



**AGENDA FOR THE
ORDINARY COUNCIL MEETING
TO BE HELD ON**

Wednesday 19 July 2017

Shire of Mingenew

Ordinary Council Meeting Notice Paper

19 July 2017

Madam President and Councillors,

An ordinary meeting of Council is called for Wednesday, 19 July 2017, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.30 pm.

Martin Whitely
Chief Executive Officer

13 July 2017

MINGENEW SHIRE COUNCIL

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CHIEF EXECUTIVE OFFICER
13 JULY 2017

SHIRE OF MINGENEW
WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

Chief Executive Officer
Shire of Mingenew
PO Box 120
MINGENEW WA 6522

Dear Sir/Madam,

Re: Written Declaration of Interest in Matter before Council

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 to 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 (Rule 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 recorded in the Financial Interest Register.

Yours faithfully,

Signed

Date

1. Insert Name
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 of the Act).

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SHIRE OF MINGENEW

AGENDA FOR ORDINARY MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON 19 July 2017 COMMENCING AT 4.30pm

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**
- 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4.0 PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**
- 5.0 APPLICATIONS FOR LEAVE OF ABSENCE**
- 6.0 DECLARATIONS OF INTEREST**
- 7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**
 - 7.1.1 ORDINARY MEETING HELD 21 JUNE 2017**



**MINUTES FOR THE
ORDINARY COUNCIL MEETING
HELD ON**

Wednesday 21 June 2017

SHIRE OF MINGENEW

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SHIRE OF MINGENEW

MINUTES FOR ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON 21 June 2017 COMMENCING AT 4.30pm

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President, Cr Bagley, declared the meeting open at 4.30pm and welcomed all in attendance.

2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

MA Bagley	President	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
KL Criddle	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward
CR Lucken	Councillor	Town Ward

STAFF

MG Whitely	Chief Executive Officer
D Ojha	Finance Manager
R Brennan	Works Supervisor

APOLOGIES

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

There being no members of public the President proceeded with the meeting allowing a period of 15 minutes for questions from the public up until 4:46pm

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

Item 9.2.2 – Cr Eardley declared a financial interest in the item, as such would vacate the meeting during Council consideration of the item.

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1.1 ORDINARY MEETING HELD 19 APRIL 2017

COUNCIL DECISION – ITEM 7.1.1

Moved Cr Eardley

Seconded Cr Lucken

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 19 April 2017 be confirmed.

CARRIED: 5/0

7.1.2 ORDINARY MEETING HELD 17 MAY 2017

COUNCIL DECISION – ITEM 7.1.2

Moved Cr Eardley

Seconded Cr Criddle

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 May 2017 be confirmed.

CARRIED: 5/0

7.1.3 SPECIAL MEETING HELD 1 JUNE 2017

COUNCIL DECISION – ITEM 7.1.3

Moved Cr Cosgrove

Seconded Cr Lucken

That the minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 1 June 2017 be confirmed.

CARRIED: 5/0

9.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

10.0 OFFICERS REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 2017 WA LOCAL GOVERNMENT CONVENTION

Location/Address: 170 Railway Parade, West Leederville
Name of Applicant: WALGA
Disclosure of Interest: Nil
File Reference: ADM0059
Date: 12 June 2017
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends the registration of Councillors & CEO to attend the 2017 WA Local Government Convention.

Attachment

2017 WA Local Government Convention programme attached.

Background

The 2017 WA Local Government Convention will be held on Thursday 3rd and Friday 4th August 2017 at the Perth Convention Centre. Prior to the official opening of the convention the State and Local Government Forum will be held on the Wednesday 2nd August from 8.30am – 12.30pm, followed by the WALGA Annual General Meeting from 1.30pm – 5.30pm and the welcoming reception from 5.30pm – 7.00pm.

Comment

Rooms have been tentatively booked at the Adina Apartment Hotel which is located directly opposite the Perth Convention Centre. The rooms have been booked for three nights, checking in on the Tuesday and checking out on the Friday and we have until 10 July 2017 to make any cancellations without any penalty.

The previous couple of years Council have only registered for the Thursday of the convention and my thoughts were that we would do the same this year as well as attending the State and Local Government Forum, WALGA Annual General Meeting and Welcoming Reception on the Wednesday.

The delegates to attend the convention has been discussed by Council, but has not yet been finalised. My recommendation is that Councillors wanting to attend the event are registered as we have previously made consideration for attendance at the event in the 2016/17 Budget.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Funds have been allocated for attendance at the WA Local Government Convention.

Strategic Implications

Community Strategic Plan

Outcome 4.2.2 – To be strong advocates representing the Shire’s interests

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.1

That registrations are completed for Councillors and/or the CEO as required to attend the WA Local Government Convention commencing Thursday 3 August 2017.

COUNCIL DECISION – ITEM 9.1.1

Moved Cr Criddle

Seconded Cr Eardley

That registrations are completed for Councillors Bagley, Cosgrove, Criddle and Eardley and the CEO to attend the WA Local Government Convention commencing Thursday 3 August 2017.

CARRIED 5/0

DRAFT

9.1.2 2017 WALGA ANNUAL GENERAL MEETING VOTING DELEGATES

Location/Address: 170 Railway Parade, West Leederville
Name of Applicant: WALGA
Disclosure of Interest: Nil
File Reference: ADM0059
Date: 12 June 2017
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends the appointment of voting delegates and proxies for the 2017 WALGA Annual General Meeting.

Attachment

Nil

Background

The WALGA Annual General Meeting will be held on 2 August 2017 at the Perth Convention Centre in the lead up to the Local Government Convention. Two voting delegates from each participating Shire are required to be registered with WALGA by 3 July 2017.

Comment

Generally the President & Deputy President have been the voting delegates for the Shire, with proxy voting delegates chosen from either attendees at the event each year. I don't see any reason why this would need to change.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 4.2.2 – To be strong advocates representing the Shire's interests

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.2

That Council appoint;

1. Cr Bagley & Cr Cosgrove as voting delegates for the 2017 WALGA Annual General Meeting, and
2. Cr _____ & CEO as the proxy voting delegates

OFFICER RECOMMENDATION – ITEM 9.1.2

Moved Cr Eardley

Seconded Cr Criddle

That Council appoint;

- 1. Cr Bagley & Cr Cosgrove as voting delegates for the 2017 WALGA Annual General Meeting, and**
- 2. Cr Criddle & CEO as the proxy voting delegates**

CARRIED 5/0

DRAFT

9.1.3 HIRE OF COOL ROOM POLICY

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0423
Date: 14 June 2017
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council review a copy of the Draft Mobile Cool Room Policy.

Attachment

Draft Mobile Cool Room Policy

Background

At the May 2017 Concept Forum there was discussion with regards to the history of the mobile cool room and hiring out of the cool room. At the Concept Forum the Council consensus was that the cool room was originally purchased by the Lions and then given to the Shire on the basis that the cool room be made available to all community groups and residents within the Shire of Mingenew free of charge (bond still applicable) and that a fee be charged for hiring to any interested persons outside of the Shire of Mingenew. The CEO advised that he would present an item to Council at the next meeting with a Policy for the hire for review by Council.

Comment

As discussed at the May 2017 Concept Forum a policy for the hire of mobile cool room has been drafted that will allow the Mingenew community to hire the mobile cool room free of charge. As per the adopted 2016/17 Fees & Charges a bond of \$145 is still applicable even though there will be no hire charge. The mobile cool room is still available for hire for members outside of Mingenew with a hire fee of \$130.

Consultation

All councillors

Statutory Environment

Local Government Act 1995

Policy Implications

If Council agree to the officer recommendation a new Mobile Cool Room Policy would be adopted.

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 3.6.1 - Continue to provide quality facilities for events

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.3
--

That the information is received and that a final copy of the Mobile Cool Room Policy is presented at the July 2017 Ordinary Meeting.

COUNCIL DECISION – ITEM 9.1.3

Moved Cr Cosgrove

Seconded Cr Eardley

That the information is received and that a final copy of the Mobile Cool Room Policy is presented at the July 2017 Ordinary Meeting.

CARRIED 5/0

DRAFT

9.1.4 2016/17 INTERIM MANAGEMENT LETTER

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0081
Date: 14 June 2017
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council endorse the recommendation from the Audit Committee to receive the Interim Management Letter and the proposed course of action to address the matters raised in the Interim Management Letter.

