	Parking or driving on a verge or crossover without permission of the property owner of the property immediately adjoining the verge or crossover	150
2.17(2)	Failure to comply with sign on public place	150
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	150
3.2(3)	Erecting or placing of advertising sign in a prohibited area	150

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4.1(1)	Animal or vehicle obstructing a public property or local government property	150
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	150
4.2(2)(b)	Animal on public place with infectious disease	150
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	150
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	150
4.5	Person leaving shopping trolley in public place other than trolley bay	150
4.6(2)	Failure to remove shopping trolley upon being advised of location	150
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250
5.9	Planting in thoroughfare without a permit	250
5.11	Failure to obtain permit to clear a thoroughfare	500
5.13	Burning of thoroughfare without a permit	500
5.17	Construction of firebreak on thoroughfare without a permit	500
5.19	Commercial harvesting of native flora on thoroughfare	500
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	350
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	150
6.8(1)(b)	Stallholder or trader not displaying valid permit	150
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	150
6.8(2)	Stallholder or trader engaged in prohibited conduct	150
6.10	Performing in a public place without a permit	150
6.11(2)	Failure of performer to move onto another area when directed	150
6.14	Failure of performer to comply with obligations	150
6.16	Establishment or conduct of outdoor eating Facility without a permit	350
6.18	Failure of permit holder of outdoor eating Facility to comply with obligations	150
6.20(1)	Use of equipment of outdoor eating Facility without purchase of food or drink from Facility	100
6.20(2)	Failure to leave outdoor eating Facility when requested to do so by permit holder	100
7.5	Failure to comply with a condition of a permit	150
7.9	Failure to produce permit on request of authorised person	150
10.1	Failure to comply with notice given under local law	500

# DRAFT - Adopted by Council 15/12/2021

Dated:

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

\_\_\_\_\_  
CR FIONA GAZE  
Shire President

\_\_\_\_\_  
BOB JARVIS  
Chief Executive Officer

DRAFT

## Bob Jarvis

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**From:** Amy Lin <amy.lin@dlgsc.wa.gov.au>  
**Sent:** Friday, 1 April 2022 12:01 PM  
**To:** Ian Graham  
**Subject:** ICR3496 - Department of Local Government - Comments on Activities in Thoroughfares and Public Places Local Law

Dear Mr Graham,

This email is regarding the Shire's proposed thoroughfares and public places local law. The Department's comments are provided below:

### Activities in Thoroughfares and Public Places Local Law 2022

#### 1. Clause 2.6 – giving legislative effect to administrative policy

Subclause 2.6 states that an “acceptable material” is any material that appears on a particular list maintained by the local government.

This means that part of the local law is now effectively contained on the local government's list. The Delegated Legislation Committee has previously determined that this is inappropriate, since the list can be amended at any time without parliamentary scrutiny.

It is suggested that the issue be dealt with by either of the following:

- amend clause 2.6 to include a defined list of acceptable materials; or
- create a new schedule containing a list of acceptable materials, then amend clause 2.6 to refer to that schedule; or
- Define an acceptable material to be “any material which will create a hard service or is approved by the local government”.

This will ensure that the local law is self-contained and doesn't give direct legislative effect to local government policy.

#### 2. Clause 4.7 Retailer taken to own trolley

This clause provides that in the absence of evidence to the contrary, it will be assumed that a shopping trolley is owned by whichever retailer is marked on that trolley.

As a rule, the plaintiff to a legal action is responsible for proving the elements of that legal action. This rule is presumed to apply except where enacting legislation has expressly stated otherwise.

Since the Local Government Act 1995 does not expressly state that local laws can reverse the onus of proof, it is debatable whether local governments have the power to make local laws which do this.

The Delegated Legislation Committee has previously explored this issue in the local laws of other local governments. In those cases, the Committee concluded that it would permit the clause, since the burden on retailers was not particularly onerous.

However, the Committee concluded that the clause may not be legally valid and its enforceability may be vulnerable to legal challenge. This conclusion is set out in item 4 of the Committee's 16th Report. The Shire should keep this in mind if it chooses to retain the clause and rely on it in the future.

#### 3. Clause 5.1 – Definition

This clause currently refers to the Wildlife Conservation Act 1950. This reference is incorrect as the legislation was recently repealed.

It is suggested that the definition for protected flora and rare flora be deleted. The following definitions should be inserted as a replacement:

specially protected flora has the meaning given to it in section 5 of the Biodiversity Conservation Act 2016.

threatened flora has the meaning given to it in section 5 of the Biodiversity Conservation Act 2016.

The Shire should review the local law to ensure that all references to “protected flora” and “rare flora” are replaced accordingly.

4. Clause 5.16 ‘Rejection of burning permit’

Clause 5.16 creates several conditions in which a permit cannot be approved. The Delegated Legislation Committee has raised concerns that these conditions could prevent the local government from approving a permit in order to deal with an urgent fire hazard.

As a result, the Committee requested 5.16(b) be amended so that where an immediate fire hazard exists in a thoroughfare, permits can be granted to facilitate the removal of that hazard.

5. Clause 6.3(3) – Trader’s permit

States that a trader may be required to move on from a particular area within a “reasonable time” after the last purchase.

The Delegated Legislation Committee has concluded that this subclause is vague and may impose unreasonable conditions on street traders. It is suggested that subclause (3) be deleted. If this does not occur, the Committee is likely to request an undertaking that it be removed.

6. Clause 6.8 ‘Trade Measurement Administration Act 2006’

This clause refers to the Trade Measurement Administration Act 2006. This Act has been repealed and is now covered by national legislation. It is suggested that the reference to the TMA is changed to refer to the ‘National Measurements Act 1960 (Cth)’.

7. Clause 6.18 – Obligations of permit holder

The Delegated Legislation Committee has previously found issues with paragraph (d).

It is suggested that the paragraph be removed. If this doesn’t occur, it is likely the Committee will request an undertaking to have it deleted.

8. Minor edits

The following minor edits are suggested:

- Clause 1.2: Defined terms should be bold and italics without quote marks and each definition should commence on a new line.
  - Clause 2.4:
    - o After ‘where’ change the full stop to a hyphen.
    - o This clause currently refers to “building licenses”. It is suggested this term be changed to “building permit” to reflect current terminology.
  - Clause 2.12: Change the full stop to a hyphen.
- Clause 5.1: In the definition of Roadside Conservation Committee move the word “and” to the end after the comma.
- Clause 5.12 change “subclause 7.1(2)” to “clause 7.1(2)”
  - Clause 6.15: Move “permit” to a new line.
  - Clause 7.4: change “paragraph 7.2(1)(a)” to “clause 7.2(1)(a)”
  - Clause 7.5: This clause does not clearly indicate when a variation in conditions becomes effective or whether the permit holder should receive a written notice when a condition is varied. The Shire may wish to address these issues.
    - Clause 8.1 does not state that a right of appeal exists in relation to decisions made under Clause 7.8. The Shire should ensure this wording reflects the Shire’s intent.
  - Schedule 1:
    - o It is suggested that each penalty be assigned an item number, as this will make the Schedule easier to amend in the future.

- o In the item for clause 2.1(a) change “Plant of 0.75m in height” to “Plant (except grass or similar plant)”.
- o The item for clause 2.9(1) is split into two lines and should be merged.
- o Change “2.17(2)” to “2.18(2)”.
- o Change “2.19(1)” to “2.20(1)”.
- Many clauses in the local law appear to lack full stops at the end of clauses. This includes clauses 2.16, 2.19, 5.14, 5.16, 6.5(1), 6.10, 6.20, 7.2 7.5 and 9.4

The Shire should also ensure that all references and cross references are accurate, particularly if any changes are made as a result of the Department’s comments.

Minister’s Directions – pursuant to s 3.12(7) of the Local Government Act 1995

Please note: once the Shire has published a local law in the Government Gazette, the Shire must comply with the requirements of the Minister’s Local Laws Explanatory Memoranda Directions 2010. The Shire must, within 10 working days of the Gazettal publication date, forward the signed Explanatory Memoranda material to the Committee at the current address:

Committee Clerk  
 Joint Standing Committee on Delegated Legislation  
 Legislative Council Committee Office  
 GPO Box A11  
 PERTH WA 6837  
 Email: [delleg@parliament.wa.gov.au](mailto:delleg@parliament.wa.gov.au)  
 Tel: 9222 7404  
 Fax: 9222 7805

A copy of the Minister’s Directions and Explanatory Memoranda forms can be downloaded from the Department of Local Government, Sport and Cultural Industries website at [www.dlgsc.wa.gov.au](http://www.dlgsc.wa.gov.au). Failure to comply with the Directions may render the local law inoperable.

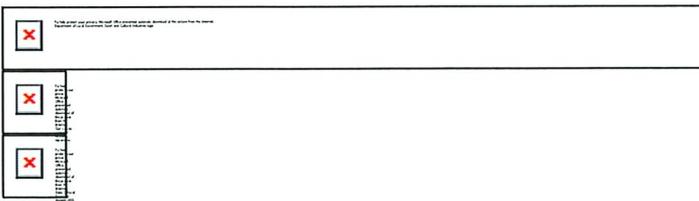
Please note that my comments:

- have been provided to assist the Shire with drafting matters in relation to the local law;
- do not constitute legal advice;
- have been provided in good faith for the Shire’s consideration; and
- should not be taken as an approval of content.

The Shire should ensure that a detailed editorial analysis of the proposed local law has been undertaken and that the content of the local law is in accordance with the Shire’s policies and objectives.

Kind regards

Amy Lin



**LOCAL GOVERNMENT ACT 1995**

**SHIRE OF GNOWANGERUP**

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES  
AND TRADING LOCAL LAW 202~~2~~<sup>1</sup>**

**LOCAL GOVERNMENT ACT 1995**

Shire of Gnowangerup

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND  
TRADING LOCAL LAW 2021**

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LOCAL GOVERNMENT ACT 1995

Shire of Gnowangerup

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING AMENDMENT LOCAL LAW 2017

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Gnowangerup resolved on 15<sup>th</sup> December 2021 to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Gnowangerup Activities In Thoroughfares and Public Places and Trading Amendment Local Law 2021.

1.2 Definitions

In this local law unless the context otherwise requires:

“Act” means the Local Government Act 1995;

“applicant” means a person who applies for a permit;

“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;

“built-up area” has the meaning given to it in the Road Traffic Code 2000;

“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 in 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;

“crossing” means a crossing giving access from a public thoroughfare to:

- (a) private land; or
- (b) a private thoroughfare serving private land;

“district” means the district of the local government;

“footpath” has the meaning given to it in the Road Traffic Code 2000;

“garden” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

“intersection” has the meaning given to it in the Road Traffic Code 2000;

“kerb” includes the edge of a carriageway;

“lawn” means any part of a thoroughfare 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;

“liquor” has the meaning given to it in section 3 of the Liquor Control Act 1988;

“local government” means the Shire of Gnowangerup;

“local government property” means anything except a thoroughfare:

- (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;

“lot” has the meaning given to it in the Planning and Development Act 2005;

“owner” or “occupier” in relation to land does not include the local government;

“permissible verge treatment” means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;

“permit” means a permit issued under this local law;

“permit holder” means a person who holds a valid permit;

“person” does not include the local government;

“premises” for the purpose of the definition of “public place” in both this clause and clause 6.1,

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means a building or similar structure, but does not include a carpark or a similar place;

**“public place”** includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include:

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

**“Regulations”** means the *Local Government (Functions and General) Regulations 1996*;

**“sign”** includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

**“thoroughfare”** has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;

**“local planning scheme”** means a Local Planning Scheme of the local government made under the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*;

**“townsite”** means all townsites within the district which are:

- (a) constituted under section 26(2) of the *Land Administration Act 1997*;
- (b) referred to in clause 37 of Schedule 9.3 of the Act.

**“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 mobility scooter or any device designed for use by a physically impaired person on a footpath; and
- (d) a pram, a stroller or a similar device;

**“verge”** means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does not include any footpath.

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### 1.3 Application

This local law applies throughout the district.

## PART 2 – ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

### Division 1 - General

#### 2.1 General prohibitions

A person shall not:

- (a) plant any plant (except grasses or a similar plant) on a thoroughfare within 10m of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless:
  - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare 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) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;
- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (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 thoroughfare; or
- (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades

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or similar device.

## 2.2 Activities allowed with a permit – general

- (1) A person shall not, without a permit:
  - (a) dig or otherwise create a trench through or under a kerb or footpath;
  - (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge 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 thoroughfare as a thoroughfare;
  - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
  - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
  - (f) damage a thoroughfare;
  - (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
  - (h) fell any tree onto a thoroughfare;
  - (i) 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 any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
  - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
  - (k) on a public place use anything or do anything so as to create a nuisance;
  - (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
  - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

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## 2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless:
  - (a) that is permitted under the *Liquor Control Act 1988* or under another written law; or
  - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

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### *Division 2 - Vehicle crossing* Subdivision 1 - Temporary crossings

## 2.4 Permit required

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, 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 person named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
  - (b) the registered proprietor of the lot, if no building licence permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit

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holder shall 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 thoroughfare.

*Subdivision 2 - Redundant vehicle crossings*

**2.5 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 thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government 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 thoroughfare, which may be affected by the removal,within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

*Division 3 - Verge treatments*

*Subdivision 1 - Preliminary*

**2.6 Definition**

In this Division, unless the context otherwise requires:

**“acceptable material”** means any material which will create a hard surface, ~~and which appears on a list of acceptable materials maintained or is approved~~ by the local government.

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**2.7 Application**

This Division only applies to townsites.

*Subdivision 2 - Permissible verge treatments*

**2.8 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) The permissible verge treatments are:
  - (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 thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and
    - (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;
  - (c) the installation of an acceptable material; or
  - (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

**2.9 Only permissible verge treatments to be installed**

- (1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) 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 2.10.

**2.10 Obligations of owner or occupier**

An owner or occupier who installs or maintains a permissible verge treatment shall:

- (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 is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

#### **2.11 Notice to owner or occupier**

The local government 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 Division.

#### *Subdivision 3 - Existing verge treatments*

#### **2.12 Transitional provision**

(1) In this clause:

*“former provisions”* means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(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.

#### *Subdivision 4 – Parking and driving on verges or crossovers*

#### **2.13 Parking or driving on verges or crossovers**

A person shall not park or drive any vehicle on a verge or crossover without prior permission of the property owner or occupier of the property adjoining the verge or crossover.

#### *Subdivision 5 - Public works*

#### **2.14 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 4 - Property numbers*

#### *Subdivision 1 - Preliminary*

#### **2.15 Definition**

In this Division, unless the context requires otherwise:

*“Number”* means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

#### *Subdivision 2 - Assignment and marking of numbers*

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**2.16 Assignment of numbers**

The local government may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

*Division 5 - Fencing*

**2.17 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act**

The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act:

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property.

*Division 6 - Signs erected by the local government*

**2.18 Signs**

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall 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.

**2.19 Transitional**

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.17 if:

- (a) the sign specifies a condition of use relating to the public place 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 thoroughfare*

**2.20 No driving on closed thoroughfare**

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless:
  - (a) that is in accordance with any limits or exceptions 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 thoroughfare”* means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

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**PART 3 – ADVERTISING SIGNS ON THOROUGHFARES**

*Division 1 - Preliminary*

**3.1 Definition**

In this Part, unless the context otherwise requires:

*“advertising sign”* means a sign used for the purpose of advertisement and includes an “election sign”;

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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;

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*“election sign”* means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election; and

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***“portable direction sign”*** means a portable free standing direction sign; and  
***“portable sign”*** means a portable free standing advertising sign.

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#### *Division 2 - Permit*

### **3.2 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 500mm in height nor 0.5m<sup>2</sup> 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 2.5m;
  - (c) on or within 3m 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.

### **3.3 Matters to be considered in determining application for permit**

In determining an application for a permit for the purpose of clause 3.2(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.