Attachment

Interim Management Letter

Background

Butler Settineri conducted their interim audit on site on 2-3 May 2017. The corresponding draft management letter was emailed to the President and CEO for comment on 1 June 2017. The CEO forwarded responses to Butler Settineri on 9 June 2017 and the final Interim Management as tabled was received on 13 June 2017.

Comment

As tabled in the Interim Management Letter I have provided comments to the matters raised in the report. In addition to the comments made in the Interim Management Letter I acknowledge that as the CEO an appropriate course of action should be presented to Council on how these matters raised in the report will be addressed. As such my recommendations on the proposed course of action are as follows;

Written Quotes for Expenditure

At the May 2017 Ordinary Meeting Council reviewed the Shire's Purchasing Policy. The Purchasing Policy requires all expenditure between \$5,000 - \$9,999 to have at least one verbal or written quotation, at least two written quotations for expenditure between \$10,000 - \$39,999, at least three written quotations for expenditure between \$40,000 - \$149,999 will all expenditure of \$150,000 and above required to follow the tender process.

Where written quotes are required, it is the responsibility of the person committing the expenditure to ensure that all written quotes are to be attached to the purchase order relating to the expenditure as evidence of the written quotes obtained.

Tenders

All tenders, whether by WALGA e-Quotes or otherwise must be opened by at least two authorised persons. It is also the responsibility of the authorised persons opening the tender to ensure that these details are recorded in the Tender Register. For all tenders not conducted by WALGA e-Quotes all submissions received by email will be made to a separate tenders@mingenew.wa.gov.au email address that is only to be accessed after the closing deadline of the tender.

Credit Card Expenditure

Receipts are required for all credit card transactions and where possible any additional supporting information should be provided. For example if accommodation, meal or meeting costs are incurred on the credit card confirmation of scheduled meetings could be provided to further support the credit card receipts.

Segregation of Duties

Currently the Governance Officer vacancy does limit the ability to implement additional control measures. Further segregation of duties control will be implemented when the Governance Officer position is filled.

Consultation

Durga Ojha, Finance Manager
Marius van der Merwe, Butler Settineri

Statutory Environment

Local Government Act 1995
Local Government (Audit) Regulations 1996
Local Government (Functions & General) Regulations 1996

Policy Implications

Purchasing Policy
Credit Card Policy
Delegations Register

Financial Implications

Nil

Strategic Implications

Community Strategic Plan
Outcome 4.2.2 – An open and accountable local government that is respected, professional and trustworthy
Outcome 4.5.1 – Ensure compliance with local, town planning, building and health and all other relevant legislation

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.4

That Council endorse the Audit Committee recommendation to;

1. Receive the Interim Management Letter prepared by Butler Settineri and the comments provided by the CEO, and
2. Instruct the CEO to implement the following course of action to address the matters raised in the Interim Management Letter
 - (a) All written quotes for expenditure required as per the Shire's Purchasing Policy are to be attached to the purchase order relating to the expenditure
 - (b) All tenders are to be opened by at least two authorised persons, recorded and documented in the tender file by the authorised persons and a separate tenders@mingenew.wa.gov.au be established for tenders submitted by email
 - (c) Receipts are required for all credit card transactions and where possible additional supporting documentation is to be provided in support of the receipts
 - (d) Segregation of duties to be addressed when the Governance Officer position is filled

COUNCIL DECISION – ITEM 9.1.4

Moved Cr Criddle

Seconded Cr Cosgrove

That Council endorse the Audit Committee recommendation to;

- 3. Receive the Interim Management Letter prepared by Butler Settineri and the comments provided by the CEO, and**
- 4. Instruct the CEO to implement the following course of action to address the matters raised in the Interim Management Letter**
 - (e) All written quotes for expenditure required as per the Shire's Purchasing Policy are to be attached to the purchase order relating to the expenditure**
 - (f) All tenders are to be opened by at least two authorised persons, recorded and documented in the tender file by the authorised persons and a separate tenders@mingenew.wa.gov.au be established for tenders submitted by email**
 - (g) Receipts are required for all credit card transactions and where possible additional supporting documentation is to be provided in support of the receipts**
 - (h) Segregation of duties to be addressed when the Governance Officer position is filled**

CARRIED 5/0

DRAFT

9.1.5 LATERAL ASPECT – BRANDING & PROMOTION

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0433
Date: 14 June 2017
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council consider making a financial commitment to the launch of the Shire of Mingenew’s new branding campaign.

Attachment

Suggested Branding & Promotion Schedule

Background

At the May 2017 Concept Forum Lily Ward and Steve Spicer of Lateral Aspect to provide Council with an update on the status of the Mingenew branding project. At the forum Council were handed a hard copy of a presentation detailing examples of the branding material and there was general discussion on the new logo, E-Newsletter, Website and launch of the new product. Lily Ward advised that the website would soon be going live and following a period of a couple of weeks with the website being operational that some sort of community event could be arranged for an official launch of the new branding strategy for the Shire. A date suggested for the launch was mid to late June 2017.

Comment

The new Shire website went live on 12 June 2017 and promotional marketing material has been ordered to assist with an official launch of the Shire’s brand. Speaking with Lateral Aspect they would like Council to make an allocation of funds available to assist in the marketing and promotion of the new brand.

There are currently no funds allocated in the 2016/17 for marketing and promotion of the new branding campaign as funds were only allocated for the conceptual design, implementation of the new website and related resources.

There are three main areas of promotion that have been suggested by Lateral Aspect to target, these are digital, television and billboards. Lateral Aspect is suggesting that the period from June to September be targeted each year to coincide with the wildflower season and have suggested the following spend as a minimum in the following areas and all pricing is GST Exclusive;

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Digital	1,200	1,200	1,200									1,200
Television	2,500	2,500	2,500									2,500
Billboard(s)	2,590	1,250	1,250									1,250
TOTAL	\$6,290	\$4,950	\$4,950									\$4,950

Digital advertising includes a Google Adwords and Facebook campaign at a cost of \$1,200 month. Ideally the digital advertising would be maintained throughout the year to maintain a presence in the market.

Television is self explanatory and additional funds could be allocated for targeting greater television audiences as the allocation of \$2,500 will buy approximately 500 x 30 second commercials a month.

The cost to advertise on Billboards is \$1,250 a month however there is also a one off production cost of \$1,340 to produce the material to be displayed on the billboard. The billboards are operated by Ooh Media and they have 8 different locations around our location These locations are Shown in the attachment. The billboard that is being suggested for the Shire to use is the one located at Arrowsmith on the Brand Hwy approximately 40km from the Brand Hwy / Midlands Rd intersection.

Based on the table with the proposed minimum spend from Lateral Aspect the cost for marketing and promotion for 4 months in the 2017/18 financial year will be \$21,140. If the digital advertising was to be maintained outside of the wildflower season this would be an additional \$9,600.

My recommendation is that an allocation of \$30,000 be made for branding marketing & promotion in the 2017/18 financial year to enable Lateral Aspect to commence work to coincide with a launch of the new branding product in early July 2017 and Council will have the opportunity to revisit the branding marketing & promotion allocation when adopting the budget.

An allocation of \$30,000 would mean that Lateral Aspect would be able to achieve all three forms of advertising as well as maintaining a digital presence for 12 months, albeit this allocation would need to be reduced slightly for the other 8 months to stay within the \$30,000 allocation.

Consultation

Lily Ward, Lateral Aspect
Mark Lucas, Lateral Aspect
Ella Budrikis, Community Development Officer

Statutory Environment

Local Government (Financial Management) Regulations 1996
Local Government Act 1995

Local Government Act 1995 states as follows;

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.
- (2) Where expenditure has been incurred by a local government —
 - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
 - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Policy Implications

Purchasing Policy

Financial Implications

There is a financial consideration to proceed with the marketing of the launch of the Shire's branding campaign. The recommendation is to allow for an amount of \$30,000 in the 2017/18 Budget for branding and promotion of the "See you in Mingenew" campaign. Council have the option to provide a greater allocation when the budget process and completed and adopted in August 2017.

Strategic Implications

Community Strategic Plan

Outcome 1.1.3 – Support and encourage tourism development

Outcome 1.1.4 – Continue to support local events and promote new events

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.1.5

That Council;

- 1. Accept the proposed advertising campaign suggested by Lateral Aspect, and**
- 2. An allocation of \$30,000 be made in the 2017/18 Budget for the branding advertising campaign**

COUNCIL DECISION – ITEM 9.1.5

Moved Cr Eardley

Seconded Cr Lucken

That Council;

- 1. Accept the proposed advertising campaign suggested by Lateral Aspect, and**
- 2. An allocation of \$30,000 be made in the 2017/18 Budget for the branding advertising campaign**

CARRIED 5/0

9.1.6 HOLMWOOD FARMS – REIMBURSEMENT FOR DAMAGED FENCE

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0071
Date: 15 June 2017
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council consider reimbursing Holmwood Farms for damage sustained to their fence line on the Mingenew Mullewa Rd.