#### *Division 3 – Conditions on permit*

### **3.4 Conditions on portable sign**

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 1m in height;
  - (ii) not exceed an area of 1m<sup>2</sup> on any side;
  - (iii) relate only to the business activity described on the permit;
  - (iv) contain letters not less than 200mm 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;
- (b) no more than one portable sign shall be erected in relation to the one building or business.

### 3.5 Conditions on election sign

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign:

- (a) being erected at least 30m from any intersection;
- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition;
- (f) not being erected until the election to which it relates has been officially announced;
- (g) being removed within 24 hours of the close of polls on voting day;
- (h) not being placed within 100m of any works on the thoroughfare;
- (i) being securely installed;
- (j) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

## PART 4 – OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

### *Division 1 - Animals and vehicles*

#### 4.1 Leaving animal or vehicle in public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

#### 4.2 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 shall not:
  - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
  - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
  - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built- up area, unless that person does so under a permit or under the authority of a written law.

### *Division 2 - Shopping trolleys*

#### 4.3 Definition

In this Division:

“*retailer*” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

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***“shopping trolley”*** means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

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#### 4.4 Shopping trolley to be marked

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

#### 4.5 Person not to leave trolley in public place

A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

#### 4.6 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 local government 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 shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer:
  - (a) requests the local government to collect and deliver the shopping trolley to the retailer; and
  - (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

#### 4.7 ~~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 5 - ROADSIDE CONSERVATION

### Division 1 - Preliminary

#### 5.1 Definition

In this Part:

***“MRWA”*** means Main Roads Western Australia;

***“specially protected flora”*** has the meaning given to it in section ~~6(1) of the Wildlife Conservation Act 1950~~ ***5 of the Biodiversity Conservation Act 2016***;

***“rare threatened flora”*** has the meaning given to it in section ~~23F of the Wildlife Conservation Act 1950~~ ***5 of the Biodiversity Conservation Act 2016***;

***“Roadside Conservation Committee”*** means the Roadside Conservation Committee ~~and~~ appointed by the responsible Minister; ***and***

***“special environmental area”*** means an area designated as such under clause 5.7.

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#### 5.2 Application

This Part does not apply to the townsites.

### Division 2 - Flora roads

#### 5.3 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.

#### 5.4 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” (April 2005) prepared by the Roadside Conservation Committee.

#### **5.5 Signposting of flora roads**

The local government may signpost flora roads with the standard MRWA 'flora road' sign.

#### **5.6 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.

#### *Division 3 - Special environmental areas*

#### **5.7 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 [specially](#) protected flora or [rare-threatened](#) flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

#### **5.8 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.

#### *Division 4 – Planting in thoroughfares*

#### **5.9 Permit to plant**

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

#### **5.10 Relevant considerations in determining application**

In determining an application for a permit for the purpose of clause 5.9, 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.

#### *Division 5 - Clearance of vegetation*

#### **5.11 Permit to clear**

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1.5m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

#### **5.12 Application for permit**

In addition to the requirements of [sub](#)clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 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.

#### *Division 6 - Fire management*

#### **5.13 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.

#### **5.14 Application for permit**

In addition to the requirements of subclause 7.1(2), an application for a permit for the purposes of clause 5.13 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.

#### **5.15 When application for permit can be approved**

The local government may approve an application for a permit for the purpose of clause 5.13 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.

#### **5.16 Prohibitions on burning**

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government:

- (a) for burning between 31 August 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, [except in instances where an immediate fire hazard is present.](#)

### *Division 7 - Firebreaks*

#### **5.17 Permit for firebreaks on thoroughfares**

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

#### **5.18 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 5.17 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.

### *Division 8 – Commercial wildflower harvesting on thoroughfares*

#### **5.19 General prohibition on commercial wildflower harvesting**

Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.

#### **5.20 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

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- (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

**PART 6 - TRADING ON THOROUGHFARES AND PUBLIC PLACES**

*Division 1 - Stallholders and traders*  
 Subdivision 1 - Preliminary

**6.1 Definition**

In this Division, unless the context otherwise requires:

***“Competition Principles Agreement”*** means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

***“public place”*** includes:

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
  - (b) local government property,
- but does not include premises on private property from which trading is lawfully conducted under a written law;

***“stall”*** means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

***“stallholder”*** means a person in charge of a stall;

***“stallholder’s permit”*** means a permit issued to a stallholder;

***“trader”*** means a person who carries on trading;

***“trader’s permit”*** means a permit issued to a trader; and

***“trading”*** includes:

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of:
  - (i) offering them for sale or hire;
  - (ii) inviting offers for their sale or hire;
  - (iii) soliciting orders for them; or
  - (iv) carrying out any other transaction in relation to them; and
- (c) the going from place to place, whether or not public places, and:
  - (i) offering goods or services for sale or hire; or
  - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services,

but does not include:

- (d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;
- (e) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;
- (f) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (g) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
- (h) the selling or hiring or the offering for sale or hire of:
  - (i) goods by a person who represents a manufacturer of the goods; or
  - (ii) services by a person who represents a provider of the services, which are only sold directly to consumers and not through a shop.

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## Subdivision 2 - Permits

### 6.2 Stallholder's permit

- (1) A person shall not conduct a stall on a public place unless that person is:
  - (a) the holder of a valid stallholder's permit; or
  - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall:
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
  - (c) specify the proposed location of the stall;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
  - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
  - (f) be accompanied by an accurate plan and description of the proposed stall.

### 6.3 Trader's permit

- (1) A person shall not carry on trading unless that person is:
  - (a) the holder of a valid trader's permit; or
  - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall:
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
  - (c) specify the location or locations in which the applicant proposes to trade;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
  - (e) specify the proposed goods or services which will be traded; and
  - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.
- (3) ~~The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.~~

### 6.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper only is not required to obtain a permit.

### 6.5 Relevant considerations in determining application for permit

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to:
  - (a) any relevant policies of the local government;
  - (b) the desirability of the proposed activity;
  - (c) the location of the proposed activity;
  - (d) the principles set out in the Competition Principles Agreement; and
  - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds:
  - (a) that the applicant has committed a breach of any provision of this local law or of any written law

- relevant to the activity in respect of which the permit is sought;
- (b) that:
  - (i) the applicant is an undischarged bankrupt or is in liquidation;
  - (ii) the applicant has entered into any composition or arrangement with creditors; or
  - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property;

#### 6.6 Conditions of permit

- (1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include:
  - (a) the place, the part of the district, or the thoroughfare to which the permit applies;
  - (b) the days and hours during which a permit holder may conduct a stall or trade;
  - (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
  - (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
  - (e) the number of persons and the names of persons permitted to conduct a stall or trade;
  - (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
  - (g) whether and under what terms the permit is transferable;
  - (h) any prohibitions or restrictions concerning the:
    - (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
    - (ii) the use of amplifiers, sound equipment and sound instruments;
    - (iii) the use of signs; and
    - (iv) the use of any lighting apparatus or device;
  - (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
  - (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
  - (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
  - (l) the acquisition by the stallholder or trader of public risk insurance;
  - (m) the period for which the permit is valid; and
  - (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.
- (2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

#### 6.7 Exemptions from requirement to pay fee or to obtain a permit

- (1) In this clause:
 

*“charitable organisation”* means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

*“commercial participant”* means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.
- (2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on:
  - (a) on a portion of a public place adjoining the normal place of business of the applicant; or
  - (b) by a charitable organisation that does not sublet space to, or involve commercial participants in

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the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

- (3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

Subdivision 3 - Conduct of stallholders and traders

**6.8 Conduct of stallholders and traders**

- (1) A stallholder while conducting a stall or a trader while trading shall:
- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
  - (b) not display a permit unless it is a valid permit; and
  - (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the [Trade Measurement Administration Act 2006](#) [National measurements Act 1960 \(Cth\)](#).
- (2) A stallholder or trader shall not:
- (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
  - (b) act in an offensive manner;
  - (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
  - (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

*Division 2 - Street entertainers*

Subdivision 1 - Preliminary

**6.9 Definition**

In this Division, unless the context otherwise requires:

***“perform”*** includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

***“permit”*** means a permit issued for the purpose of clause 6.10;

***“permitted area”*** means the area or areas, specified in a permit, in which the permit holder may perform; and

***“permitted time”*** means the time or times, specified in a permit, during which the permit holder may perform.

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Subdivision 2 - Permits

**6.10 Permit required to perform**

A person shall not perform in a public place without a permit.

**6.11 Variation of permitted area and permitted time**

- (1) The local government may by notice in writing to a permit holder vary:
- (a) the permitted area;
  - (b) the permitted time; or
  - (c) both the permitted area and the permitted time, shown on a permit.
- (2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

**6.12 Duration of permit**

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under

this local law.

### 6.13 Cancellation of permit

The CEO may cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorised person, the performance otherwise constitutes a nuisance.

### 6.14 Obligations of permit holder

A permit holder shall not in a public place:

- (a) perform wearing dirty, torn or ragged clothing;
- (b) act in an offensive manner; or
- (c) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier -
  - (i) other than in the permitted area; and
  - (ii) unless the musical instrument or device is specified in the permit.

*Division 3 - Outdoor eating facilities on public places*

### 6.15 Definition

In this Division -

**"Facility"** means an outdoor eating Facility or establishment on any part of a public place, but does not include such a Facility or establishment on private land;

**"permit holder"** means the person to whom a permit has been issued for the purpose of clause 6.16; and

**"public place"** has the meaning given to it in clause 6.1.

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### 6.16 Permit required to conduct Facility

A person shall not establish or conduct a Facility without a permit.

### 6.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not-

- (a) the Facility is conducted in conjunction with and as an extension of food business which abut on the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food business registered in accordance with the *Food Act 2008* and whether the use of the premises is permitted under the local planning scheme;
- (c) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (d) the Facility would -
  - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
  - (ii) impede pedestrian access; and
- (e) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

### 6.18 Obligations of permit holder

(1) The permit holder for a Facility shall:

- (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law.
- (b) ensure that the eating area is kept in a clean and tidy condition at all times; and
- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable

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- condition at all times;
- (d) ~~be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility; and~~
- (2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.
- (3) In subclause (2), "work" includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

#### **6.19 Removal of Facility unlawfully conducted**

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

#### **6.20 Use of Facility by public**

- (1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.
- (2) A person shall leave a Facility when requested to do so by the permit holder.

#### **6.21 Temporary removal of Facility may be requested**

- (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service.
- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

### **PART 7 - PERMITS**

#### *Division 1 - Applying for a permit*

#### **7.1 Application for permit**

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall -
- be in the form determined by the local government;
  - be signed by the applicant;
  - provide the information required by the form; and
  - be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

#### **7.2 Decision on application for permit**

- (1) The local government may:
- approve an application for a permit unconditionally or subject to any conditions; or
  - refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to

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- be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

#### *Division 2 - Conditions*

##### **7.3 Conditions which may be imposed on a permit**

The local government may approve an application for a permit subject to conditions relating to -

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder 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 use of the public place by the permit holder.

##### **7.4 Imposing conditions under a policy**

(1) In this clause:

~~"policy"~~ means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under [clause paragraph 7.2\(1\)\(a\)](#).

- (2) Under ~~paragraph clause~~ [7.2\(1\)\(a\)](#) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy, which is relevant to the application for a permit, with the form of permit referred to in subclause 7.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government 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 shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

##### **7.5 Compliance with and variation of conditions**

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit [upon the request of the permit holder](#), and the permit holder shall comply with those conditions as varied.

#### *Division 3 - General*

##### **7.6 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) cancelled under clause 7.10.

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### **7.7 Renewal of permit**

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of:
  - (a) this Part; and
  - (b) any other provision of this local law relevant to the permit, which is to be renewed, shall apply to an application for the renewal of a permit with all the necessary changes required.

### **7.8 Transfer of permit**

- (1) An application for the transfer of a valid permit is to:
  - (a) be made in writing;
  - (b) be signed by the permit holder and the proposed transferee of the permit;
  - (c) provide such information as the local government may require to enable the application to be determined; and
  - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by:
  - (a) an endorsement on the permit signed by the CEO; or
  - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

### **7.9 Production of permit**

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

### **7.10 Cancellation of permit**

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a -
  - (i) condition of the permit; or
  - (ii) provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder:
  - (a) shall return the permit as soon as practicable to the local government; and
  - (b) is to be taken to have forfeited any fees paid in respect of the permit.

## **PART 8 - OBJECTIONS AND APPEALS**

### **8.1 Application of Part 9 Division 1 of Act**

When the local government makes a decision -

- (a) under clause 7.2(1); or
  - (b) as to whether it will renew, vary, or cancel a permit,
- [a right of review in accordance with](#) the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

## **PART 9 - MISCELLANEOUS NOTICES**

### **9.1 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 thoroughfare, the local

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government may give a notice to the owner or the occupier of the land abutting on 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.

#### **9.2 Hazardous plants**

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a 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.

#### **9.3 Notice to repair damage to thoroughfare**

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage, order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

#### **9.4 Notice to remove thing unlawfully placed on thoroughfare**

Where anything is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

### **PART 10 - ENFORCEMENT**

#### *Division 1 - Notices given under this local law*

##### **10.1 Offence to fail to comply with notice**

Whenever the local government gives a notice under this local law requiring a person to do anything, if the person fails to comply with the notice, the person commits an offence.

##### **10.2 Local government may undertake requirements of notice**

Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

#### *Division 2 - Offences and penalties*

##### *Subdivision 1 - General*

##### **10.3 Offences**

- (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) Any person who commits an offence under this local law is liable, upon conviction, to a penalty 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.

##### *Subdivision 2 - Infringement notices and modified penalties*

##### **10.4 Prescribed offences**

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

##### **10.5 Forms**

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Unless otherwise specified, 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 *Local Government (Functions and General) Regulations 1996*;
- (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 *Local Government (Functions and General) Regulations 1996*; 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 *Local Government (Functions and General) Regulations 1996*.