Attachment

Letter from Holmwood Farms

Background

At the Annual Electors Meeting on 15 February 2017 Mr Jon Holmes informed Council that he had sustained damage to his fences on the Mingenew Mullewa Rd, Coalseam Rd and Depot Hill Rd when the Shire had undertaken clearing of roadside vegetation on these roads and asked if the Shire would have any insurance in place to cover such damage. The CEO commented that he would look into the insurance side of things and that it was disappointing from the Shire's perspective that where damage had been caused by the Shire that this had not been communicated back to the landowner and resolved in an amicable manner.

Comment

After speaking with the insurers they informed me that we will in all likelihood be able to make a claim a claim under our Motor Vehicle policy since the grader is included under this policy. There is a possibility that the claim may not be accepted however we will not for certain until such time that a claim is made. We have an excess of \$300 on the Motor Vehicle policy that would need to be paid.

Quotes were requested from both Elders and Landmark 200 x 1650mm galvanised posts and 10 x 200m of 7/90/60 ringlock fencing. The quote from Landmark is \$4,285 and I am still waiting on the quote from Elders. Both prices are GST exclusive. As a comparative the online pricing from Rural Fencing Supplies in Maddington was \$3,486 + freight.

Consultation

Jon Holmes
Andrew Greig, LGIS

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

There is a financial cost of only \$300 if the Shire is able to make a claim under the Motor Vehicle Policy, however if a claim was unsuccessful and Council agree to the request from Holmwood Farms then the financial cost would be around \$4,000. There are funds allocated in the Rural Road Maintenance budget that could be used to pay for the reimbursement.

Strategic Implications

Community Strategic Plan

Outcome 4.1.3 – Improve our levels of engagement and communication with all sectors of our community

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.6

That Council;

- 1. Agree to reimburse Holmwood Farms for the damage sustained to their fence line on the Mingenew Mullewa Road by way of purchasing 200 x 1650mm galvanised posts and 10 x 200m of 7/90/60 ringlock fencing as per their request, and**
- 2. That an insurance claim is lodged for the cost of the fencing materials, and**
- 3. That measures be put in place to ensure there is better communication with landowners when clearing roadside vegetation**

COUNCIL DECISION – ITEM 9.1.6

Moved Cr Eardley

Seconded Cr Lucken

That Council;

- 1. Agree to reimburse Holmwood Farms for the damage sustained to their fence line on the Mingenew Mullewa Road by way of purchasing 200 x 1650mm galvanised posts and 10 x 200m of 7/90/60 ringlock fencing as per their request, and**
- 2. That an insurance claim is lodged for the cost of the fencing materials, and**
- 3. That measures be put in place to ensure there is better communication with landowners when clearing roadside vegetation**

CARRIED 5/0

9.2 FINANCE

9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 31 MAY 2017

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 14 June 2017
Author: Durga Ojha, Manager of Finance
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 31 May 2017 is presented to Council for adoption.

MFA Attachment-1

Finance Report for period ending 31 May 2017

Background

The Monthly Financial Report to 31 May 2017 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

Comment

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Account	\$1,637,243
Business Cash Maximiser (Municipal Funds)	0
Trust Account	\$113076
Reserve Maximiser Account	\$331,750

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 31 May 2017:

	Current	30+ Days	60+ Days	90+ Days	TOTAL
Amount	255,123	151,347	65,970	427	472,867

Rates Outstanding at 31 May 2017 were:

	Current	Arrears	TOTAL
Rates	81,857	1,200	83,057
Rubbish	6,150	350	6,500
ESL	1,750	60	1,810
Payment Plan Fees	140	0	140
TOTAL	89,897	1,610	91,507

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2016/17 financial year.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is 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 in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and

- (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Financial Implications

Financial implications are outlined in comments.

Strategic Implications

Nil

Voting Requirements

Simple Majority

DRAFT

OFFICER RECOMMENDATION – ITEM 9.2.1

That the Monthly Statement of Financial Activity for the period 1 July 2016 to 31 May 2017 be received.

COUNCIL DECISION – ITEM 9.2.1

Moved Cr Criddle

Seconded Cr Lucken

That the Monthly Statement of Financial Activity for the period 1 July 2016 to 31 May 2017 be received.

CARRIED 5/0

9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 31 MAY 2017

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Disclosure of Interest: Nil
Date: 14 June 2017
Author: Durga Ojha, Manager of Finance
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council confirm the payment of creditors for the month of May 2017 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

MFA Attachment-2 &3

Copy of list of accounts due (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.2.2

That Council confirm the accounts as presented for May 2017 from the Municipal & Trust Fund totalling \$381,861.13 represented by Electronic Funds Transfers of EFT 10779,10781 to EFT10846 and 10853 to 10855, Direct Deduction DD8070.1, 2, 3, 4&5, DD8089.1, 2, 3, 4&5 DD8101.1,2,3,4 & Municipal Cheque numbers 8508 to 8510.

4:43pm – Cr Eardley had declared a financial interest in Agenda Item 9.2.2 at the commencement of the meeting and vacated the meeting

COUNCIL DECISION – ITEM 9.2.2

Moved Cr Cosgrove

Seconded Cr Criddle

That Council confirm the accounts as presented for May 2017 from the Municipal & Trust Fund totalling \$381,861.13 represented by Electronic Funds Transfers of EFT 10779,10781 to EFT10846 and 10853 to 10855, Direct Deduction DD8070.1, 2, 3, 4&5, DD8089.1, 2, 3, 4&5 DD8101.1,2,3,4 & Municipal Cheque numbers 8508 to 8510.

CARRIED 4/0

4:45pm – Cr Eardley returned to the meeting

President Bagley read aloud for the benefit of Cr Eardley the Council decision for Agenda Item 9.2.2

9.3 ADMINISTRATION

Nil

9.4 TOWN PLANNING

9.4.1 PROPOSED BOUNDARY RATIONALISATION, YANDANOOKA

Location/Address: Lots 110 & 500 Midlands Road, Yandanooka
Name of Applicant: HTD Surveyors for S & F Fowler
Disclosure of Interest: Nil
File Reference: A733
Date: 16 June 2017
Author: Simon Lancaster, DCEO / Planning Advisor, Shire of Chapman Valley
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

Council is in receipt of correspondence from the Western Australian Planning Commission ('WAPC') seeking its comment upon an application to amend the boundaries of Lots 110 & 500 Midlands Road, Yandanooka. This report recommends that Council support the application.

Attachment

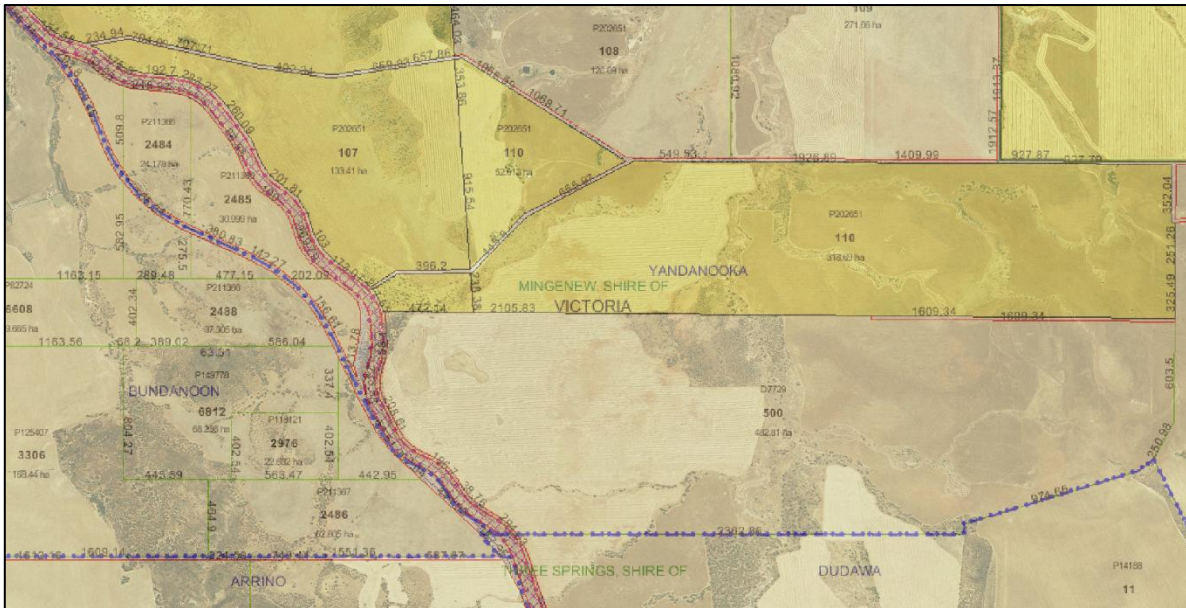
Copy of submitted development application.