**SCHEDULE 1 PRESCRIBED  
OFFENCES**

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.1(a)	Plant <del>of 0.75m in height (except grass or similar plant)</del> on thoroughfare within 10m of intersection	150
2	2.1(b)	Damaging lawn or garden	150
3	2.1(c)	Plant (except grass) on thoroughfare within 2 m of carriageway	150
4	2.1(d)	Placing hazardous substance on footpath	150
5	2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
6	2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	150
7	2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	150
8	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	150
9	2.2(1)(b)	Throwing or placing anything on a verge without a permit	150
10	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	150
11	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
12	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
13	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
14	2.2(1)(h)	Felling tree onto thoroughfare without a permit	150
15	2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	150
16	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
17	2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	150
18	2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	150
19	2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	150
20	2.3(1)	Consumption or possession of liquor on thoroughfare	150
21	2.4(1)	Failure to obtain permit for temporary crossing	250
22	2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
23	2.9(1)	Installation of verge treatment other than permissible treatment	250
24	2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	150
25	2.11	Failure to comply with notice to rectify default	150
26	2.13	Parking or driving on a verge or crossover without permission of the property owner or occupier of the property immediately adjoining the verge or crossover	150
27	<del>2.17</del> (2)	Failure to comply with sign on public place	150
28	<del>2.19</del> 20(1)	Driving or taking a vehicle on a closed thoroughfare	350
29	3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	150
30	3.2(3)	Erecting or placing of advertising sign in a prohibited area	150
31	4.1(1)	Animal or vehicle obstructing a public property or local government property	150

32	4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	150
33	4.2(2)(b)	Animal on public place with infectious disease	150
34	4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	150
35	4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	150
36	4.5	Person leaving shopping trolley in public place other than trolley bay	150
37	4.6(2)	Failure to remove shopping trolley upon being advised of location	150
38	5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250
39	5.9	Planting in thoroughfare without a permit	250
40	5.11	Failure to obtain permit to clear a thoroughfare	500
41	5.13	Burning of thoroughfare without a permit	500
42	5.17	Construction of firebreak on thoroughfare without a permit	500
43	5.19	Commercial harvesting of native flora on thoroughfare	500
44	5.20(1)	Collecting seed from native flora on thoroughfare without a permit	350
45	6.2(1)	Conducting of stall in public place without a permit	350
46	6.3(1)	Trading without a permit	350
47	6.8(1)(a)	Failure of stallholder or trader to display or carry permit	150
48	6.8(1)(b)	Stallholder or trader not displaying valid permit	150
49	6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	150
50	6.8(2)	Stallholder or trader engaged in prohibited conduct	150
51	6.10	Performing in a public place without a permit	150
52	6.11(2)	Failure of performer to move onto another area when directed	150
53	6.14	Failure of performer to comply with obligations	150
54	6.16	Establishment or conduct of outdoor eating Facility without a permit	350
55	6.18	Failure of permit holder of outdoor eating Facility to comply with obligations	150
56	6.20(1)	Use of equipment of outdoor eating Facility without purchase of food or drink from Facility	100
57	6.20(2)	Failure to leave outdoor eating Facility when requested to do so by permit holder	100
58	7.5	Failure to comply with a condition of a permit	150
59	7.9	Failure to produce permit on request of authorised person	150
60	10.1	Failure to comply with notice given under local law	500

Dated:

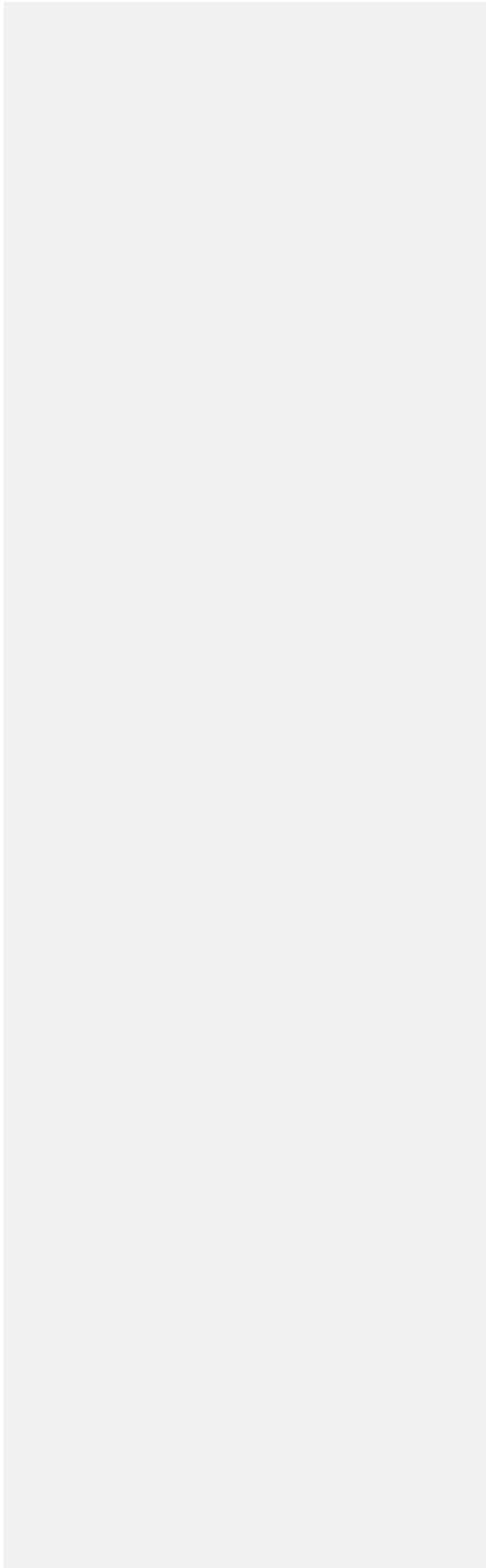
The Common Seal of the Shire of Gnowangerup was affixed by authority of a resolution of the Council in the presence of:

---

CR FIONA GAZE  
Shire President

---

BOB JARVIS  
Chief Executive Officer



# **LOCAL GOVERNMENT ACT 1995**

## **SHIRE OF GNOWANGERUP**

### **ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2022**

NEW DRAFT

**LOCAL GOVERNMENT ACT 1995**

Shire of Gnowangerup

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND  
TRADING LOCAL LAW 2021**

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## **Schedule 1 – Prescribed Offences**

NEW DRAFT

## LOCAL GOVERNMENT ACT 1995

Shire of Gnowangerup

### ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING AMENDMENT LOCAL LAW 2017

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gnowangerup resolved on 15<sup>th</sup> December 2021 to make the following local law.

#### PART 1 – PRELIMINARY

##### 1.1 Citation

This local law may be cited as the *Shire of Gnowangerup Activities In Thoroughfares and Public Places and Trading Amendment Local Law 2021*.

##### 1.2 Definitions

In this local law unless the context otherwise requires:

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

**applicant** means a person who applies for a permit;

**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;

**built-up area** has the meaning given to it in the *Road Traffic Code 2000*;

**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 in 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;

**crossing** means a crossing giving access from a public thoroughfare to:

- (a) private land; or
- (b) a private thoroughfare serving private land;

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

**footpath** has the meaning given to it in the *Road Traffic Code 2000*;

**garden** means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

**intersection** has the meaning given to it in the *Road Traffic Code 2000*;

**kerb** includes the edge of a carriageway;

**lawn** means any part of a thoroughfare 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;

**liquor** has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

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

**local government property** means anything except a thoroughfare:

- (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;

**lot** has the meaning given to it in the *Planning and Development Act 2005*;

**owner or occupier** in relation to land does not include the local government;

**permissible verge treatment** means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;

**permit** means a permit issued under this local law;

**permit holder** means a person who holds a valid permit;

**person** does not include the local government;

**premises** for the purpose of the definition of "public place" in both this clause and clause 6.10

means a building or similar structure, but does not include a carpark or a similar place;

**public place** includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include:

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

**Regulations** means the *Local Government (Functions and General) Regulations 1996*;

**sign** includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

**“thoroughfare** has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;

**local planning scheme** means a Local Planning Scheme of the local government made under the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*;

**townsite** means all townsites within the district which are:

- (a) constituted under section 26(2) of the *Land Administration Act 1997*;
- (b) referred to in clause 37 of Schedule 9.3 of the Act.

**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 mobility scooter or any device designed for use by a physically impaired person on a footpath; and
- (d) a pram, a stroller or a similar device;

**verge** means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare but does not include any footpath.

### 1.3 Application

This local law applies throughout the district.

## PART 2 – ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

### Division 1 - General

#### 2.1 General prohibitions

A person shall not:

- (a) plant any plant (except grasses or a similar plant) on a thoroughfare within 10m of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless:
  - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare 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) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;
- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (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 thoroughfare; or
- (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades

or similar device.

## **2.2 Activities allowed with a permit – general**

- (1) A person shall not, without a permit:
  - (a) dig or otherwise create a trench through or under a kerb or footpath;
  - (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge 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 thoroughfare as a thoroughfare;
  - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
  - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
  - (f) damage a thoroughfare;
  - (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
  - (h) fell any tree onto a thoroughfare;
  - (i) 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 any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
  - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
  - (k) on a public place use anything or do anything so as to create a nuisance;
  - (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
  - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

## **2.3 No possession and consumption of liquor on thoroughfare**

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless:
  - (a) that is permitted under the *Liquor Control Act 1988* or under another written law; or
  - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

### *Division 2 - Vehicle crossing* Subdivision 1 - Temporary crossings

## **2.4 Permit required**

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, 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 person named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
  - (b) the registered proprietor of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit

holder shall 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 thoroughfare.

#### *Subdivision 2 - Redundant vehicle crossings*

### **2.5 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 thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government 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 thoroughfare, which may be affected by the removal,within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

#### *Division 3 - Verge treatments* *Subdivision 1 - Preliminary*

### **2.6 Definition**

In this Division, unless the context otherwise requires:

**acceptable material** means any material which will create a hard surface or is approved by the local government.

### **2.7 Application**

This Division only applies to townsites.

#### *Subdivision 2 - Permissible verge treatments*

### **2.8 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) The permissible verge treatments are:
  - (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 thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and
    - (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;
  - (c) the installation of an acceptable material; or
  - (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

### **2.9 Only permissible verge treatments to be installed**

- (1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) 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 2.10.

### **2.10 Obligations of owner or occupier**

An owner or occupier who installs or maintains a permissible verge treatment shall:

- (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 is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

### 2.11 Notice to owner or occupier

The local government 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 Division.

#### *Subdivision 3 - Existing verge treatments*

### 2.12 Transitional provision

(1) In this clause:

**former provisions** means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(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.

#### *Subdivision 4 – Parking and driving on verges or crossovers*

### 2.13 Parking or driving on verges or crossovers

A person shall not park or drive any vehicle on a verge or crossover without prior permission of the property owner or occupier of the property adjoining the verge or crossover.

#### *Subdivision 5 - Public works*

### 2.14 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 4 - Property numbers*

##### *Subdivision 1 - Preliminary*

### 2.15 Definition

In this Division, unless the context requires otherwise:

**Number** means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

#### *Subdivision 2 - Assignment and marking of numbers*

## 2.16 Assignment of numbers

The local government may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

### *Division 5 - Fencing*

## 2.17 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act

The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act:

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property.

### *Division 6 - Signs erected by the local government*

## 2.18 Signs

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall 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.

## 2.19 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.17 if:

- (a) the sign specifies a condition of use relating to the public place 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 thoroughfare*

## 2.20 No driving on closed thoroughfare

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless:
  - (a) that is in accordance with any limits or exceptions 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 thoroughfare** means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

## **PART 3 – ADVERTISING SIGNS ON THOROUGHFARES**

### *Division 1 - Preliminary*

## 3.1 Definition

In this Part, unless the context otherwise requires:

**advertising sign** means a sign used for the purpose of advertisement and includes an “election sign”;

**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;

**election sign** means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election; and

**portable direction sign** means a portable free standing direction sign; and  
**portable sign** means a portable free standing advertising sign.

#### *Division 2 - Permit*

### **3.2 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 500mm in height nor 0.5m<sup>2</sup> 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 2.5m;
  - (c) on or within 3m 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.

### **3.3 Matters to be considered in determining application for permit**

In determining an application for a permit for the purpose of clause 3.2(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.

#### *Division 3 – Conditions on permit*

### **3.4 Conditions on portable sign**

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 1m in height;
  - (ii) not exceed an area of 1m<sup>2</sup> on any side;
  - (iii) relate only to the business activity described on the permit;
  - (iv) contain letters not less than 200mm 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;
- (b) no more than one portable sign shall be erected in relation to the one building or business.

### 3.5 Conditions on election sign

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign:

- (a) being erected at least 30m from any intersection;
- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
- (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition;
- (f) not being erected until the election to which it relates has been officially announced;
- (g) being removed within 24 hours of the close of polls on voting day;
- (h) not being placed within 100m of any works on the thoroughfare;
- (i) being securely installed;
- (j) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

## PART 4 – OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

### *Division 1 - Animals and vehicles*

#### 4.1 Leaving animal or vehicle in public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

#### 4.2 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 shall not:
  - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
  - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
  - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built- up area, unless that person does so under a permit or under the authority of a written law.

### *Division 2 - Shopping trolleys*

#### 4.3 Definition

In this Division:

**retailer** means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

**shopping trolley** means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

#### **4.4 Shopping trolley to be marked**

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

#### **4.5 Person not to leave trolley in public place**

A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

#### **4.6 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 local government 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 shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer:
  - (a) requests the local government to collect and deliver the shopping trolley to the retailer; and
  - (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

## **PART 5 - ROADSIDE CONSERVATION**

### *Division 1 - Preliminary*

#### **5.1 Definition**

In this Part:

**MRWA** means Main Roads Western Australia;

**specially protected flora** has the meaning given to it in section 5 of the *Biodiversity Conservation Act 2016*;

**threatened flora** has the meaning given to it in section 5 of the *Biodiversity Conservation Act 2016*;

**Roadside Conservation Committee** means the Roadside Conservation Committee appointed by the responsible Minister; and

**special environmental area** means an area designated as such under clause 5.7.

#### **5.2 Application**

This Part does not apply to the townsite.

### *Division 2 - Flora roads*

#### **5.3 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.

#### **5.4 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" (April 2005) prepared by the Roadside Conservation Committee.

#### **5.5 Signposting of flora roads**

The local government may signpost flora roads with the standard MRWA 'flora road' sign.

## **5.6 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.

### *Division 3 - Special environmental areas*

## **5.7 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 specially protected flora or threatened flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

## **5.8 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.

### *Division 4 – Planting in thoroughfares*

## **5.9 Permit to plant**

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

## **5.10 Relevant considerations in determining application**

In determining an application for a permit for the purpose of clause 5.9, 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.

### *Division 5 - Clearance of vegetation*

## **5.11 Permit to clear**

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1.5m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

## **5.12 Application for permit**

In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 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.

### *Division 6 - Fire management*

## **5.13 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.

## **5.14 Application for permit**

In addition to the requirements of subclause 7.1(2), an application for a permit for the purposes of clause 5.13

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.

#### **5.15 When application for permit can be approved**

The local government may approve an application for a permit for the purpose of clause 5.13 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.

#### **5.16 Prohibitions on burning**

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government:

- (a) for burning between 31 August 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, except in instances where an immediate fire hazard is present.

### *Division 7 - Firebreaks*

#### **5.17 Permit for firebreaks on thoroughfares**

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

#### **5.18 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 5.17 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.

### *Division 8 – Commercial wildflower harvesting on thoroughfares*

#### **5.19 General prohibition on commercial wildflower harvesting**

Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.

#### **5.20 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 6 - TRADING ON THOROUGHFARES AND PUBLIC PLACES

### Division 1 - Stallholders and traders

#### Subdivision 1 - Preliminary

#### 6.1 Definition

In this Division, unless the context otherwise requires:

**Competition Principles Agreement** means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

**public place** includes:

(a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and

(b) local government property,

but does not include premises on private property from which trading is lawfully conducted under a written law;

**stall** means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

**stallholder** means a person in charge of a stall;

**stallholder's permit** means a permit issued to a stallholder;

**trader** means a person who carries on trading;

**trader's permit** means a permit issued to a trader; and

**trading** includes:

(a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;

(b) displaying goods in any public place for the purpose of:

(i) offering them for sale or hire;

(ii) inviting offers for their sale or hire;

(iii) soliciting orders for them; or

(iv) carrying out any other transaction in relation to them; and

(c) the going from place to place, whether or not public places, and:

(i) offering goods or services for sale or hire; or

(ii) inviting offers or soliciting orders for the sale or the hire of goods or services,

but does not include:

(d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or

the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;

(e) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder's permit;

(f) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;

(g) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and

(h) the selling or hiring or the offering for sale or hire of:

(i) goods by a person who represents a manufacturer of the goods; or

(ii) services by a person who represents a provider of the services, which are only sold directly to consumers and not through a shop.

#### Subdivision 2 - Permits

## **6.2 Stallholder's permit**

- (1) A person shall not conduct a stall on a public place unless that person is:
  - (a) the holder of a valid stallholder's permit; or
  - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall:
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
  - (c) specify the proposed location of the stall;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
  - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
  - (f) be accompanied by an accurate plan and description of the proposed stall.

## **6.3 Trader's permit**

- (1) A person shall not carry on trading unless that person is:
  - (a) the holder of a valid trader's permit; or
  - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall:
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
  - (c) specify the location or locations in which the applicant proposes to trade;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
  - (e) specify the proposed goods or services which will be traded; and
  - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.
- (3)

## **6.4 No permit required to sell newspaper**

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper only is not required to obtain a permit.

## **6.5 Relevant considerations in determining application for permit**

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to:
  - (a) any relevant policies of the local government;
  - (b) the desirability of the proposed activity;
  - (c) the location of the proposed activity;
  - (d) the principles set out in the Competition Principles Agreement; and
  - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds:
  - (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
  - (b) that:
    - (i) the applicant is an undischarged bankrupt or is in liquidation;
    - (ii) the applicant has entered into any composition or arrangement with creditors; or
    - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property;

## 6.6 Conditions of permit

- (1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include:
  - (a) the place, the part of the district, or the thoroughfare to which the permit applies;
  - (b) the days and hours during which a permit holder may conduct a stall or trade;
  - (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
  - (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
  - (e) the number of persons and the names of persons permitted to conduct a stall or trade;
  - (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
  - (g) whether and under what terms the permit is transferable;
  - (h) any prohibitions or restrictions concerning the:
    - (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
    - (ii) the use of amplifiers, sound equipment and sound instruments;
    - (iii) the use of signs; and
    - (iv) the use of any lighting apparatus or device;
  - (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
  - (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
  - (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
  - (l) the acquisition by the stallholder or trader of public risk insurance;
  - (m) the period for which the permit is valid; and
  - (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.
- (2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

## 6.7 Exemptions from requirement to pay fee or to obtain a permit

- (1) In this clause:

**charitable organisation** means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

**commercial participant** means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.
- (2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on:
  - (a) on a portion of a public place adjoining the normal place of business of the applicant; or
  - (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.
- (3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

## 6.8 Conduct of stallholders and traders

- (1) A stallholder while conducting a stall or a trader while trading shall:
- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
  - (b) not display a permit unless it is a valid permit; and
  - (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *National measurements Act 1960 (Cth)*.
- (2) A stallholder or trader shall not:
- (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
  - (b) act in an offensive manner;
  - (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
  - (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

### Division 2 - Street entertainers Subdivision 1 - Preliminary

## 6.9 Definition

In this Division, unless the context otherwise requires:

**perform** includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

**permit** means a permit issued for the purpose of clause 6.10;

**permitted area** means the area or areas, specified in a permit, in which the permit holder may perform; and

**permitted time** means the time or times, specified in a permit, during which the permit holder may perform.

### Subdivision 2 - Permits

## 6.10 Permit required to perform

A person shall not perform in a public place without a permit.

## 6.11 Variation of permitted area and permitted time

- (1) The local government may by notice in writing to a permit holder vary:
- (a) the permitted area;
  - (b) the permitted time; or
  - (c) both the permitted area and the permitted time, shown on a permit.
- (2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

## 6.12 Duration of permit

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

## 6.13 Cancellation of permit

The CEO may cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorised person, the performance

otherwise constitutes a nuisance.

#### **6.14 Obligations of permit holder**

A permit holder shall not in a public place:

- (a) perform wearing dirty, torn or ragged clothing;
- (b) act in an offensive manner; or
- (c) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier -
  - (i) other than in the permitted area; and
  - (ii) unless the musical instrument or device is specified in the permit.

#### *Division 3 - Outdoor eating facilities on public places*

#### **6.15 Definition**

In this Division -

**Facility** means an outdoor eating Facility or establishment on any part of a public place, but does not include such a Facility or establishment on private land;

**permit holder** means the person to whom a permit has been issued for the purpose of clause 6.16; and

**public place** has the meaning given to it in clause 6.1.

#### **6.16 Permit required to conduct Facility**

A person shall not establish or conduct a Facility without a permit.

#### **6.17 Matters to be considered in determining application**

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not-

- (a) the Facility is conducted in conjunction with and as an extension of food business which abut on the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food business registered in accordance with the *Food Act 2008* and whether the use of the premises is permitted under the local planning scheme;
- (c) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (d) the Facility would -
  - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
  - (ii) impede pedestrian access; and
- (e) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

#### **6.18 Obligations of permit holder**

(1) The permit holder for a Facility shall:

- (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law.
- (b) ensure that the eating area is kept in a clean and tidy condition at all times; and
- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times.
- (d)

(2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.

(3) In subclause (2), "work" includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

### **6.19 Removal of Facility unlawfully conducted**

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

### **6.20 Use of Facility by public**

- (1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.
- (2) A person shall leave a Facility when requested to do so by the permit holder.

### **6.21 Temporary removal of Facility may be requested**

- (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service.
- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

## **PART 7 - PERMITS**

### *Division 1 - Applying for a permit*

#### **7.1 Application for permit**

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall -
  - (a) be in the form determined by the local government;
  - (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 and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

#### **7.2 Decision on application for permit**

- (1) The local government may:
  - (a) approve an application for a permit unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

### *Division 2 - Conditions*

#### **7.3 Conditions which may be imposed on a permit**

The local government may approve an application for a permit subject to conditions relating to -

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder 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 use of the public place by the permit holder.

#### **7.4 Imposing conditions under a policy**

(1) In this clause:

**policy** means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 7.2(1)(a).

- (2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy, which is relevant to the application for a permit, with the form of permit referred to in subclause 7.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government 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 shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

#### **7.5 Compliance with and variation of conditions**

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit upon the request of the permit holder, and the permit holder shall comply with those conditions as varied.

### *Division 3 - General*

#### **7.6 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) cancelled under clause 7.10.

#### **7.7 Renewal of permit**

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of:
  - (a) this Part; and
  - (b) any other provision of this local law relevant to the permit, which is to be renewed, shall apply to an application for the renewal of a permit with all the necessary changes required.

## **7.8 Transfer of permit**

- (1) An application for the transfer of a valid permit is to:
  - (a) be made in writing;
  - (b) be signed by the permit holder and the proposed transferee of the permit;
  - (c) provide such information as the local government may require to enable the application to be determined; and
  - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by:
  - (a) an endorsement on the permit signed by the CEO; or
  - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

## **7.9 Production of permit**

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

## **7.10 Cancellation of permit**

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a -
  - (i) condition of the permit; or
  - (ii) provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder:
  - (a) shall return the permit as soon as practicable to the local government; and
  - (b) is to be taken to have forfeited any fees paid in respect of the permit.

## **PART 8 - OBJECTIONS AND APPEALS**

### **8.1 Application of Part 9 Division 1 of Act**

When the local government makes a decision -

- (a) under clause 7.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

a right of review in accordance with the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

## **PART 9 - MISCELLANEOUS NOTICES**

### **9.1 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 thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on 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.

### **9.2 Hazardous plants**

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a 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.

### **9.3 Notice to repair damage to thoroughfare**

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage, order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

### **9.4 Notice to remove thing unlawfully placed on thoroughfare**

Where anything is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

## **PART 10 - ENFORCEMENT**

### *Division 1 - Notices given under this local law*

#### **10.1 Offence to fail to comply with notice**

Whenever the local government gives a notice under this local law requiring a person to do anything, if the person fails to comply with the notice, the person commits an offence.

#### **10.2 Local government may undertake requirements of notice**

Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

### *Division 2 - Offences and penalties*

#### *Subdivision 1 - General*

#### **10.3 Offences**

- (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) Any person who commits an offence under this local law is liable, upon conviction, to a penalty 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.

#### *Subdivision 2 - Infringement notices and modified penalties*

#### **10.4 Prescribed offences**

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

#### **10.5 Forms**

Unless otherwise specified, 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 *Local Government (Functions and General) Regulations 1996*;
- (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 *Local Government (Functions and General) Regulations 1996*; 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 *Local Government (Functions and General) Regulations 1996*.

**SCHEDULE 1 PRESCRIBED  
OFFENCES**

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1	2.1(a)	Plant (except grass or similar plant) on thoroughfare within 10m of intersection	150
2	2.1(b)	Damaging lawn or garden	150
3	2.1(c)	Plant (except grass) on thoroughfare within 2 m of carriageway	150
4	2.1(d)	Placing hazardous substance on footpath	150
5	2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
6	2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	150
7	2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	150
8	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	150
9	2.2(1)(b)	Throwing or placing anything on a verge without a permit	150
10	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	150
11	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
12	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
13	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
14	2.2(1)(h)	Felling tree onto thoroughfare without a permit	150
15	2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	150
16	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
17	2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	150
18	2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	150
19	2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	150
20	2.3(1)	Consumption or possession of liquor on thoroughfare	150
21	2.4(1)	Failure to obtain permit for temporary crossing	250
22	2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
23	2.9(1)	Installation of verge treatment other than permissible treatment	250
24	2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	150
25	2.11	Failure to comply with notice to rectify default	150
26	2.13	Parking or driving on a verge or crossover without permission of the property owner or occupier of the property immediately adjoining the verge or crossover	150
27	2.18(2)	Failure to comply with sign on public place	150
28	2.20(1)	Driving or taking a vehicle on a closed thoroughfare	350
29	3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	150
30	3.2(3)	Erecting or placing of advertising sign in a prohibited area	150
31	4.1(1)	Animal or vehicle obstructing a public property or local government property	150

32	4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	150
33	4.2(2)(b)	Animal on public place with infectious disease	150
34	4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	150
35	4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	150
36	4.5	Person leaving shopping trolley in public place other than trolley bay	150
37	4.6(2)	Failure to remove shopping trolley upon being advised of location	150
38	5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250
39	5.9	Planting in thoroughfare without a permit	250
40	5.11	Failure to obtain permit to clear a thoroughfare	500
41	5.13	Burning of thoroughfare without a permit	500
42	5.17	Construction of firebreak on thoroughfare without a permit	500
43	5.19	Commercial harvesting of native flora on thoroughfare	500
44	5.20(1)	Collecting seed from native flora on thoroughfare without a permit	350
45	6.2(1)	Conducting of stall in public place without a permit	350
46	6.3(1)	Trading without a permit	350
47	6.8(1)(a)	Failure of stallholder or trader to display or carry permit	150
48	6.8(1)(b)	Stallholder or trader not displaying valid permit	150
49	6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	150
50	6.8(2)	Stallholder or trader engaged in prohibited conduct	150
51	6.10	Performing in a public place without a permit	150
52	6.11(2)	Failure of performer to move onto another area when directed	150
53	6.14	Failure of performer to comply with obligations	150
54	6.16	Establishment or conduct of outdoor eating Facility without a permit	350
55	6.18	Failure of permit holder of outdoor eating Facility to comply with obligations	150
56	6.20(1)	Use of equipment of outdoor eating Facility without purchase of food or drink from Facility	100
57	6.20(2)	Failure to leave outdoor eating Facility when requested to do so by permit holder	100
58	7.5	Failure to comply with a condition of a permit	150
59	7.9	Failure to produce permit on request of authorised person	150
60	10.1	Failure to comply with notice given under local law	500

Dated:

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

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CR FIONA GAZE  
Shire President

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BOB JARVIS  
Chief Executive Officer

NEW DRAFT

<b>11.6</b>	<b>ACCOUNTS FOR PAYMENT AND AUTHORISATION – MARCH 2022</b>
<b>Location:</b>	Shire of Gnowangerup
<b>Proponent:</b>	N/A
<b>Date of Report:</b>	14 April 2022
<b>Business Unit:</b>	Corporate and Community Services
<b>Officer:</b>	Sharon Miniter– Senior Finance Officer
<b>Disclosure of Interest:</b>	Nil

#### ATTACHMENTS

- March 2022 Cheque Listing

#### PURPOSE OF THE REPORT

To provide Council with a list of payments processed in the month of March 2022.

#### BACKGROUND

Nil

#### COMMENTS

The March 2022 cheque list for the period 01/03/2022 to 31/3/2022 is attached as follows:

<b>FUND</b>	<b>AMOUNT</b>
Municipal Fund	\$338,755.83
Credit Card	\$ 970.05
<b>TOTAL</b>	<b>\$339,725.88</b>

#### CONSULTATION

Nil

#### LEGAL AND STATUTORY REQUIREMENTS

*Local Government (Financial Management) Regulations 1996*

Regulation 12 states that:

- (1) *A payment may only be made from the municipal fund or the trust fund*
- 
- (a) *if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*
- (b) *otherwise, if the payment is authorised in advance by a resolution of the council.*

#### POLICY IMPLICATIONS

Purchasing Policy 4.1  
Corporate Credit Card Policy 4.4

**FINANCIAL IMPLICATIONS**

All payments are in line with the Adopted Budget or have been approved by Council as a Budget Amendment.

**STRATEGIC IMPLICATIONS**

Strategic Community Plan

Theme: Our Organisation

Community Priority:

Forward planning and implementation of plans to achieve strategic priorities.

Action: Performance against commitments made.

**STRATEGIC RISK MANAGEMENT CONSIDERATIONS:**

<b>Strategic Risk Category</b>	Financial Sustainability
<b>Consequence Rating</b>	Catastrophic
<b>Likelihood Rating</b>	Unlikely
<b>Acceptance Rating</b>	Acceptable
<b>Risk Acceptance Criteria</b>	Risk Acceptable with adequate controls

**IMPACT ON CAPACITY**

Nil

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Nil

**CONCLUSION**

This is a standard item in the Ordinary Council Meeting Agenda.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**0422. That Council:**

**Approves the Schedule of Accounts:**

**Municipal Fund Cheques 00066 - 00082, EFT 18452 – EFT 18562, Superannuation and Direct Deposits totalling \$338,755.83 and Corporate Credit Card totalling \$970.05**

Chq/EFT	Date	Name	Description	Amount
67	03/03/2022	SYNERGY	SUPPLY 75 DAYS	\$ 337.98
68	03/03/2022	WATER CORPORATION	WATER USAGE	\$ 682.25
69	10/03/2022	GNOWANGERUP ROADHOUSE	MEALS FOR TRAINING - STIRLING RANGES - 27 FEBRUARY 2022	\$ 72.30
70	10/03/2022	SYNERGY	SUPPLY 32 DAYS	\$ 3,879.44
71	10/03/2022	WATER CORPORATION	WATER USAGE	\$ 783.22
74	25/03/2022	WATER CORPORATION	USAGE AND SERVICE CHARGES	\$ 8,397.51
79	31/03/2022	FARMERS' CENTRE	FUSE FOR CASE BACKHOE	\$ 66.53
80	31/03/2022	GNOWANGERUP ROADHOUSE	DINNER FOR COUNCIL MEETINGS 23 MARCH 2022	\$ 137.80
81	31/03/2022	SYNERGY	SUPPLY PERIOD 29 DAYS	\$ 7,163.00
82	31/03/2022	WATER CORPORATION	WATER USAGE & SERVICE CHARGES	\$ 579.40
EFT18452	03/03/2022	AFGRI EQUIPMENT AUSTRALIA PTY LTD	JD GRADER GN.0015 - SERVICE	\$ 416.81
EFT18453	03/03/2022	ALBANY PLASTERBOARD COMPANY	GNP SPORTING COMPLEX - REPAIRS TO CEILING	\$ 42.90
EFT18454	03/03/2022	AUTOSMART (WA) SOUTH WEST & GREAT SOUTHERN	2 X 5 LTR EXTRA HANDS CLEANING	\$ 392.34
EFT18455	03/03/2022	BEST OFFICE SYSTEMS	RICOH IMC2500 COLOUR PHOTOCOPIER - USAGE MARCH	\$ 266.39
EFT18456	03/03/2022	CUTTING EDGES EQUIPMENT PARTS	JD GRADER GN.0015 - 1 X BUNDLE OF 10 - GRADER BLADES	\$ 2,685.65
EFT18457	03/03/2022	GNOWANGERUP SPORTING COMPLEX	GNP SPORTING COMPLEX - ANNUAL OPERATIONAL ASSISTANCE 21/22	\$ 13,491.50
EFT18458	03/03/2022	GNOWANGERUP TYRE SERVICE	ISUZU D-MAX GN.0036 - REPLACE ALL 4 TYRES	\$ 28.00