Background/Comment

Lot 110 Midlands Road, Yandanooka is a 370.83ha property, owned by Steve & Francene Fowler, located on the eastern side of Midlands Roads and the southern side of Mount Scratch Road. Lot 110 contains a residence and associated outbuildings.

Lot 500 Midlands Road, Yandanooka is a 494.71ha property, owned by Spring Valley Pty Ltd (Directors Steve & Francene Fowler), located on the eastern side of Midlands Roads. Lot 500 is located immediately north of the local government boundary with the Shire of Three Springs.

Figure 9.4.1(a) – Aerial Photograph of Lots 110 & 500 Midlands Road, Yandanooka



Both properties are largely cleared and used for cropping purposes, with the exception of some remnant vegetation along watercourse tributaries and outcrops.

The applicant is seeking to realign the boundary of the 2 lots to create a 36.2ha lot that contains the existing residence and outbuildings, and a balance 829.3ha lot that contains the farming area.

The applicant's submitted supporting correspondence and subdivision plan, that elaborates further upon this proposal has been provided as **Attachment 9.4.1**.

Figure 9.4.1(b) – View of residence and outbuildings upon Lot 110



Consultation

The WAPC is not obliged to undertake any public consultation in its assessment of subdivision applications, but has referred the application out to the Shire of Mingenew, Department of Mines and Petroleum, Department of Parks and Wildlife, Main Roads WA, Public Transport Authority, Water Corporation and Western Power inviting comment.

Statutory Environment

Lots 110 & 500 Midlands Road, Yandanooka are zoned 'Rural/Mining' under the Shire of Mingenew Local Planning Scheme No.3 ('the Scheme').

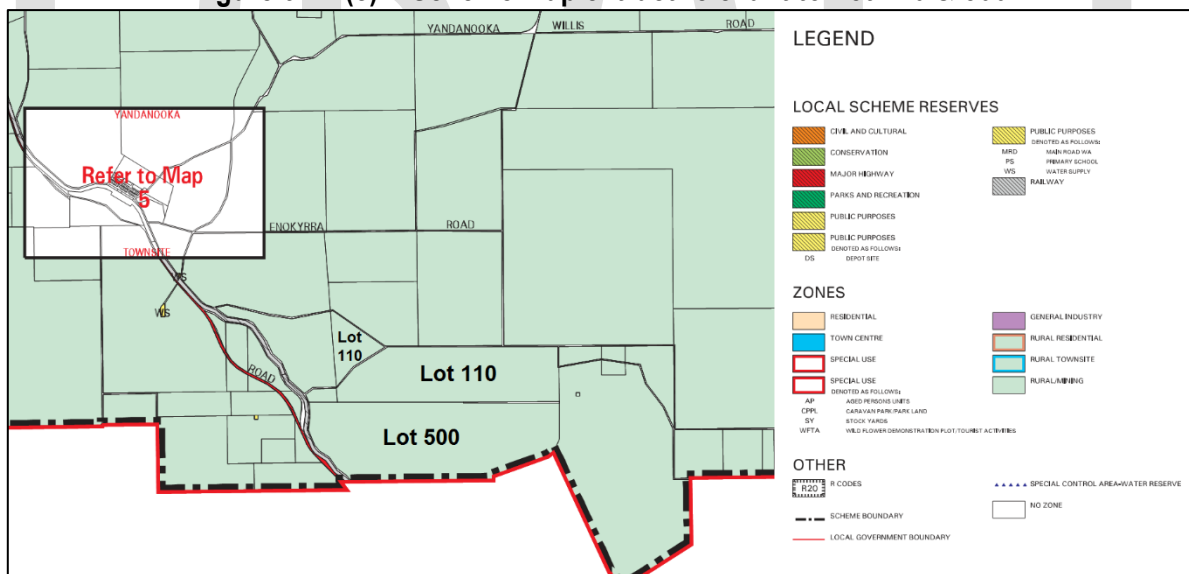
In its consideration of this application Council should give regard to Section 4.2 of the Scheme, which lists the objectives of the 'Rural/Mining' zone as follows:

"The use of land in the Rural-Mining Zone shall be consistent with the following objectives:

- *to provide for rights of vehicular access, unfettered as to time, location and circumstance, to any land subject of a planning approval;*
- *to ensure the preservation of the rural character and appearance of land within the zone;*
- *to protect the economic viability of agricultural production via support only for subdivision or boundary relocation which retains or results in lot or location sizes which facilitate ongoing agricultural activity.*
- *to preserve and protect the natural undeveloped land areas throughout the zone and to provide for the planting of trees and other suitable vegetation via the imposition of conditions on any planning consent issued, in order to assist in balancing the greenhouse effect, provide shade, prevent erosion, reduce salinity and provide habitats for native fauna."*

The application may be considered to meet the objectives of the Shire's 'Rural/Mining' zone, as it would not create any additional lots, would not require the removal of remnant vegetation, and the smallest lot arising from the boundary rationalisation would not be smaller than several existing lots to the south-west in the Yandanooka locality.

Figure 9.4.1(c) – Scheme Map extract relevant to Lot 110 & 500



Council should also give consideration to Section 5.23.4 of the Scheme, which lists the following relevant to subdivision in the 'Rural/Mining' zone:

"5.23.4.1 Council will only support subdivision of rural land that is consistent with Commission Policy DC3.4 'Subdivision of Rural Land'.

5.23.4.2 Council will not approve any development of land where, in the opinion of Council, such development would adversely affect the rural landscape or be contrary to the continued agricultural usage of the land."

The application's level of consistency with WAPC Policy DC3.4 is discussed in the Policy Implications section of this report.

Policy Implications

The WAPC have the following policies relevant to this application:

- Statement of Planning Policy 2.5 – Rural Planning (2016); &
- Development Control Policy 3.4 - Subdivision of Rural Land (2016).

State Planning Policies are prepared and adopted by the WAPC under statutory procedures set out in part 3 of the *Planning and Development Act 2005*. The WAPC and Local Governments must have due regard to the provisions of State Planning Policies when preparing or amending Local Planning Schemes and when making decisions on planning matters. The State Administrative Tribunal is also required to take account of State Planning Policies when determining appeals.

Statement of Planning Policy 2.5 has the following objectives

- “(a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food;*
- (b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses;*
- (c) outside of the Perth and Peel planning regions, secure significant basic raw material resources and provide for their extraction;*
- (d) provide a planning framework that comprehensively considers rural land and land uses, and facilitates consistent and timely decision-making;*
- (e) avoid and minimise land use conflicts;*
- (f) promote sustainable settlement in, and adjacent to, existing urban areas; and*
- (g) protect and sustainably manage environmental, landscape and water resource assets.”*

The WAPC's Development Control Policies sit within a structure which is established under the State Planning Strategy and Statement of Planning Policy No.1 State Planning Framework. Development Control Policy 3.4 is used by the WAPC as the basis for determining applications for the subdivision of rural land.

WAPC Policy No.3.4 has a general presumption against the subdivision of rural land but makes some provision as follows:

“5 General policy provisions

It is the opinion of the WAPC that rural land uses are the highest and best use for rural zoned land. Where an alternative use is proposed, such as residential, the use must be planned in a strategy or scheme and zoned accordingly.

When determining subdivision proposals on rural land, the following measures will be applied:

- (a) the creation of new or smaller lots will be by exception;*
- (b) proposals will be considered against strategies and schemes;*
- (c) adequate buffer distances for sensitive and/or incompatible land uses can be achieved; and*
- (d) proposals will be assessed against any relevant State planning policies and/or operational policies.*

6 Circumstances under which rural subdivision may be considered

In considering applications under section 6 (a) to (e), the WAPC will consider rural subdivision in the following exceptional circumstances:

- (a) to realign lot boundaries with no increase in the number of lots, where the resultant lots will not adversely affect rural land uses;*
- (b) to protect and actively conserve places of cultural and natural heritage;*
- (c) to allow for the efficient provision of utilities and infrastructure and/or for access to natural resources;*
- (d) in the Homestead lot policy area (Appendix 2), to allow for the continued occupation of existing homesteads when they are no longer used as part of a farming operation; and*
- (e) for other unusual or unanticipated purposes which, in the opinion of the WAPC, do not conflict with this and other relevant policies and are necessary in the public interest.*

Although the WAPC seeks to minimise the creation of new or smaller rural lots, there are some circumstances where subdivision of rural land may be appropriate in order to promote better land management and achieve environmental, cultural and/or social benefits. These forms of subdivision, which may result in additional dwelling entitlements, are considered to provide incentives for rural subdivision. As such the remainder of this policy outlines the applicable standards for rural subdivision.”

“6.3 Property rationalisation to improve land management

Many rural properties comprise multiple titles and landowners may wish to subdivide to achieve better land management. Subdivision may also present opportunities to create access to landlocked lots.

Multiple lots in one ownership may be rationalised provided that:

- (a) there is no increase in the number of lots;*
- (b) the new boundaries achieve improved environmental and land management practices and minimise adverse impacts on rural land use;*
- (c) no new roads are created, unless supported by the local government;*
- (d) new vehicle access points on State roads are minimised; and*
- (e) rural living sized lots (1-40 hectares), created as a result of the rationalisation, have appropriate buffer from adjoining farming uses and water resources, and may have notifications placed on title advising that the lot is in a rural area and may be impacted by primary production.*

Former road reserves and small remnant portions of lots are not considered lots for the purpose of boundary rationalisation.

In instances where a subdivision only proposes to realign existing lot boundaries, where no change to the land use and/or landform is proposed, and no additional development is proposed, applications for property rationalisation may be unconditionally approved.

“6.6 Homestead lots

The creation of Homestead lots is intended to allow primary producers to continue to occupy their dwelling when they cease to farm, and provide settlement opportunities in areas where land fragmentation is limited and unlikely to increase. Homestead lots are to be created in a manner that is consistent with the rural character and landscape of a

locality. Homestead lots may be facilitated through boundary rationalisation or the creation of a new lot.

Homestead lots may therefore be created to enable an approved existing house on a rural lot to continue to be occupied provided that:

- (a) the land is in the DC 3.4 Homestead lot policy area (refer Appendix 2);*
- (b) the homestead lot has an area between one and four hectares, or up to 20 hectares to respond to the landform and include features such as existing outbuildings, services or water sources;*
- (c) there is an adequate water supply for domestic, land management and fire management purposes;*
- (d) the dwelling is connected to a reticulated electricity supply or an acceptable alternative is demonstrated;*
- (e) the homestead lot has access to a constructed public road;*
- (f) the homestead lot contains an existing residence that can achieve an appropriate buffer from adjoining rural land uses;*
- (g) a homestead lot has not been excised from the farm in the past;*
- (h) the balance lot is suitable for the continuation of the rural land use, and generally consistent with prevailing lot sizes, where it can be shown that this is consistent with the current farming practices at the property; and*
- (i) the dwelling on a homestead lot must be of a habitable standard and may be required to be certified as habitable by the local government.*

Where there are a number of existing approved dwellings on a rural lot, more than one homestead lot may be considered as a one-off application.”

The proposed Lot 1 would not meet the requirements of a homestead lot under WAPC Policy DC3.4 being 36.2ha in area, but the application could be considered to meet the criteria of Parts 6(a) and 6.3.

Financial Implications

The application would not have a budgetary impact to Council.

However it is considered that the subdivider/future landowners of Lot 1 & 2 should be advised that should the creation of Lots 1 and 2 give rise to any expectation that the standard of vehicle access requires upgrading to service Lots 1 & 2, that the cost of such upgrading (if deemed necessary and undertaken by the local government) shall be at borne by the requesting parties, and that there should not be expectation that the local government shall make contribution to such upgrades.

Strategic Implications

The Shire of Mingenew Local Planning Strategy (2006) notes the following in relation to subdivision in the ‘Rural/Mining’ zone.

“Section 7.5 (f) Rural Mining

This zone embraces the majority of the Shire area and the major objective of the zone classification is to preserve the current agricultural practice which exists throughout the same. With the above in mind Council is mindful of the need to preserve the present system of land tenure via its non-support of further rural land subdivision.”

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.4.1

That Council advise the Western Australian Planning Commission that it supports the proposed boundary rationalisation of Lots 110 & 500 Midlands Road, Yandanooka (WAPC Application No.155126) subject to the following:

Condition:

- 1 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.
- 2 Easement being created upon Lot 107 providing right of access to Lots 1 and 2.

Advice Note:

- (a) That the subdivider/future landowners of Lot 1 & 2 be advised that should the creation of Lots 1 and 2 give rise to any expectation that the standard of vehicle access requires upgrading to service Lots 1 & 2, that the cost of such upgrading (if deemed necessary and undertaken by the local government) shall be at borne by the requesting parties, and that there should not be expectation that the local government shall make contribution to such upgrades.

COUNCIL DECISION – ITEM 9.4.1

Moved Cr Cosgrove

Seconded Cr Lucken

That Council advise the Western Australian Planning Commission that it supports the proposed boundary rationalisation of Lots 110 & 500 Midlands Road, Yandanooka (WAPC Application No.155126) subject to the following:

Condition:

- 1 All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation including the Local Planning Scheme and Building Regulations of Australia.
- 2 Easement being created upon Lot 107 providing right of access to Lots 1 and 2.

Advice Note:

- (a) That the subdivider/future landowners of Lot 1 & 2 be advised that should the creation of Lots 1 and 2 give rise to any expectation that the standard of vehicle access requires upgrading to service Lots 1 & 2, that the cost of such upgrading (if deemed necessary and undertaken by the local government) shall be at borne by the requesting parties, and that there should not be expectation that the local government shall make contribution to such upgrades.

CARRIED 5/0

9.5 BUILDING

Nil

10.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

11.1 ELECTED MEMBERS

11.1.1 2017/18 BUDGET MEETING

The President suggested that a date be set for the draft budget meeting.

COUNCIL DECISION – ITEM 11.1.1

Moved Cr Cosgrove

Seconded Cr Lucken

That Council hold the draft budget meeting at 3pm on Friday 28 July 2017 in the Shire Council Chambers

CARRIED 5/0

11.1.2 RECOGNITION OF PAST COUNCILLORS

The President acknowledged the contributions of past councillors Helen Newton and Marguerite Pearce, both of whom had formally resigned since the May 2017 Ordinary Council Meeting and recommended that a formal presentation be made to both past Members of Council.

COUNCIL DECISION – ITEM 11.1.2

Moved Cr Cosgrove

Seconded Cr Eardley

That the efforts of past Councillors Helen Newton and Marguerite Pearce be formally acknowledged and that Council invite both Helen Newton and Marguerite Pearce to attend a presentation at the conclusion of the July 2017 Ordinary Council Meeting.

CARRIED 5/0

11.2 STAFF

Nil

12.0 CONFIDENTIAL ITEMS

Nil

13.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 19 July 2017 commencing at 4.30pm.

14.0 CLOSURE

The Presiding Person closed the meeting at 5.03pm.

These minutes were confirmed at an Ordinary Council meeting on 19 July 2017.

Signed _____

Presiding Officer

Date: _____

DRAFT

7.1.2 RAV NETWORK REVIEW COMMITTEE HELD 1 JUNE 2017



MINUTES FOR THE

RAV NETWORK REVIEW COMMITTEE

HELD ON

THURSDAY 1 JUNE 2017

**MINUTES FOR RAV NETWORK REVIEW COMMITTEE
HELD IN COUNCIL CHAMBERS ON 1 JUNE 2017 at 4.05pm**

1.0 ATTENDANCE

Martin Whitely	Chief Executive Officer
Gary Cosgrove	Councillor
Crispian Lucken	Councillor

APOLOGIES

Nil

2.0 PUBLIC QUESTION TIME / PETITIONS / PRESENTATIONS / SUBMISSIONS

Nil

3.0 DECLARATIONS OF INTEREST

Nil

4.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

Nil

5.0 GENERAL BUSINESS

5.1 SHIRE OF MINGENEW ROAD NETWORK REVIEW

The CEO prepared for the meeting copies of the following documentation;

1. List of all roads within the Shire of Mingenew
2. Map of the Shire highlighting all RAV network routes
3. List of current conditions imposed on those roads covered by the RAV Network

Roads within the Shire of Mingenew Road Network

There was discussion on all of the roads within the Shire of Mingenew as to whether any of the roads not currently on the RAV network needed to be included

AGREED that no additional roads needed to be added to the RAV network.