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EFT18459	03/03/2022	GNP HARDWARE	ROPE - FOR THE PUMP ON DAM	\$	288.96	
EFT18460	03/03/2022	INDUSTRIAL AUTOMATION GROUP PTY LTD	6 MONTHS STANDPIPE FEES	\$	666.05	
EFT18461	03/03/2022	KFM CONTRACTING	SHED FOR NSPNR	\$	7,854.00	
EFT18462	03/03/2022	MARKETFORCE	ADVERT ANNUAL REPORT & ANNUAL ELECTORS' MEETING GS HERALD 24/2/22	\$	478.94	F
EFT18463	03/03/2022	STATE LIBRARY OF WA	FREIGHT RECOUP GNP/ONG LIBRARIES	\$	637.63	
EFT18464	03/03/2022	TOLL TRANSPORT PTY LTD	FREIGHT	\$	43.46	
EFT18465	03/03/2022	TRUCKLINE	SIDE TIPPER - GN.0050 - REPAIRS TO TRAILER	\$	439.43	
EFT18466	03/03/2022	WALGA	LGIA AWARDS TRAINING X 2	\$	1,156.00	
EFT18467	03/03/2022	WINC. (WORK INCORPORATED)	STATIONERY ORDER - FEBRUARY 2022 #2	\$	219.99	
EFT18468	10/03/2022	ADMIN SOCIAL CLUB	PAYROLL DEDUCTIONS	\$	90.00	
EFT18469	10/03/2022	AIRPORT LIGHTING SPECIALISTS PT	SUPPLY 20 RUNWAY EDGE LIGHTING BULBS	\$	418.00	
EFT18470	10/03/2022	ALBANY ALLSOILS LANDSCAPE SUPPLIES	LIMESTONE FOR NSPNR BORDEN	\$	745.00	
EFT18471	10/03/2022	AUSTRALIA POST	POSTAGE - FEBRUARY 2022	\$	390.74	F
EFT18472	10/03/2022	BEST OFFICE SYSTEMS	PHOTOCOPIER - PERIOD 20/12/2021 - 20/01/2022	\$	394.43	
EFT18473	10/03/2022	BGL SOLUTIONS	TOWN GARDENING AS PER CONTRACT	\$	10,847.53	
EFT18474	10/03/2022	BLACK AND GOLD SOCIAL CLUB	PAYROLL DEDUCTIONS	\$	110.00	
EFT18475	10/03/2022	BULLSEYE PLUMBING & GAS	2 CECIL STREET - BUILDING MAINTENANCE REPLACE FAULTY GAS HWS	\$	4,042.50	
EFT18476	10/03/2022	BUNNINGS ALBANY	EXPENDABLE TOOLS - SUPPLIES FOR BOTH ONGERUP & BORDEN	\$	374.46	

EFT18477	10/03/2022	CJD EQUIPMENT PTY LTD	SIDE TIPPER - GN.0050 - REPAIRS TO TRAILER	\$ 670.56
EFT18478	10/03/2022	COLEMAN CONSULTING	COLLATING DOCUMENTS FOR CLAIM 1 AGRN973	\$ 1,317.50
EFT18479	10/03/2022	CONSULTING GREAT SOUTHERN	WORKFORCE PLAN	\$ 3,036.00
EFT18480	10/03/2022	CRYSTALLINE CIVIL AND RURAL	SHOULDER GRADING BOREN BREMER BAY ROAD PRIOR TO RESEAL	\$ 14,272.50
EFT18481	10/03/2022	DA & KJ MURRAY	ACCOMODATION & MEALS FOR EHO - FEBRUARY	\$ 180.00
EFT18482	10/03/2022	DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION	GREASE TRAPS TRACKING	\$ 44.00
EFT18483	10/03/2022	DEPT OF HUMAN SERVICES - DHS OFFICAL ADMINISTERED RECEIPTS CSA ACCOUNT	PAYROLL DEDUCTIONS	\$ 197.02
EFT18484	10/03/2022	GNOWANGERUP COMMUNITY RESOURCE CENTRE	STAFFING FOR LIBRARY - FEBRUARY 2022	\$ 1,125.50
EFT18485	10/03/2022	GNOWANGERUP FUEL SUPPLIES	FUEL FOR FLEET - FEBRUARY 2022	\$ 1,544.95
EFT18486	10/03/2022	GNOWANGERUP PHARMACY	RAPID ANTIGENT TESTS	\$ 1,232.45
EFT18487	10/03/2022	GNP HARDWARE	GRADER GN.0020 1 X BOX ULTRA BLUE	\$ 710.20
EFT18488	10/03/2022	GREAT SOUTHERN FUEL SUPPLIES	FUEL FOR FLEET - FEBRUARY 2022	\$ 239.37
EFT18489	10/03/2022	JERRAMUNGUP ELECTRICAL SERVICE	INVESTIGATE/REPAIR RETIC PUMP FAULT	\$ 333.85
EFT18490	10/03/2022	LGRCEU	PAYROLL DEDUCTIONS	\$ 143.50
EFT18491	10/03/2022	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	ADVERTISING DCEO VACANCY LG PROFESSIONALS WA	\$ 165.00
EFT18492	10/03/2022	MESSAGEMEDIA	18918 MESSAGES FOR FEBRUARY	\$ 2,497.18
EFT18493	10/03/2022	OFFICEWORKS	STATIONERY ORDER - FEBRUARY 2022	\$ 86.94
EFT18494	10/03/2022	ONGERUP TYRES & AUTOMOTIVE	LOADER GN.035 - REPAIRS TO FRONT TYRE	\$ 270.35

EFT18495	10/03/2022	ONLINE SAFETY SYSTEMS PTY LTD	PLANT ASSESSOR MEMBERSHIP FEES	\$	632.50
EFT18496	10/03/2022	STAMP STORE	APPROVED FOR PAYMENT STAMP	\$	64.50
EFT18497	10/03/2022	STAR SALES & SERVICE	HUSQVARNA 1 X BATTERY CHARGER	\$	1,162.80
EFT18498	10/03/2022	SUPERLOOP (OPERATIONS) PTY LTD	MONTHLY FEE FIXED WIRELESS	\$	1.10
EFT18499	10/03/2022	THE WOOLY SHEEP CAFE & GIFT SHOP	CATERING FOR GSRAG MEETING	\$	280.00
EFT18500	10/03/2022	TOLL TRANSPORT PTY LTD	FREIGHT	\$	23.27
EFT18501	10/03/2022	TRAILBLAZERS	SAFETY BOOTS	\$	295.00
EFT18502	10/03/2022	WINC. (WORK INCORPORATED)	PPE ORDER - JANUARY 2022	\$	266.68
EFT18503	10/03/2022	WORKWEAR GROUP	5-PACK RE-USABLE FACE MASKS	\$	598.00
EFT18504	18/03/2022	ADMIN SOCIAL CLUB	PAYROLL DEDUCTIONS	\$	90.00
EFT18505	18/03/2022	ARMADILLO PRODUCTS	BACKHOE GN.0026 - REPAIRS TO HYDRAULIC HOSE	\$	211.19
EFT18506	18/03/2022	AUSTRALIA'S SOUTH WEST	2022 WINTER CAMPAIGN - TIER 1 SUBSCRIPTION	\$	2,494.80
EFT18507	18/03/2022	BECKS TRANSPORT	BRIDGES - PALLINUP BRIDGE TIMBER	\$	412.49
EFT18508	18/03/2022	BGL SOLUTIONS	GNP CRC - IRRIGATION REPAIRS CRC	\$	348.28
EFT18509	18/03/2022	BLACK AND GOLD SOCIAL CLUB	PAYROLL DEDUCTIONS	\$	120.00
EFT18510	18/03/2022	CORSIGN WA	SCHOOL BUS SIGNS	\$	825.00
EFT18511	18/03/2022	DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION	SEPTIC TANK TRACKING	\$	44.00
EFT18512	18/03/2022	DEPT OF HUMAN SERVICES	PAYROLL DEDUCTIONS	\$	197.02

EFT18513	18/03/2022	GNOWANGERUP IGA	COUNCIL REFRESHMENTS	\$	711.80
EFT18514	18/03/2022	GNOWANGERUP PHARMACY	CLEANING & HYGIENE SUPPLIES	\$	121.69
EFT18515	18/03/2022	GNOWANGERUP SPORTING COMPLEX	HIRE OF GNP SPORTING COMPLEX FOR GSRAG MEETING	\$	275.00
EFT18516	18/03/2022	GNP HARDWARE	2 X 20 LTR COOLANT	\$	1,095.80
EFT18517	18/03/2022	KATANNING GLAZING & SECURITY	JD GRADER GN.11196 - MIRROR REPLACEMENT	\$	220.00
EFT18518	18/03/2022	KFM CONTRACTING	SHED FOR NSPNR AS QUOTED	\$	3,366.00
EFT18519	18/03/2022	LGRCEU	PAYROLL DEDUCTIONS	\$	154.00
EFT18520	18/03/2022	MARKETFORCE	JOB ADVERT DCEO WEST AUSTRALIAN 5/3/2022	\$	1,089.85
EFT18521	18/03/2022	NUTRIEN AG SOLUTIONS	OLD GNOWANGERUP GAOL & POLICE STATION BUILDING MAINTENANCE - REPAIRS TO FENCE PIPE FITTINGS	\$	27.72
EFT18522	18/03/2022	ONGERUP FARM SUPPLIES	FOOD FOR AUSTRALIA DAY 2022	\$	1,039.90
EFT18523	18/03/2022	ONGERUP PLAYGROUP	COMMUNITY FINANCIAL ASSISTANCE GRANT 2021/22	\$	1,300.00
EFT18524	18/03/2022	SADLERS BUTCHERS	MEAL FOR COUNCILLOR & EXECUTIVE WORKSHOP 2/2/22	\$	406.00
EFT18525	18/03/2022	SOLUTIONS IT	MANAGED SUPPORT	\$	4,535.28
EFT18526	18/03/2022	TOLL TRANSPORT PTY LTD	FREIGHT	\$	75.93
EFT18527	18/03/2022	WARREN BLACKWOOD WASTE	240LTR BINS PICK UP 03/02, 10/02, 17/02,24/02	\$	7,578.25
EFT18528	18/03/2022	WORKWEAR GROUP	UNIFORM	\$	348.00
EFT18529	18/03/2022	YONGERGNOW AUSTRALIAN MALLEEFOWL CENTRE	LUNCH FOR COUNCILLOR BUS TOUR 9/3/22	\$	208.50
EFT18530	25/03/2022	ADROIT INFORMATION MANAGEMENT	RECORDS SUPPORT - PROGRESS TO DIGITAL COMPLIANCE	\$	3,696.00

EFT18531	25/03/2022	ARMADILLO PRODUCTS	KOMATSU GRADER - GN.0021 - REPAIRS TO HYDRAULICS HOSE	\$ 176.45	
EFT18532	25/03/2022	GNOWANGERUP TYRE SERVICE	ISUZU D-MAX 2020 UTILITY REPLACE ALL TYRES	\$ 1,188.00	
EFT18533	25/03/2022	GNP HARDWARE	RT4500 WATER TANK (HERITAGE RED)	\$ 1,390.54	
EFT18534	25/03/2022	GREAT SOUTHERN FLOORCOVERINGS	SUPPLY & INSTAL VINYL TO DAY SLEEP ROOM & DAYCARE CENTRE ROOM AS QUOTED	\$ 7,710.00	F
EFT18535	25/03/2022	J.E. & K.N. DAVIS	STOCKPILING GRAVEL FOR REPLACEMENT TO KENT SHIRE FOR RABBIT PROOF FENCE ROAD	\$ 16,170.00	
EFT18536	25/03/2022	OFFICEWORKS	STATIONERY ORDER - OHS	\$ 1,594.10	
EFT18537	25/03/2022	RAY FORD SIGNS	SIGNS FOR FUNDING FOR SHOULDER WIDENING	\$ 585.20	F
EFT18538	25/03/2022	TOLL TRANSPORT PTY LTD	FREIGHT	\$ 159.41	
EFT18539	25/03/2022	WINC. (WORK INCORPORATED)	STATIONERY ORDER - MARCH 2022 - ONGERUP	\$ 236.21	
EFT18540	25/03/2022	ANDYCANN	NSPNR BUILDING REFURBISHMENT AS QUOTED	\$ 16,060.00	F
EFT18541	31/03/2022	ADMIN SOCIAL CLUB	PAYROLL DEDUCTIONS	\$ 90.00	
EFT18542	31/03/2022	AFGRI EQUIPMENT AUSTRALIA PTY LTD	NEW HEADS FOR GRASS CUTTERS	\$ 70.00	
EFT18543	31/03/2022	BLACK AND GOLD SOCIAL CLUB	PAYROLL DEDUCTIONS	\$ 120.00	
EFT18544	31/03/2022	CORSIGN WA	4 X GRADER AHEAD VINYL SIGNS @ \$253 EACH	\$ 1,113.20	
EFT18545	31/03/2022	DEPT OF HUMAN SERVICES - DHS OFFICAL ADMINISTERED RECEIPTS CSA ACCOUNT	PAYROLL DEDUCTIONS	\$ 197.02	
EFT18546	31/03/2022	DL CONSULTING	BUDGET PREPARATION, BUDGET REVIEW	\$ 5,637.50	
EFT18547	31/03/2022	EDWARDS ISUZU & KATANNING MAZDA	ISUZU UTE GN.0028 30,000KM SERVICE	\$ 347.52	
EFT18548	31/03/2022	GNOWANGERUP FUEL SUPPLIES	GNP DEPOT - REFUEL WITH DIESEL 22,55 LTRS@ \$1.9741	\$ 44,417.25	

EFT18549	31/03/2022	GNP HARDWARE	1 X DRUM OIL	\$ 1,698.39
EFT18550	31/03/2022	LGRCEU	PAYROLL DEDUCTIONS	\$ 154.00
EFT18551	31/03/2022	OFFICE OF THE AUDITOR GENERAL	AUDIT YEAR-ENDED 30 JUNE 2021	\$ 27,830.00
EFT18552	31/03/2022	OFFICEWORKS	STATIONERY ORDER - MARCH 2022 - DEPOT	\$ 24.99
EFT18553	31/03/2022	OLUMAYOKUN OLUYEDE	CASH SUBSIDY AS PER CONTRACT MARCH 2022	\$ 11,000.00
EFT18554	31/03/2022	PROTECTOR FIRE SERVICE AND FIRST AID SUPPLIES	SERVICE FIRE EQUIPMENT	\$ 164.12
EFT18555	31/03/2022	RED SPARK PROGRAMMED SERVICES & ELECTRICAL	MAINTENANCE TO HWS BOOSTER	\$ 104.50
EFT18556	31/03/2022	SIGMA CHEMICALS	GNOWANGERUP SWIMMING POOL CHEMICALS	\$ 1,406.90
EFT18557	31/03/2022	SKN CONTRACTING	RENEW STAGE 2 OF DEPOT FENCING	\$ 5,074.30
EFT18558	31/03/2022	SOLUTIONS IT	4 X APPLE IPAD AIRS	\$ 4,588.64
EFT18559	31/03/2022	TOLL TRANSPORT PTY LTD	FREIGHT	\$ 45.36
EFT18560	31/03/2022	TRUCK CENTRE WA PTY. LTD.	MACK PRIME MOVER - SERVICE PARTS	\$ 656.68
EFT18561	31/03/2022	WA CONTRACT RANGER SERVICES	RANGER SERVICES 15/03/22 & 24/03/22	\$ 1,782.00
EFT18562	31/03/2022	WESTRAC EQUIPMENT PTY LTD	CAT LOADER GN.035 - REPAIRS TO LOADER	\$ 1,868.50
DD5017.2	08/03/2022	AUSTRALIAN TAXATION OFFICE	BAS PAYABLE JANUARY 2022	\$ 10,819.00
DD5022.1	09/03/2022	TELSTRA	USAGE, SERVICE END EQUIPMENT	\$ 59.72
DD5022.2	06/03/2022	TELSTRA	USAGE, SERVICE AND EQUIPMENT	\$ 784.20
DD5026.1	13/03/2022	TELSTRA	MOBILE PHONES AND DATA PACKS	\$ 692.99