RAV Network Routes

There was discussion on the current classification of roads within the RAV Network in the Shire of Mingenew. **AGREED** that no existing RAV Network classifications be lowered.

AGREED that the following roads be requested to be added to the RAV 7 Network;

- Erangy Springs Road
- Boundary Road
- Newton Road
- Mingenew Mullewa Rd (north of Yarragadee West Rd and south of Scroops Rd)
- Coalseam Road
- Narandagy Pintharuka Road
- Mungaterra Road
- Telara Road
- Byro Road

- Carrs Road
- Adji Daji Road
- Burma Road
- Morawa Yandanooka Road (North of Yandanooka North East Rd)
- Colgate Road

ACTION: CEO to discuss with Main Roads the process for having the roads mentioned above added to the RAV 7 Network.

RAV Network Conditions

There was discussion by the Committee to have some consistency with some of the conditions applied to our network. Some of the proposed amendments included;

- Having a speed limit of 80km on all gravel roads
- Apply the condition that gravel roads are not be accessed when visibly wet
- Have a standard clause for school bus routes were operators are to contact the school bus drivers on a designated channel when driving on the road rather than having a “No operation during school hours” condition
- Removing the need for a LG permit. That is if it is RAV 5 rated then all RAV 5 vehicles can access the road
- Remove all other conditions that may not apply (ie. Some roads have been sealed yet there are still conditions on there about not accessing when roads are wet – Nanekine Rd)

There still needs to be some more discussion as to whether a LG Permit would form part of the conditions to be imposed for accessing RAV 6 & 7 network routes.

6.0 TIME AND DATE OF NEXT MEETING

To be confirmed at a later date.

7.0 CLOSURE

There being no further business the meeting closed at 5.15 pm.

These minutes were received at the Ordinary Council meeting on 19 July 2017

Signed _____

Presiding Officer

Date: _____

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9.0 OFFICERS REPORTS

9.1 CHIEF EXECUTIVE OFFICER

9.1.1 EXECUTIVE MANAGEMENT COMMITTEE

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0303
Date: 27 June 2017
Author: Martin Whitely, Chief Executive Officer

Summary

Council is requested to review and appoint delegates to the Executive Management Committee.

Attachment

Nil

Background

The Executive Management Committee is a Committee of Council and as such must consist of 3 or more persons as per Section 5.8 of the Local Government Act 1995. Section 5.9 of the Local Government Act 1995 specifies the make up of a Committee with some examples below:

- Council members only
- Council members and employees
- Council members, employees and other persons
- Council members and other persons

Comment

As per the resolution made at the November 2016 the Executive Management Committee was made up of the following 3 elected members

- President (Cr Bagley)
- Deputy President (Cr Newton)
- Councillor (Cr Cosgrove)

Council is required to review delegations to committees every financial year as per section 5.18 of the Local Government Act 1995 and given that one of the elected members has resigned now is an opportune time to review the delegations to this Committee.

Consultation

Nil

Statutory Environment

Local Government Act 1995 – Section 5.8 - 5.11

Local Government Act 1995 – Section 5.16, 5.17 & 5.18

Local Government Act 1995 – Section 5.22 & 5.23

Policy Implications

1003 ELECTION TO COMMITTEES

Nomination of Councillor/s to Positions in Council/Committees - Prior to any nomination being made the person being nominated be advised of the proposal, and appointment to the position will be subject to the approval of the nominee.

Financial Implications

Nil

Strategic Implications

Community Strategic Plan

Outcome 4.5.1

Ensure compliance with local, town planning, building and health and all other relevant legislation.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION – ITEM 9.1.1
--

That Council appoint the following persons to form the Executive Management Committee:

- **President**
- **Deputy President**
- **Councillor _____**

9.1.2 DELEGATIONS TO COMMITTEES & COMMUNITY ORGANISATIONS

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0303
Date: 27 June 2017
Author: Martin Whitely, Chief Executive Officer

Summary

Council is requested to review and appoint delegates to the various committees and community organisations.

Attachment

Nil

Background

It is common practice for many local authorities to review appointments of Elected Members and Staff to serve on various Committee's and Community Organisations. It should be noted that this is a separate exercise to appointing members of a Council Committee.

Delegations to Committees & Community Organisations were last reviewed in November 2015 and below is a record of the appointments from the November 2015 Ordinary Council meeting:

Comment

Since the delegations were last reviewed in October 2016, Councillors Newton and Pearce have since resigned. As such it is appropriate to revisit any vacancies to the previous delegations to Community Organisations and Committees as a result of the two resignations.

Following is a list of the current delegates to the various Committees & Community Organisations;

WALGA Northern Country Zone

Delegates: President Bagley & Cr Newton
Proxy: Cr Pearce

Tourist & Promotion Committee

Delegates: Cr Pearce & Community Development Officer
Proxy: Cr Eardley

Main Roads Western Australia Regional Road Group

Delegates: Cr Cosgrove
Proxy: President Bagley

Silver Chain Branch Committee

Delegates: Cr Pearce
Proxy: Cr Newton

Community Resource Centre Management Committee

Delegates: Cr Criddle
Proxy: Cr Newton

Local Emergency Management Committee

Delegates: Cr Cosgrove
Proxy: CEO

Development Assessment Panels

Delegates: President Bagley & Cr Cosgrove
Proxy: -

Wildflower Country Inc

Delegates: Cr Pearce
Proxy: President Bagley
Proxy: CEO or other appointed staff member

Based on the limited discussion we have had at Council level on the replacement of the positions vacated by the two Councillors I have made some recommendations on the basis that the delegations will again be reviewed following the upcoming Council Elections in October 2017.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Community Strategic Plan
Outcome 4.2.2 – To be strong advocates representing the Shire's interests

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.2

That Council appoint delegates to the various Committees and Community Organisation as follows:

WALGA Northern Country Zone

Delegates: President Bagley & Cr Cosgrove
Proxy: Cr Lucken

Tourist & Promotion Committee

Delegates: Cr Eardley & Community Development Officer
Proxy: Nil

Main Roads Western Australia Regional Road Group

Delegates: Cr Cosgrove
Proxy: President Bagley

Silver Chain Branch Committee

Delegates: Cr Eardley

Proxy: Nil

Community Resource Centre Management Committee

Delegates: Cr Criddle

Proxy: Nil

Local Emergency Management Committee

Delegates: Cr Cosgrove

Proxy: CEO

Development Assessment Panels

Delegates: President Bagley & Cr Cosgrove

Proxy: Nil

Wildflower Country Inc

Delegates: CEO

Proxy: President Bagley

Proxy: CDO or other appointed staff member

9.1.3 HIRE OF COOL ROOM POLICY

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0423
Date: 14 June 2017
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council adopt the Mobile Cool Room Policy as tabled.

Attachment

Draft Mobile Cool Room Policy
Draft Mobile Cool Room Procedure

Background

At the May 2017 Concept Forum there was discussion with regards to the history of the mobile cool room and hiring out of the cool room and the consensus was that the cool room was originally purchased by the Lions and then given to the Shire on the basis that the cool room be made available to all community groups and residents within the Shire of Mingenew free of charge (bond still applicable) and that a fee be charged for hiring to any interested persons outside of the Shire of Mingenew..

Comment

As discussed at the May 2017 Concept Forum a draft policy for the hire of mobile cool room was presented to Council to allow the Mingenew community to hire the mobile cool room free of charge. A final draft is tabled for endorsement by Council. As per the adopted 2016/17 Fees & Charges a bond of \$145 is still applicable even though there will be no hire charge. The mobile cool room is still available for hire for members outside of Mingenew with a hire fee of \$130. The hire and bond fee will be revisited when Council endorse the 2017/18 Fees & Charges when adopting the 2017/18 Budget.

Consultation

All councillors

Statutory Environment

Local Government Act 1995

In accordance with section 2.7 of the Local Government Act 1995 as follows:

2.7. Role of council

- (1) The council —
 - (a) governs the local government's affairs; and
 - (b) is responsible for the performance of the local government's functions.
- (2) Without limiting subsection (1), the council is to —
 - (a) oversee the allocation of the local government's finances and resources; and
 - (b) determine the local government's policies.

Policy Implications

If Council agree to the officer recommendation a new Mobile Cool Room Policy would be adopted.

Financial Implications

Hire cost of the mobile cool room facility as prescribed by Councils annual fees & charges.

Strategic Implications

Community Strategic Plan

Outcome 3.6.1 - Continue to provide quality facilities for events

Outcome 4.5.2 – Maintain, review and ensure relevance of Council policies and local laws

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.3
--

That Council adopt the Mobile Cool Room Policy as presented.



CRS 001 – MOBILE COOL ROOM FACILITY

Policy Objective

1. To provide facilities to the Mingenew district community for recreational, community, sporting and other activities as required.
2. To manage the facilities in a way that ensures equitable, appropriate and affordable access to the Mingenew district community.
3. To maximise community use of facilities through planned asset maintenance and upgrade, promotion of the availability of facilities, booking planning and related events.
4. To generate income from the use of facilities to partially fund maintenance and upkeep of the facilities.

Policy Statement

1. Council will manage the Mobile Cool Room on behalf of the Mingenew community for use of the facility by the community including all booking functions and maintenance requirements.
2. The Mobile Cool Room will be available free of charge to any member or community/recreational organisation **residing within** the Mingenew district and will be available at a nominal charge to any member or community/recreational organisation **residing outside** of the Shire of Mingenew in accordance with Councils annual budget fees and charges schedule.
3. Council may at their discretion chose to waive any fee charged on request from organisation's residing outside of the Shire of Mingenew.
4. Council will set fees and charges for the use of the Mobile Cool Room through its annual budget process. Council will determine these fees and charges for the use of the Mobile Cool Room on a basis where the fees and charges will not be levied on a cost recovery basis; rather revenue collected from its fees and charges will go towards the maintenance and upkeep of the facility.
5. Council will maintain all insurances and indemnities required and keep the Mobile Cool Room in a good condition to ensure safe access and use by the community.
6. Notwithstanding any request for the use of the facility, the Council reserves the right to refuse any such request or to cancel a booking once made for any reason.

Key Performance Indicators	Extent to which the community understands the policy as demonstrated by the use of the facility and compliance with the terms and conditions of use
Related Policies	Community/Recreational Facilities, Finance, Administration
Related Procedures	Hire and Use Booking Form Agreement Form
Delegated Authority	CEO, Finance Manager, Governance Officer, Community Development Officer and Trainee
Consultation	Community to be advised of policy via the Mingenew Matters.
Adoption by Council	19 July 2017 – Council Decision 9.1.3
Relevant Legislation	Local Government Act 1995
Community Strategic Plan Link	Social Outcome 3.6
Date of Last Review	To be reviewed no later than 31 December 2017



CRS 001 – MOBILE COOL ROOM FACILITY POLICY PROCEDURE

Policy Procedure

1. Priority of access and use of the Mobile Cool Room facility will be given as follows in accordance with Councils policy:
 - The community organisation or member must reside within the Shire of Mingenew to be eligible for non-charge use of the Mobile Cool Room facility.
 - Any community organisation or member who resides outside of the Shire of Mingenew will attract a charge for the hire of the Mobile Cool Room facility in accordance with Councils annual fees and charges schedule.
 - Council may at their discretion chose to waive any fee charged on request from organisation's residing outside of the Shire of Mingenew
 - The community organisation or member is responsible for the collection and return of the Mobile Cool Room facility from/to the Council Works Depot.
 - The community organisation or member is responsible for completing the correct documentation (Booking Hire and Use Agreement form) and collection/return of keys to the Shire of Mingenew for the use of the Mobile Cool Room.
 - The Mobile Cool Room will be stored at the Shire of Mingenew Works Depot located at Linthorne Street, Mingenew.

2. Access to use of the Mobile Cool Room facility will be on the following general terms (where applicable):
 - No use or access of the facility without the prior agreement of the Council through the completion of the Hire and Use Agreement form.
 - The facility must be locked when not in use and at the end of hire/use period.
 - The facility must be returned in a good and clean condition. In the event of any damage or a requirement to do any additional cleaning, the user will be responsible for the cost incurred.
 - A bond deposit of \$145 must be paid for issuance of the key for the facility in accordance with Councils annual budget Fees and Charges schedule. This will be refunded on return of the facility and the key to the Councils Works Depot. The key must be returned on the next working day after the facility has been used, or sooner if arranged.
 - The deposit of the \$145 bond is held by Council as a guarantee of compliance with the conditions as specified in this policy and the Booking Hire and Use Agreement.
 - Unless previously varied by the Shire in writing all invoices issued by the Shire are to be paid within 30 days of the date of the invoice and any dispute in regard to an invoice must be raised prior to expiry of the 30 days
 - No permanent fixtures or fittings can be placed in the facility.
 - The Shire must be advised of any proposed activity regarding the use of the facility that requires a permit or licence (eg selling of alcohol & food).
 - No goods are to be stored in the Mobile Cool Room during transit.
 - The Council reserves the right to refuse or cancel facility hire or use if the Council believes any proposed activity in the precinct is dangerous, hazardous or affects the amenity of the facility.

3. A copy of the Mobile Cool Room Facility Hire Agreement Form is appended and must be completed irrespective of any hire charge being applied.



**SHIRE OF MINGENEW
APPLICATION FOR
HIRE OF MOBILE COOL ROOM**

APPLICANT: _____
POSTAL ADDRESS: _____
NAME OF CONTACT: _____
TELEPHONE NO: _____
SIGNATURE: _____

HIRE
VENUE: _____
DATE FROM: _____ **TO:** _____ **No DAYS:** _____
PURPOSE: _____

CHARGES

Hire Fee (\$130/Day)	\$	_____
Bond (\$200.00)	\$	_____
TOTAL:	\$	_____

OFFICE USE ONLY

**Conditions of Hire and Use of Mobile Cool room in accordance with
Council Policy and Procedure CSR 001.**

APPLICATION: APPROVED / DISAPPROVED

CEO: _____ **Date:** _____

9.1.4 MOTOR GRADER TENDER

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0113
Date: 5 July 2017
Author: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council consider the purchase of a new motor grader and that consideration is made in the 2017/18 Budget.

Attachment

Hitachi Tender Submission
 Cat Tender Submission
 Tender Evaluation Matrix

Background

Council currently have 2 motor graders. The first of the graders was a Cat 120H Grader purchased in September 2006 which has now done 15,747 hours and the second of the graders was a Cat 12M grader purchased in January 2010 which has done 7,007 hours. Both graders are now within the schedule period for changeover as per the Shire’s Plant Replacement Program, as such tenders were called on 14 June 2017 for the provision of a new motor grader on the basis that the Cat 120H would be used as the trade. Tenders closed on 30 June 2017 and the information is tabled for Council consideration.

Comment

In total there were only two submissions received and these were from Hitachi and Westrac. A summary of the tender submissions are included in the Tender Evaluation Matrix attachment with pricing as below. All pricing is GST Exclusive;

Tenderer	Model	Purchase Price	Trade In	Options	Changeover	Comments
Hitachi	670B	\$321,000	\$48,000	\$22,000	\$295,000	Grade Pro cross slope comes as an additional item
Westrac	12M	\$344,800	\$57,000	\$0	\$287,800	Cross slope comes standard with the machine

As you will see from the attached documents the specifications and pricing for both graders are very similar in nature.

Consultation

Dale Smulders, Hitachi
 Greg Pike, Westrac

Statutory Environment

Local Government Act 1995

3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
- (2) Regulations may make provision about tenders.

Local Government (Functions & General) Regulations 1996

11. When tenders have to be publicly invited

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$150 000 unless subregulation (2) states otherwise.

14. Publicly inviting tenders, requirements for

- (1) When regulation 11(1), 12(2) or 13 requires tenders to be publicly invited, Statewide public notice of the invitation is to be given.
- (2) If the CEO has, under regulation 23(4), prepared a list of acceptable tenderers, instead of giving Statewide public notice the CEO is required to give notice of the invitation to each acceptable tenderer listed.
- (2a) If a local government —
 - (a) is required to invite a tender; or
 - (b) not being required to invite a tender, decides to invite a tender,the local government must, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.
- (3) The notice, whether under subregulation (1) or (2), is required to include —
 - (a) a brief description of the goods or services required; and
 - (b) particulars identifying a person from whom more detailed information as to tendering may be obtained; and
 - (c) information as to where and how tenders may be submitted; and
 - (d) the date and time after which tenders cannot be submitted.
- (4) In subregulation (3)(b) a reference to detailed information includes a reference to —
 - (a) such information as the local government decides should be disclosed to those interested in submitting a tender; and
 - (b) detailed specifications of the goods or services required; and
 - (c) the criteria for deciding which tender should be accepted; and
 - (d) whether the local government has decided to submit a tender.
 - [(e) deleted]*
- (5) After a notice has been given under subregulation (1) or (2), a local government may vary the information referred to in subregulation (3) by taking reasonable steps to give each person who has sought copies of the tender documents or each acceptable tenderer, as the case may be, notice of the variation.