DD5026.2	15/03/2022 WESTNET	ADMIN INTERNET	\$ 282.83
DD5032.1	28/03/2022 BENDIGO COMMUNITY BANK	RAPID ANTIGEN TEST KITS	\$ 1,319.47
DD5035.1	02/03/2022 AWARE SUPER	PAYROLL DEDUCTIONS	\$ 6,309.60
DD5035.2	02/03/2022 OASIS SUPERANNUATION MASTER TRUST	SUPERANNUATION CONTRIBUTIONS	\$ 200.00
DD5035.3	02/03/2022 THE PIPA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	\$ 545.92
DD5035.4	02/03/2022 ANZ SMART CHOICE SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 158.35
DD5035.5	02/03/2022 WALGS PLAN	PAYROLL DEDUCTIONS	\$ 286.69
DD5035.6	02/03/2022 SMSF	SUPERANNUATION CONTRIBUTIONS	\$ 638.24
DD5035.7	02/03/2022 WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	SUPERANNUATION CONTRIBUTIONS	\$ 833.02
DD5035.8	02/03/2022 COLONIAL FIRSTWRAP PLUS PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 846.75
DD5035.9	02/03/2022 CARE SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 966.51
DD5037.1	23/03/2022 TELSTRA	USAGE, SERVICE AND EQUIPMENT CHARGES	\$ 364.57
DD5041.1	16/03/2022 AWARE SUPER	PAYROLL DEDUCTIONS	\$ 6,428.90
DD5041.2	16/03/2022 OASIS SUPERANNUATION MASTER TRUST	SUPERANNUATION CONTRIBUTIONS	\$ 200.00
DD5041.3	16/03/2022 THE PIPA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	\$ 542.28
DD5041.4	16/03/2022 ANZ SMART CHOICE SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 99.41
DD5041.5	16/03/2022 BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$ 245.09
DD5041.6	16/03/2022 WALGS PLAN	PAYROLL DEDUCTIONS	\$ 286.69

DD5041.7	16/03/2022 SMSF	SUPERANNUATION CONTRIBUTIONS	\$ 638.24
DD5041.8	16/03/2022 WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	SUPERANNUATION CONTRIBUTIONS	\$ 851.58
DD5041.9	16/03/2022 COLONIAL FIRSTWRAP PLUS PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 846.75
DD5042.3	28/03/2022 BENDIGO COMMUNITY BANK	ADVERTISING FOR PLANT OPERATOR/GENERAL HAND	\$ 970.05
DD5057.1	30/03/2022 AWARE SUPER	PAYROLL DEDUCTIONS	\$ 6,261.07
DD5057.2	30/03/2022 OASIS SUPERANNUATION MASTER TRUST	SUPERANNUATION CONTRIBUTIONS	\$ 175.00
DD5057.3	30/03/2022 THE PIPA SUPER FUND	SUPERANNUATION CONTRIBUTIONS	\$ 544.58
DD5057.4	30/03/2022 ANZ SMART CHOICE SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 99.41
DD5057.5	30/03/2022 BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$ 245.75
DD5057.6	30/03/2022 WALGS PLAN	PAYROLL DEDUCTIONS	\$ 286.69
DD5057.7	30/03/2022 SMSF	SUPERANNUATION CONTRIBUTIONS	\$ 638.24
DD5057.8	30/03/2022 WEALTH PERSONAL SUPERANNUATION AND PENSION FUND	SUPERANNUATION CONTRIBUTIONS	\$ 823.74
DD5057.9	30/03/2022 COLONIAL FIRSTWRAP PLUS PERSONAL SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 846.75
DD5035.10	02/03/2022 AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 1,365.10
DD5035.11	02/03/2022 PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 311.31
DD5035.12	02/03/2022 BENDIGO SMARTOPTIONS SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 128.05
DD5035.13	02/03/2022 MLC NAVIGATOR RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	\$ 230.52
DD5041.10	16/03/2022 CARE SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 966.51

DD5041.11	16/03/2022	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 1,355.73
DD5041.12	16/03/2022	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 297.03
DD5041.13	16/03/2022	BENDIGO SMARTOPTIONS SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 99.94
DD5041.14	16/03/2022	MLC NAVIGATOR RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	\$ 230.52
DD5057.10	30/03/2022	CARE SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 966.51
DD5057.11	30/03/2022	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 1,368.46
DD5057.12	30/03/2022	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 303.47
DD5057.13	30/03/2022	BENDIGO SMARTOPTIONS SUPER	SUPERANNUATION CONTRIBUTIONS	\$ 99.94
DD5057.14	30/03/2022	MLC NAVIGATOR RETIREMENT PLAN	SUPERANNUATION CONTRIBUTIONS	\$ 230.52
				\$ 338,755.83

Credit Card

02/02/2022	Seek	Advertising fo rPlant Operator/General Hand	\$ 302.50
02/02/2022	Seek	Advertising for Corporate Rick Officer	\$ 335.50
04/02/2022	Stamp Store	Stamp for stationery	\$ 53.50
06/02/2022	Coles Express	Fuel GN.00	\$ 66.48
14/02/2022	Ampol	Fuel GN.001	\$ 91.37
23/02/2022	Shire of Gnowangerup	Licensing JD Grader	\$ 30.50
27/02/2022	Bendigo Bank	Credit Card fee	\$ 8.00

28/02/2022 Puma Joondalup

Fuel GN.00

\$ 82.20

\$ 970.05

**CERTIFICATE OF SENIOR FINANCE OFFICER**

**I HEREBY CERTIFY THE FOLLOWING SCHEDULE OF ACCOUNTS:**

TOTAL FOR MUNICIPAL FUND: EFT 18452 - 188562, Cheque 00067 - 00082, DD and Super Clearing House = \$338,755.83

TOTAL FOR CREDIT CARD: \$970.05

- F** Fully Grant Funded
- P** Partial Grant Funded
- R** Other Funding (Reimbursements)

<b>11.7</b>	<b>MARCH 2022 MONTHLY FINANCIAL REPORT</b>
<b>Location:</b>	Shire of Gnowangerup
<b>Proponent:</b>	N/A
<b>Date of Report:</b>	14 <sup>th</sup> April 2022
<b>Business Unit:</b>	Corporate and Community Services
<b>Officer:</b>	D. Long – Finance Consultant S. Minitier – Senior Finance Officer
<b>Disclosure of Interest:</b>	NIL

#### ATTACHMENTS

Monthly Financial Statements for the period 01/03/2022 to 31/03/2022 including:

- Statement of Financial Activity
- Report on Material Differences
- Comprehensive Income by Program and Nature & Type
- Statement of Cash Flows
- Current Assets and Liabilities

#### PURPOSE OF THE REPORT

For Council to receive and accept the Monthly Financial Report to the 31<sup>st</sup> March 2022, note that figures are subject to change as a result of end of year procedures and the audit process.

#### BACKGROUND

Nil

#### COMMENTS

Regulation 34 of the *Local Government (Financial Management) Regulations 1996* requires a local government to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month.

#### CONSULTATION

Nil

#### LEGAL AND STATUTORY REQUIREMENTS

*Local Government (Financial Management) Regulations 1996*  
Reg. 34 Financial activity statement required each month

#### POLICY IMPLICATIONS

Investment Policy 4.3

#### FINANCIAL IMPLICATIONS

Nil

**STRATEGIC IMPLICATIONS**

Strategic Community Plan

Theme: Our Organisation

Community Priority:

Forward planning and implementation of plans to achieve strategic priorities.

Action: Performance against commitments made.

**STRATEGIC RISK MANAGEMENT CONSIDERATIONS:**

<b>Strategic Risk Category</b>	Financial Sustainability
<b>Consequence Rating</b>	Catastrophic
<b>Likelihood Rating</b>	Unlikely
<b>Acceptance Rating</b>	Acceptable
<b>Risk Acceptance Criteria</b>	Risk Acceptable with adequate controls

**IMPACT ON CAPACITY**

Nil

**ALTERNATE OPTIONS AND THEIR IMPLICATIONS**

Nil

**CONCLUSION**

This is a standard item in the Ordinary Council Meeting Agenda.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

**0422. That Council:**

**Receives and accepts the Monthly Financial Report for March 2022.**

**SHIRE OF GNOWANGERUP**

**MONTHLY FINANCIAL REPORT**

**31 March 2022**

**SHIRE OF GNOWANGERUP**  
**STATEMENT OF COMPREHENSIVE INCOME**  
**FOR THE PERIOD ENDING 31 MARCH 2022**

	NOTES	2021-22 ANNUAL BUDGET	2021-22 YTD ACTUAL
<b>EXPENDITURE (Excluding Finance Costs)</b>		<b>\$</b>	<b>\$</b>
General Purpose Funding		(106,929)	(42,451)
Governance		(821,399)	(592,673)
Law, Order, Public Safety		(383,968)	(162,890)
Health		(299,375)	(193,163)
Education and Welfare		(29,789)	(20,276)
Housing		(37,110)	(18,106)
Community Amenities		(578,207)	(284,058)
Recreation and Culture		(1,596,000)	(646,461)
Transport		(3,447,983)	(2,008,668)
Economic Services		(161,221)	(95,950)
Other Property and Services		(650,790)	(348,925)
		<b>(8,112,771)</b>	<b>(4,413,622)</b>
<b>REVENUE</b>			
General Purpose Funding		4,758,059	4,771,583
Governance		0	526
Law, Order, Public Safety		75,687	187,410
Health		350	971
Education and Welfare		11,200	0
Housing		94,028	69,410
Community Amenities		283,567	305,603
Recreation and Culture		19,848	22,895
Transport		169,097	178,749
Economic Services		23,357	15,443
Other Property & Services		99,996	123,747
		<b>5,535,189</b>	<b>5,676,337</b>
<i>Increase(Decrease)</i>		<b>(2,577,582)</b>	<b>1,262,716</b>
<b>FINANCE COSTS</b>			
Housing		(8,309)	(7,485)
Recreation & Culture		(14,966)	(7,906)
Other Property & Services		(279)	(633)
Total Finance Costs		<b>(23,554)</b>	<b>(16,025)</b>
<b>NON-OPERATING REVENUE</b>			
Housing		0	(16,225)
Transport		1,339,691	606,702
Economic Services		246,000	0
Other Property & Services		127,187	0
Total Non-Operating Revenue		<b>1,712,878</b>	<b>590,477</b>
<b>PROFIT/(LOSS) ON SALE OF ASSETS</b>			
Transport Profit		0	14,334
Transport Loss		0	0
<i>Total Profit/(Loss)</i>		<b>0</b>	<b>14,334</b>
<b>NET RESULT</b>		<b>(888,258)</b>	<b>1,851,502</b>
<b>Other Comprehensive Income</b>			
Changes on revaluation of non-current assets		0	0
<i>Total Abnormal Items</i>		<b>0</b>	<b>0</b>
<b>TOTAL COMPREHENSIVE INCOME</b>		<b>(888,258)</b>	<b>1,851,502</b>

**SHIRE OF GNOWANGERUP**  
**STATEMENT OF COMPREHENSIVE INCOME**  
**BY NATURE/TYPE**  
**FOR THE PERIOD ENDING 31 MARCH 2022**

	<b>2021-22 BUDGET</b>	<b>2021-22 ACTUAL</b>
<b>Expenses</b>		
Employee Costs	(2,650,345)	(1,986,892)
Materials and Contracts	(2,358,089)	(1,914,192)
Utility Charges	(178,508)	(123,459)
Depreciation on Non-Current Assets	(2,291,412)	0
Interest Expenses	(23,554)	(16,025)
Insurance Expenses	(251,066)	(199,399)
Other Expenditure	(383,351)	(189,680)
	<b>(8,136,325)</b>	<b>(4,429,646)</b>
<b>Revenue</b>		
Rates	4,223,193	4,228,452
Operating Grants, Subsidies and Contributions	896,348	1,022,939
Fees and Charges	305,559	290,873
Service Charges	0	0
Interest Earnings	37,455	30,585
Other Revenue	72,634	103,488
	<b>5,535,189</b>	<b>5,676,337</b>
	<b>(2,601,136)</b>	<b>1,246,691</b>
Non-Operating Grants, Subsidies & Contributions	1,712,878	590,477
Fair Value Adjustments to financial assets at fair value through profit/loss	0	0
Profit on Asset Disposals	0	14,334
Loss on Asset Disposals	0	0
	<b>1,712,878</b>	<b>604,811</b>
<b>Net Result</b>	<b>(888,258)</b>	<b>1,851,502</b>
<b>Other Comprehensive Income</b>		
Changes on revaluation of non-current assets	0	0
<b>Total Other Comprehensive Income</b>	<b>0</b>	<b>0</b>
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>(888,258)</b>	<b>1,851,502</b>

**SHIRE OF GNOWANGERUP**  
**STATEMENT OF FINANCIAL POSITION**  
**FOR THE PERIOD ENDING 31 MARCH 2022**

	Note	2020-21 ACTUAL \$	2021-2022 ACTUAL \$	Variance \$
<b>Current assets</b>				
Unrestricted Cash & Cash Equivalents		2,765,030	1,721,133	-1,043,897
Restricted Cash & Cash Equivalents		2,145,965	2,139,126	-6,839
Trade and other receivables		388,315	417,442	29,127
Inventories		23,344	42,588	19,244
Other assets		370,948	370,948	0
<b>Total current assets</b>		<b>5,693,602</b>	<b>4,691,237</b>	<b>-1,002,365</b>
<b>Non-current assets</b>				
Trade and other receivables		114,788	114,788	0
Self Supporting Loans		0	60,000	60,000
Other Financial Assets - WALGA Unit Trust		73,807	73,807	0
Land		1,050,074	1,050,074	0
Buildings		29,110,541	29,206,044	95,503
Plant & Equipment		3,830,310	4,560,387	730,077
Furniture & Equipment		82,180	84,449	2,269
Infrastructure Assets - Roads		75,885,388	77,146,712	1,261,324
Infrastructure Assets - Footpaths		699,025	699,025	0
Infrastructure Assets - Drainage		3,496,095	3,496,095	0
Infrastructure Assets - Parks & Ovals		5,872,194	5,872,194	0
Infrastructure Assets - Other		906,914	964,883	57,968
Infrastructure Assets - Sewerage		225,384	225,384	0
Infrastructure Assets - Airport		3,007,586	3,007,727	141
Infrastructure Assets - Solid Waste		323,471	323,471	0
Right of Use Assets		4,184	21,374	17,190
<b>Total non-current assets</b>		<b>124,681,942</b>	<b>126,906,414</b>	<b>2,224,472</b>
<b>Total assets</b>		<b>130,375,543</b>	<b>131,597,651</b>	<b>1,222,107</b>
<b>Current liabilities</b>				
Trade and other payables		398,278	172,726	225,552
Contract Liabilities		188,809	177,061	11,748
Interest-bearing loans and borrowings		556,784	90,369	466,415
Bonds and Deposits		0	0	0
Finance Lease Liability		4,323	5,570	-1,248
Provisions		394,658	394,658	0
<b>Total current liabilities</b>		<b>1,542,851</b>	<b>840,384</b>	<b>702,467</b>
<b>Non-current liabilities</b>				
Interest-bearing loans and borrowings		564,832	624,832	-60,000
Finance Lease Liability		0	13,072	-13,072
Provisions		89,450	89,450	0
<b>Total non-current liabilities</b>		<b>654,282</b>	<b>727,353</b>	<b>-73,072</b>
<b>Total liabilities</b>		<b>2,197,133</b>	<b>1,567,738</b>	<b>629,395</b>
<b>Net assets</b>		<b>128,178,411</b>	<b>130,029,913</b>	<b>1,851,502</b>
<b>Equity</b>				
Retained surplus		43,872,509	43,872,079	-430
Net Result		0	1,851,502	1,851,502
Reserve - asset revaluation		82,167,207	82,167,207	0
Reserve - Cash backed		2,138,695	2,139,125	430
<b>Total equity</b>		<b>128,178,411</b>	<b>130,029,913</b>	<b>1,851,502</b>

This statement is to be read in conjunction with the accompanying notes

**SHIRE OF GNOWANGERUP  
STATEMENT OF CASH FLOWS  
FOR THE PERIOD ENDING 31 MARCH 2022**

	2020-21 ACTUAL \$	2021-22 BUDGET \$	2021-22 ACTUAL \$
<b>Cash Flows from operating activities</b>			
<b>Payments</b>			
Employee Costs	(2,548,029)	(2,810,221)	(2,006,896)
Materials & Contracts	(1,791,826)	(2,182,394)	(2,189,570)
Utilities (gas, electricity, water, etc)	(159,395)	(193,747)	(123,459)
Insurance	(211,119)	(234,191)	(199,399)
Interest Expense	(32,319)	(31,838)	(16,025)
Goods and Services Tax Paid	0	0	54,729
Other Expenses	(228,800)	(376,416)	(189,680)
	<b>(4,971,488)</b>	<b>(5,828,807)</b>	<b>(4,670,299)</b>
<b>Receipts</b>			
Rates	4,103,719	4,125,515	4,112,798
Operating Grants & Subsidies	1,663,805	912,608	1,011,191
Contributions, Reimbursements & Donations	0	0	0
Fees and Charges	346,915	307,371	290,873
Interest Earnings	58,837	46,338	31,543
Goods and Services Tax	(39,343)	0	17,809
Other	193,492	84,856	166,893
	<b>6,327,425</b>	<b>5,476,688</b>	<b>5,631,107</b>
<b>Net Cash flows from Operating Activities</b>	<b>9</b>	<b>(352,119)</b>	<b>960,808</b>
<b>Cash flows from investing activities</b>			
<b>Payments</b>			
Purchase of Land	(30,619)	(27,000)	0
Purchase of Buildings	(92,961)	(176,778)	(239,773)
Purchase Plant and Equipment	(465,144)	(699,500)	(631,860)
Purchase Furniture and Equipment	(42,580)	(45,000)	(2,269)
Purchase Road Infrastructure Assets	(1,992,967)	(2,105,192)	(1,261,323)
Purchase of Footpath Assets	0	(5,000)	0
Purchase Aerodrome Assets	(55,680)	(55,250)	(141)
Purchase Drainage Assets	0	(5,000)	0
Purchase Parks & Ovals Assets	(60,906)	(58,810)	0
Purchase Infrastructure Other Assets	(653,972)	(839,396)	(43,005)
Purchase Right of Use Assets	0	0	(17,190)
<b>Receipts</b>			
Proceeds from Sale of Assets	158,636	192,000	45,634
Non-Operating grants used for Development of Assets	2,442,124	2,527,849	590,477
	<b>(794,069)</b>	<b>(1,297,077)</b>	<b>(1,559,450)</b>
<b>Cash flows from financing activities</b>			
Repayment of Debentures	(548,606)	(208,606)	(806,415)
Repayment of Finance Leases	(12,661)	(12,664)	(2,870)
Advances to Community Groups	(340,000)	0	(60,000)
Loan advances repaid	340,000	0	0
Revenue from Self Supporting Loans	29,729	29,729	0
Proceeds from New Finance Leases	0	0	17,190
Proceeds from New Debentures	340,000	0	400,000
<b>Net cash flows from financing activities</b>	<b>(191,538)</b>	<b>(191,541)</b>	<b>(452,095)</b>
<b>Net increase/(decrease) in cash held</b>	<b>370,330</b>	<b>(1,840,737)</b>	<b>(1,050,737)</b>
<b>Cash at the Beginning of Reporting Period</b>	<b>4,540,665</b>	<b>4,540,665</b>	<b>4,910,995</b>
<b>Cash at the End of Reporting Period</b>	<b>9</b>	<b>2,699,928</b>	<b>3,860,258</b>

**SHIRE OF GNOWANGERUP  
STATEMENT OF CASH FLOWS  
FOR THE PERIOD ENDING 31 MARCH 2022**

	2020-21 ACTUAL \$	2021-22 BUDGET \$	2021-22 ACTUAL \$
<b>RECONCILIATION OF CASH</b>			
Cash at Bank - Unrestricted	2,764,129	471,376	1,720,232
Cash at Bank Reserves - Restricted	2,145,965	2,227,752	2,139,126
Cash on Hand	900	800	900
<b>TOTAL CASH</b>	<b>4,910,994</b>	<b>2,699,928</b>	<b>3,860,258</b>
<b>RECONCILIATION OF NET CASH USED IN OPERATING ACTIVITIES TO OPERATING RESULT</b>			
Net Result (As per Comprehensive Income Statement)	1,242,843	(888,259)	1,851,502
Add back Depreciation	2,331,548	2,291,412	0
(Gain)/Loss on Disposal of Assets	4,136	0	(14,334)
Less: Movement in contract liabilities	(176,370)	0	0
Less: Movement in Local Government House Unit Trust	(2,586)	0	0
Less: Self Supporting Loan Principal Reimbursements	1,219	0	0
Less: Contributions for the Development of Assets	(2,265,754)	(1,712,878)	(590,477)
Changes in Assets and Liabilities			
(Increase)/Decrease in Inventory	(8,149)	0	(19,245)
(Increase)/Decrease in Receivables	(85,319)	0	(29,337)
Increase/(Decrease) in Accounts Payable	274,219	(15,442)	(237,301)
Increase/(Decrease) in Prepayments	0	(19,422)	0
Increase/(Decrease) in Employee Provisions	40,151	68,888	0
Increase/(Decrease) in Accrued Expenses	0	0	0
Rounding	0	0	0
<b>NET CASH FROM/(USED) IN OPERATING ACTIVITIES</b>	<b>1,355,937</b>	<b>(275,701)</b>	<b>960,808</b>

**SHIRE OF GNOWANGERUP  
FINANCIAL ACTIVITY STATEMENT  
FOR THE PERIOD ENDING 31 MARCH 2022**

	2021-22 ANNUAL BUDGET	2021-22 YTD BUDGET (a)	2021-22 YTD ACTUAL (b)	MATERIAL \$ (b)-(a)	MATERIAL % (b)-(a)/(a)
<b>OPERATING REVENUE</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>		
General Purpose Funding	781,328	570,600	793,015	222,415	(39%)
Governance	0	0	526	Within Threshold	0%
Law, Order Public Safety	75,687	57,342	187,410	130,068	(227%)
Health	350	300	971	Within Threshold	(224%)
Education and Welfare	11,200	8,397	0	Within Threshold	100%
Housing	94,028	70,493	69,410	Within Threshold	Within Threshold
Community Amenities	283,567	278,625	305,603	26,978	Within Threshold
Recreation and Culture	19,848	18,097	22,895	Within Threshold	(27%)
Transport	169,097	169,097	193,083	23,986	(14%)
Economic Services	23,357	20,313	15,443	Within Threshold	24%
Other Property and Services	99,996	77,364	123,747	46,383	(60%)
	<b>1,558,458</b>	<b>1,270,626</b>	<b>1,712,102</b>		
<b>LESS OPERATING EXPENDITURE</b>					
General Purpose Funding	(106,929)	(52,874)	(42,451)	10,422	20%
Governance	(821,399)	(632,699)	(592,673)	40,025	Within Threshold
Law, Order, Public Safety	(383,968)	(276,745)	(162,890)	113,855	41%
Health	(299,375)	(223,724)	(193,163)	30,561	14%
Education and Welfare	(29,789)	(21,733)	(20,276)	Within Threshold	Within Threshold
Housing	(45,419)	(35,262)	(25,591)	Within Threshold	27%
Community Amenities	(578,207)	(440,036)	(284,058)	155,978	35%
Recreation and Culture	(1,610,966)	(1,228,096)	(654,367)	573,729	47%
Transport	(3,447,983)	(2,757,129)	(2,008,668)	748,461	27%
Economic Services	(161,221)	(108,676)	(95,950)	12,726	12%
Other Property & Services	(651,069)	(533,538)	(349,558)	183,979	34%
	<b>(8,136,325)</b>	<b>(6,310,511)</b>	<b>(4,429,646)</b>		
<i>Increase(Decrease)</i>	<b>(6,577,867)</b>	<b>(5,039,885)</b>	<b>(2,717,544)</b>		
<b>ITEMS EXCLUDED FROM OPERATIONS</b>					
Movement in Employee Benefits (Non-current)	69,438	0	0	Within Threshold	0%
Movement in Deferred Pensioners (Non-current)	0	0	0	Within Threshold	0%
Movement in SS Loan (Non-current)	0	0	0	Within Threshold	0%
Movement in LG House Unit Trust	0	0	0	Within Threshold	0%
Loss on the disposal of assets	0	0	0	Within Threshold	0%
(Profit) on the disposal of assets	0	0	(14,334)	(14,334)	0%
Depreciation Written Back	2,291,412	1,717,872	0	(1,717,872)	100%
	<b>2,360,850</b>	<b>1,717,872</b>	<b>(14,334)</b>		
<i>Sub Total</i>	<b>(4,217,017)</b>	<b>(3,322,013)</b>	<b>(2,731,878)</b>		
<b>INVESTING ACTIVITIES</b>					
Purchase of Land	0				
Purchase Buildings	(634,091)	(634,091)	(95,293)	538,798	85%
Purchase Plant and Equipment	(1,026,000)	(1,026,000)	(761,377)	264,623	26%
Purchase Furniture and Equipment	(25,740)	(25,740)	(2,269)	23,471	91%
Infrastructure Assets - Roads	(1,637,045)	(1,503,415)	(1,261,324)	242,091	16%
Infrastructure Assets - Footpaths	0	0	0	Within Threshold	0%
Infrastructure Assets - Aerodromes	(274,100)	(274,100)	(141)	273,959	100%
Infrastructure Assets - Drainage	(5,000)	(5,000)	0	Within Threshold	100%
Infrastructure Assets - Sewerage	0	0	0	Within Threshold	0%
Infrastructure Assets - Parks & Ovals	(24,256)	(24,256)	0	24,256	100%
Infrastructure Assets - Solid Waste	0	0	0	Within Threshold	0%
Infrastructure Assets - Other	(121,613)	(121,613)	(57,968)	63,645	52%
Proceeds from Sale of Assets	362,000	362,000	45,634	(316,366)	87%
Contributions for the Development of Assets	1,712,878	1,373,664	590,477	(783,187)	57%
<b>Amount Attributable to Investing Activities</b>	<b>(1,672,967)</b>	<b>(1,878,551)</b>	<b>(1,542,261)</b>		
<b>FINANCING ACTIVITIES</b>					
Repayment of Debt - Loan Principal	(216,784)	(126,558)	(806,415)	(679,857)	(537%)
Repayment of Debt - Finance Lease	(5,945)	(4,866)	(2,870)	Within Threshold	41%
Self Supporting Loan Principal Income	30,949	15,318	0	(15,318)	100%
Loan Advances to Community Groups	(60,000)	(60,000)	(60,000)	Within Threshold	Within Threshold
Loan Advance - Principal Repaid	0	0	0	Within Threshold	0%
Transfer to Reserves	(268,398)	(4,047)	(431)	Within Threshold	89%
	<b>(520,178)</b>	<b>(180,153)</b>	<b>(869,715)</b>		
Plus Rounding					
<i>Sub Total</i>	<b>(6,410,162)</b>	<b>(5,380,717)</b>	<b>(5,143,854)</b>		
<b>FUNDING FROM</b>					
Transfer from Reserves	173,000	0	0	Within Threshold	0%
Loans Raised	78,240	78,240	400,000	321,760	411%
Estimated Opening Surplus at 1 July	2,182,200	2,182,200	2,202,004	19,804	Within Threshold
Amount Raised from General Rates	3,976,731	3,976,731	3,978,569	Within Threshold	Within Threshold
	<b>6,410,171</b>	<b>6,237,171</b>	<b>6,580,573</b>		
<b>NET SURPLUS/(DEFICIT)</b>	<b>9</b>	<b>856,454</b>	<b>1,436,719</b>		

**NOTE 1**

**CURRENT RATIO**

Current Assets	2,875,577	3.28
Current Liability	877,088	

Ratios greater than one indicate that Council has sufficient current assets to meet it's short term current liabilities.

**SHIRE OF GNOWANGERUP**  
**SUMMARY OF CURRENT ASSETS AND LIABILITIES**  
**FOR THE PERIOD ENDING 31 MARCH 2022**

<b>CURRENT ASSET</b>	<b>ACTUAL 31-Mar-22</b>	<b>ACTUAL 30 JUNE 2021</b>
91000 Municipal Fund Bank Account - NAB	\$302,812	\$2,764,130
91001 Municipal Fund Bank Account - Bendigo	\$1,417,420	
91003 Gnp Office Till Float	\$300	\$300
91004 Gnp Office Petty Cash	\$300	\$300
91005 Swimming Pool Float	\$300	\$300
91008 SWIMMING POOL VENDING MACHINE	\$0	\$0
91009 CASH ON HAND - BANKING CHANGE	\$0	\$0
99000 TRUST FUND BANK ACCOUNT	\$0	\$0
91010 Restricted Cash - Long Service Leave Reserve	\$197,741	\$197,701
91011 Restricted Cash - Plant Reserve	\$733,622	\$733,474
91014 Restricted Cash - Ongerup Effluent Line Reserve	\$47,230	\$47,220
91017 Restricted Cash - Area Promotion Reserve	\$30,662	\$30,656
91020 Restricted Cash - Borden Community Development Reserve	\$0	\$0
91023 Restricted Cash - Swimming Pool Upgrade Reserve	\$294,499	\$294,439
91025 Restricted Cash - Land Development Reserve	\$193,419	\$193,380
91026 Restricted Cash - Unspent Grants Reserve	\$0	\$0
91027 Restricted Cash - Computer Replacement Reserve	\$53,276	\$53,265
91029 Restricted Cash - Waste Disposal Reserve	\$250,950	\$250,899
91030 Restricted Cash - Royalties for Regions Unspent Grant	\$0	\$0
91031 Restricted Cash - Futures Fund Reserve	\$205,441	\$205,400
91034 RESTRICTED CASH - LIQUID WASTE FACILITY	\$31,837	\$31,831
91035 RESTRICTED CASH - COVID-19 RESERVE	\$100,449	\$100,429
91070 Restricted Cash - Kidz Sports Grant	\$0	\$0
91071 Restricted Cash - Cat Sterilisation Grant (DLG)	\$0	\$0
91072 Restricted Cash - ICCWA Stay on Your Feet Grant	\$0	\$0
91073 Restricted Cash - CSRFF Grant Swim Pool (DSR)	\$0	\$0
91074 Restricted Cash - CLGF Grant Swim Pool (RDL)	\$0	\$0
91075 Restricted Cash - Workforce Planning Grant (DLG)	\$0	\$0
91076 Restricted Cash - Club Development Officer Grant (DSR)	\$0	\$0
91077 RESTRICTED CASH - STATE EMERGENCY SERVICES GRANT	\$0	\$0
91078 RESTRICTED CASH - BUSH FIRE SERVICES GRANT	\$0	\$7,270
91079 RESTRICTED CASH - CLGF YOUTH DEV SCHOLAR	\$0	\$0
91080 RESTRICTED CASH - CAT TRAP BONDS	\$0	\$0
91081 RESTRICTED CASH - TENANCY HOUSING BONDS	\$0	\$0
91100 Rates Debtor - Rates	\$228,393	\$161,324
91101 Rates Debtor - Specified Area Rates	\$16,042	\$10,588
91102 Rates Debtor - Rubbish Collection	\$9,228	\$6,941
91103 Rates Debtor - Health Act Rate	\$24,294	\$18,834
91104 Rates Debtor - Legal Charges	\$9,982	\$11,474
91105 Rates Debtor - Interest/Admin Charges	\$26,062	\$20,782
91106 Rates Debtor - ESL	\$11,229	\$8,053
91107 Rates Debtor - Sundry Charges	\$0	\$0
91108 Rates Debtor - Recycling Charges	\$7,849	\$5,512
91110 Sundry Debtors Control	\$54,636	\$117,844
91111 Pensioner Rebate Claims - General Rates	\$23,849	\$4,585
91112 Pensioner Rebate Claims - ESL Levy	\$1,836	\$318
91113 PROVISION FOR DOUBTFUL DEBTS	(\$23,137)	(\$23,137)
91120 GST Receivable	\$0	\$41,005
GST Payable	\$0	\$0
93041 GST Claimable	\$23,196	\$0
91130 Accrued Interest on SSL's	\$0	(\$425)
91131 ACCRUED INCOME	\$3,983	\$3,983
91140 Self Supporting Loans (Current)	\$370,948	\$30,948
80034 LOAN ADVANCE - ONGERUP COMMUNITY DEVELOPMENT	\$0	\$340,000
80015 PRINCIPAL REPAYED - SELF SUPPORTING LOAN INCOME	\$0	\$0
55022 Less Allocated To Works	\$0	\$0
55032 Fuel & Oils Purchased	\$171,171	\$163,761
55042 Less Fuel & Oils Allocated	(\$151,926)	(\$155,612)
91200 Stock On Hand - Fuel & Oils	\$23,344	\$15,194

91201	Stock On Hand - Materials	\$0	\$0
93031	Suspense	\$0	\$0
		<b>4,691,237</b>	<b>5,692,967</b>
	<b>LESS CURRENT LIABILITIES</b>		
93000	Sundry Creditors Control	(\$16,109)	(\$303,223)
93001	ESL Payable	(\$3,152)	\$4,886
93002	ACCRUED EXPENSES	(\$33,690)	(\$33,690)
93003	Part Proceeds - Sale of Land	\$0	\$0
93010	Accrued Interest On Loans	(\$4,160)	(\$4,160)
93020	Accrued Salaries & Wages	\$0	(\$32,659)
93040	GST Payable	\$0	\$0
93004	GRANT REVENUE RECEIVED IN ADVANCE	\$0	\$0
93030	Rate Payments Received In Advance	(\$24,076)	(\$29,376)
93043	Net Gst Payable/Receivable	(\$54,729)	\$0
93050	Net Salaries & Wages	\$0	\$0
93042	GST Liability (Payable)	(\$22,943)	\$0
93051	SGC Award Superannuation	(\$12,656)	\$0
93060	HALL HIRE BONDS	(\$57)	\$0
93061	ANIMAL TRAP BONDS	\$0	\$0
93062	HOLLOW LOG TOURNAMENT	\$0	\$0
93063	HOUSING RETENTION MONIES	\$0	\$0
93064	TENANCY HOUSING BONDS	\$0	\$0
93065	Building Commission Levy	(\$457)	\$0
93066	BCITF Levy	(\$501)	(\$8,565)
93072	Bond - Truck fill fob	(\$140)	\$523,234
99300	Trust Liabilities	\$0	\$7,111
99100	POLICE LICENSING (PAY)	\$745,960	\$5,795
99101	BCITF LEVY (PAY)	\$0	\$11,155
99102	BUILDING SERVICES LEVY (PAY)	\$0	\$480
99110	OTHER GENERAL TRUST (PAY)	\$0	\$50
99112	NOMINATION DEPOSITS PAYMENTS	\$0	(\$523,234)
99114	MICRO-CHIP BOND PAYMENTS	\$0	(\$7,115)
99200	POLICE LICENSING (REC)	(\$745,960)	(\$5,792)
99201	BCITF LEVY (REC)	\$0	(\$9,376)
99202	BUILDING SERVICES LEVY (REC)	\$0	(\$100)
99203	TENNANCY HOUSING BONDS (REC)	\$0	(\$2,640)
99208	CAT TRAP BONDS (REC)	\$0	(\$480)
99210	OTHER GENERAL TRUST (REC)	\$0	(\$56)
99212	NOMINATION DEPOSITS RECEIPTS	\$0	(\$5,648)
93067	UNCLAIMED RATES REFUND	(\$56)	(\$6,792)
93068	ADVANCE OPERATIONAL GRANT SES	(\$691)	(\$4,486)
93069	ADVANCE OPERATIONAL GRANT BFB	\$0	(\$171,884)
93070	CONTRACT LIABILITIES - LRCI PHASE 1	(\$4,486)	(\$216,784)
93071	CONTRACT LIABILITIES - LRCI PHASE 2	(\$171,884)	(\$680,000)
93110	Loan Liability (Current)	\$249,631	(\$16,984)
80035	WATC SHORT TERM LOAN	(\$340,000)	\$12,661
93120	LEASE LIABILITY (CURRENT)	(\$8,440)	(\$199,000)
80024	PRINCIPAL ON FINANCE LEASES	\$2,870	(\$149,701)
93200	Provision For Annual Leave (Current)	(\$199,000)	(\$45,957)
93210	Provision For Long Service Leave (Current)	(\$149,701)	\$0
93220	Provision for Sick Leave Bonus (Current)	(\$45,957)	\$0
			\$0
80004	Principal Repayments on Loans	\$0	\$0
80014	WATC SHORT TERM LOAN Principal	\$0	\$0
		<b>-840,384</b>	<b>-1,892,328</b>
	<b>SUB-TOTAL</b>	<b>3,850,853</b>	<b>3,800,640</b>
	<b>ADJUSTMENTS</b>		
95100	Reserves Cash backed	(\$2,139,126)	(\$2,138,695)
	Add Back Loan & Finance Lease Liability	\$95,939	\$901,106
	Deduct Off Self Supporting Loan Repayments	(\$370,948)	(\$370,948)
		\$0	\$0
	Rounding	\$1	\$0
	<b>SURPLUS OF CURRENT ASSETS OVER CURRENT LIABILITIES</b>	<b>\$ 1,436,719</b>	<b>\$ 2,192,102</b>

**SHIRE OF GNOWANGERUP**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDING 31 MARCH 2022**

**EXPLANATION OF MATERIAL VARIANCES**

2021-22

REPORTING PROGRAM & EXPLANATION	TIMING / PERMANENT	\$ VARIANCE	% VARIANCE
<b>OPERATING REVENUE</b>			
<b>General Purpose Funding</b>			
Financial Assistance Grant Funding higher than anticipated for reporting period	PERMANENT	222,415	(38.98%)
<b>Governance</b>			
Variance within 10% or \$10,000 materiality threshold		Within Threshold	0%
<b>Law Order &amp; Public Safety -</b>			
Expenditure less than anticipated for reporting period		130,068	(226.83%)
<b>Health</b>			
Health Act licenses not anticipated for reporting period		Within Threshold	(223.80%)
<b>Education &amp; Welfare</b>			
Variance within 10% or \$10,000 materiality threshold		Within Threshold	100.00%
<b>Housing</b>			
Variance within 10% or \$10,000 materiality threshold		Within Threshold	Within Threshold
<b>Community Amenities</b>			
Rubbish Charges, Cemetery Fees, Planning App and Septic cleaning higher than anticipated	TIMING	26,978	Within Threshold
<b>Recreation &amp; Culture</b>			
Variance within \$10,000 materiality threshold, reimbursements higher than anticipated		Within Threshold	(26.51%)
<b>Transport</b>			
R2R, Profit of assets & reimbursements higher than anticipated. Aerdrome and RRG funding not received to date		23,986	(14.18%)
<b>Economic Services</b>			
Caravan Park licenses & building fees higher than anticipated. Land lease payment yet to be received. Stand pipe fees lower than anticipated		Within Threshold	23.97%
<b>Other Property and Services</b>			
Private Works income higher and Paid Parental Leave not anticipated for reporting period	PERMANENT/ TIMING	46,383	(59.95%)
<b>OPERATING EXPENDITURE</b>			
<b>General Purpose Funding</b>			
Printing, Rate incentive and Collection costs less than anticipated for reporting period		10,422	19.71%
<b>Governance</b>			
Community Grant expenditure, Council allowances, Audit fees & subscriptions less and anticipated	TIMING	40,025	Within Threshold
<b>Law Order &amp; Public Safety -</b>			
Emergency Services expenditure less and Depreciation yet to be applied - no monetary impact	TIMING	113,855	41.14%
<b>Health</b>			
Superannuation & Pest Control less than anticipated, Depreciation yet to be applied to Medical buildings		30,561	13.66%
<b>Education &amp; Welfare</b>			
Variance within 10% or \$10,000 materiality threshold.		Within Threshold	Within Threshold
<b>Housing</b>			
Depreciation not yet applied - no monetary impact		Within Threshold	27.43%
<b>Community Amenities</b>			
Depreciation not applied to date - no monetary impact	TIMING	155,978	35.45%
<b>Recreation &amp; Culture</b>			
Depreciation not applied to date - no monetary impact	TIMING	573,729	46.72%
<b>Transport</b>			
Depreciation not applied to date - no monetary impact	TIMING	748,461	27.15%
<b>Economic Service</b>			
Marketing and Tourism expenditure higher than anticipated for reporting period		12,726	11.71%
<b>Other Property &amp; Services</b>			
Depreciation for plant not yet applied	TIMING	183,979	34.48%

<b>CAPITAL REVENUES</b>			
<b><u>Non-Operating Grants, Subsidies &amp; Contributions</u></b>			
<b><u>Transport</u></b>			
Regional Road Group Grants		(179,576)	
Roads to Recovery Grants - Grant funding claimed higher than anticipated for reporting period.	TIMING	117,867	
LRCI Grants		(318,016)	
Airstrip Grants & Contributions - Grant funding not yet received	TIMING	(137,050)	
<b><u>Economic Services</u></b>			
Commonwealth Water Grants		0	
Drought Extension Grants - Grant funding not yet received	TIMING	(127,187)	
		<b>(643,962)</b>	<b>57.01%</b>
<b><u>Proceeds from Sale of Assets</u></b>			
Sale of Grader GN.015		(150,000)	
Sale of Manager Works GN.004 - Plant item not yet traded	TIMING	(30,000)	
Sale of Mower GN0029 - Plant item traded in earlier than anticipated	TIMING	2,007	
Sale of Mower GN0034 - Plant item traded in earlier than anticipated	TIMING	7,456	
Sale of Side Tipper GN.0050 - Plant item not yet traded	TIMING	(40,000)	
Sale of Side Tipper GN.17003 - Plant item not yet traded	TIMING	(40,000)	
Sale of Dolly GN.170002 - Plant item not yet traded	TIMING	(10,000)	
Sale of Dolly GN.17067 - Plant item not yet traded	TIMING	(10,000)	
Sale of Utility GN.037 - Plant item not yet traded	TIMING	(20,000)	
Sale of Utility GN.0051 - Plant item not yet traded	TIMING	(20,000)	
Sale of Utility GN.0036 - Plant item not yet traded	TIMING	(20,000)	
Sale of Utility GN.0048 - Plant item not yet traded	TIMING	(15,000)	
		<b>(345,537)</b>	<b>87.39%</b>
<b><u>Transfers from Reserve</u></b>			
Transfers from Reserve -			
<b>CAPITAL EXPENDITURE</b>			
<b><u>Transfers to Reserve</u></b>			
Transfers to Reserve		<b>Within Threshold</b>	<b>89.36%</b>
<b><u>Furniture &amp; Equipment</u></b>			
<b><u>Other Property &amp; Services</u></b>			
Administration Furniture & Equipment - Acquisition of furniture not yet commenced	TIMING	23,471	
		<b>23,471</b>	<b>91.18%</b>
<b><u>Buildings</u></b>			
<b><u>Economic Services</u></b>			
Construction Chalets BBRF		468,000	
Transportable - Staff Quarters		0	
Transportable - Kitchen/Lunchroom		0	
<b><u>Transport</u></b>			
Upgrade Depot Mezzanine Floor & Lighting - Project not yet commenced	TIMING	15,042	
<b><u>Other Property &amp; Services</u></b>			
Kitchen Upgrade and New Oven - Project commenced earlier than anticipated	TIMING	7,681	
<b><u>Recreation &amp; Culture</u></b>			
Borden CWA Building - Renewals and safety measures - Project expenses lower than anticipated for reporting period.	TIMING	(12,476)	
Ongerup Sports Pavilion Capital - Renewals & Renovations - Project expenses higher than anticipated for reporting period	TIMING	55,281	
Borden Pavilion Multipurpose Shed & Shelter		5,270	
		<b>538,798</b>	<b>84.97%</b>

**Plant & Equipment**

<b>Recreation &amp; Culture</b>			
Purchase Mower GN.0029 - Mower purchased earlier than anticipated, purchase price higher than budget estimate	PERMANENT/ TIMING	(6,370)	
Purchase Mower GN.0034 - Mower purchased earlier than anticipated, purchase price higher than budget estimate	PERMANENT/ TIMING	(7,096)	
Rebuild of Tree Saw - Acquisition not yet occurred	TIMING	30,000	
<b>Transport</b>			
Purchase Side Tipper GN.0050 - Acquisition not yet occurred	TIMING	110,000	
Purchase Side Tipper GN.17003 - Acquisition not yet occurred	TIMING	10,060	
Purchase Dolly GN.17002		570	
Purchase Dolly GN.17067 - Acquisition not yet occurred	TIMING	30,000	
Purchase of Utility GN.0036 - Acquisition not yet occurred	TIMING	38,000	
Purchase of Utility GN.0051 - Acquisition not yet occurred	TIMING	38,000	
Purchase of Utility GN.037 - Acquisition not yet occurred	TIMING	38,000	
Purchase Manager Works GN.004 - Acquisition not yet occurred	TIMING	45,000	
<b>Total (Over)/Under Budget</b>		<b>791,164</b>	<b>25.79%</b>
<b>Road Construction</b>			
<b>Roads to Recovery</b>			
RTR Rabbit Proof Fence Rd - Gravel Sheet		0	
RTR - Magitup Road	TIMING	(10,666)	
RTR - Boxwood Hill Ongerup Road		97,417	
<b>Regional Road Group</b>			
RRG - Kowbrup Road	TIMING	45,221	
RRG - Borden - Bremer Road		152,687	
<b>Commonwealth Local Roads &amp; Community Infrastructure</b>			
LRCIP - Phase 2 Projects	TIMING	(141,102)	
<b>Municipal Road Projects</b>			
Toompup Road South Reseal		132,880	
Quinn Street RAV Reseal		72,089	
Corakerup Road Reseal		125,058	
Coromup Road Reseal		(49,075)	
Gnp Tambellup Road Reseal		3,021	
<b>Total (Over)/Under Budget</b>		<b>427,529</b>	<b>16.10%</b>
<b>Drainage</b>			
Drainage Renewals		5,000	
		<b>5,000</b>	<b>0%</b>
<b>Airport Infrastructure</b>			
Airport Infrastructure		273,959	
<b>Total (Over)/Under Budget</b>		<b>273,959</b>	<b>99.95%</b>
<b>Parks &amp; Ovals</b>			
Playground Gnp Sports Complex		3,671	
Weir Park Improvements		20,585	
<b>Total (Over)/Under Budget</b>		<b>24,256</b>	<b>100.00%</b>
<b>Other Infrastructure</b>			
<b>Community Amenities</b>			
Gnp Cemetery Project	TIMING	(14,071)	
<b>Transport</b>			
Depot Fencing Renewal		10,387	
Depot Adblue Storage Tank		10,000	
Gnp Precinct Renewal Project	TIMING	6,983	
Stirlings/Borden Streetscape Project	TIMING	6,373	
Ongerup Streetscape and Signage Works	TIMING	1,610	
<b>Economic Services</b>			
Toompup Dam Renewal		24,583	
Magitup Dam Renewal		5,227	
Gnowangerup Depot Water Harvesting project		12,554	
<b>Total (Over)/Under Budget</b>		<b>63,645</b>	<b>52.33%</b>
<b>Note: (NB) = No Budget Provision Made</b>			

**12. REPORT FOR DECISION – CONFIDENTIAL ITEMS**

Nil

**OTHER BUSINESS AND CLOSING PROCEDURES**

**13. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL**

**14. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**15. DATE OF NEXT MEETING**

The next Ordinary Council Meeting will be held on the 25<sup>th</sup> May 2022.

**16. CLOSURE**

The Shire President thanks Council and staff for their time and declares the meeting closed at \_\_\_\_\_ pm.