[Regulation 14 amended in Gazette 29 Jun 2001 p. 3130; 18 Sep 2015 p. 3806.]

15. Minimum time to be allowed for submitting tenders

- (1) If a notice under regulation 14(1) is given, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is first published in the newspaper circulating generally throughout the State.

- (2) If a notice under regulation 14(2) is given to a person listed as an acceptable tenderer, the date and time referred to in regulation 14(3)(d) has to be at least 14 days after the notice is given.

[Regulation 15 inserted in Gazette 18 Sep 2015 p. 3806-7.]

Policy Implications

Purchasing Policy

Financial Implications

There will be a considerable financial commitment in purchasing a new motor grader with an amount of approximately \$300,000 having to be allocated in the 2017/18 Budget.

Strategic Implications

Community Strategic Plan

Outcome 2.5.1 – Maintain and improve road assets

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.4
--

That Council endorse consider the purchase of a new motor grader from the submissions received and provide for the purchase in the 2017/18 Budget.

RFT 7 - 2016/17

Motor Grader

	Hitachi 670G	Westrac 12M
BREAKDOWN OF COSTS		
New Grader	321,000	344,800
Trade In	<u>(48,000)</u>	<u>(57,000)</u>
Sub-total	273,000	287,800
Additional Options		
Grade Pro cross slope grader	22,000	0
Remove and Replace Ceiling & Cornices		
Comments		
Cat 12M grader comes standard with cross slope		
TOTAL COST (GST EXCLUSIVE)	295,000	287,800
SPECIFICATIONS		
Engine		
Cylinders	6	6
Displacement	6.8L	7.2L
Rated Speed	2100 rpm	2000 rpm
Engine Power	145hp - 185hp	183hp - 213hp
Net Torque Rise	45%	39%
Power Train		
Forward Gears	8	8
Reverse Gears	8	6
Transmission	Direct Drive	Direct Drive
Hydraulics		
Maximum Pump Flow	212L/min	210L/min
Maximum System Pressure	2750 psi	3500 psi
Moldboard		
Width	12ft	12ft
Height	610mm	610mm
Thickness	22mm	18mm
Cutting Edge		
Thickness	16mm	16mm
Width	152mm	152mm
Ripper		
Maximum Ripping Depth	426mm	428mm
Scarifier		
Working Width	1.20m	1.21m
Maximum Depth	335mm	467mm
Operating Weights		
Front	4191kg	4220kg
Rear	11149kg	12011kg
Warranty		
Machine	5yrs / 5000 hrs	5yrs / 5000 hrs
Power Train	5yrs / 5000 hrs	5yrs / 5000 hrs



CONSTRUCTION EQUIPMENT

Excavators
 Mini Excavators
 Articulated Dump Trucks
 Wheel Loaders
 Mini Wheel Loaders
 Motor Graders
 Skid Steer Loaders
 Backhoe Loaders
 Crawler Dozers
 Mobile Crushers



FORESTRY EQUIPMENT

Excavator Harvesters
 Excavator Loaders
 Tracked Harvesters
 Forwarders
 Feller Bunchers
 Log Skidders - Grapple
 Log Skidders - Cable
 Wheel Loaders

HITACHI

Hitachi Construction Machinery (Australia) Pty Ltd

RELIABLE SOLUTIONS

HITACHI



JOHN DEERE

QUOTATION

QUO-59048-Q1J7X7

Revision # 0

Tuesday, June 27, 2017

670G

Motor Grader

PREPARED FOR

Warren Borret

Shire of Mingenew

Victoria Street, Mingenew. WA 6522

PREPARED BY

Dale Smulders

Sales Representative

Mobile: 0439 397 766

Hitachi Construction Machinery (Australia)

Created: 6/19/2017 2:56:25 PM

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EF189-01

Quote No: QUO-59048-Q1J7X7

Rev # 0

22/09/2010

Page: 1 of 12

HITACHI

BELL



JOHN DEERE

Marubeni
Equipment Finance

Warren Borret
Shire of Mingenew
Victoria Street, Mingenew. WA 6522

Dear Warren Borret,

Thank you for the opportunity to present this Quotation, I trust that it will meet the objectives required.

The 670G is more than a quality piece of equipment, it's an investment in the future success of your business.

At Hitachi Construction Machinery (Australia) Pty Ltd we believe that a machine is worth more than the initial purchase price, its true value lies in the many years of service that both the machine and the people supporting you can provide.

Our organisation focuses on your total machine ownership experience, not just the upfront sale. You will benefit from the support of more than 1100 employees and a company owned branch network that spans over 22 outlets nationally. Of our employees, 75% are dedicated to customer support roles. They understand the importance of machine up-time and are focussed on providing the products and services you need to remain productive.

Our Product Support Staff are connected into a Global Network that operates 24 hours a day, 365 days a year to ensure that the latest information is available. They can also assist you with protecting your investment and maximising its return with quality consumables and spare parts that will keep your equipment in optimum condition and reduce operating costs.

I look forward to discussing this with you in the near future and provide you with any further information.

Yours Sincerely,

Dale Smulders
Sales Representative
Hitachi Construction Machinery (Australia)

.....
Graeme Godwin
Sales/Branch Manager
Hitachi Construction Machinery (Australia)

POWERTRAIN

- * Direct drive John Deere PowerShift Plus™ transmission,
- * modulated shift on-the-go with event base shifting (EBS).
- * Matched eight (8) forward and eight (8) reverse gears.
- * **Automatic gear change (gears 4 – 8).**
- * Gateless Shifter
- * Decelerator/Inching pedal.
- * Final drives: Spiral bevel differential, sealed inboard-mounted planetary.
- * **Selectable on-the-go manual or auto differential lock.**

BRAKES & TYRES

- * Foot controlled, hydraulically operated multiple wet-disc brakes (ISO 3450).
- * Self adjusting and maintenance free brakes.
- * Spring applied hydraulic release park brake (ISO 3450).
- * Independent braking system on all four tandem wheels.

HYDRAULICS

- * Closed centre, pressure compensating load sensing, variable displacement pump.

ELECTRICAL

- * 100 Amp alternator.
- * 30 Amp converter with two power ports.
- * Batteries, 2 x 1400 CCA.
- * Ground level lockable electrical master disconnect switch.
- * 2 engine compartment lights.
- * LED brake and turn lights.

GRADER CONTROLS

- * Eight (8) precise, low effort, mechanical levers with industry accepted pattern.
- * Conventional tilt adjustable steering wheel.

DRAFT FRAME & CIRCLE

- * **Double ball and socket draft frame connection.**
- * Circle drive with slip clutch.
- * Seven saddle positions.
- * Adjustable quick change replaceable wear inserts.

MOLDBOARD

- * Patented, prestressed high strength, wear resistant high carbon steel moldboard.
- * Dura-Max® through hardened 152 x 16 mm (6"x 5/8") cutting edge.
- * Quick change and screw adjustable moldboard side shift extreme duty wear inserts.

OPERATOR ENVIRONMENT

- * Fully enclosed low profile ROPS (ISO 3471)/ FOPS (ISO 3449) Cab.

- * Air-conditioning with 13 directional vents.
- * Opening front and side windows.
- * Front & rear windshield washers & intermittent wipers.
- * Electric rear window defroster.
- * Front window sun visor
- * Fabric air suspension seat with armrests and headrest.
- * Retractable 76 mm seat belt.
- * AM/FM radio.
- * **Industry Std grader control pattern with steering wheel.**
- * High Res colour LCD monitor with on-board diagnostic system.
- * **Keyless start with multiple security modes.**
- * Sealed switch module with function indicators.
- * Interior (1) and exterior (2) rear view mirrors.

STANDARD EQUIPMENT

- * Rear mounted parallel linkage ripper/scarifier combination with (3) rippers, rear hitch and pin.
- * Extra (9) scarifier shanks with teeth for rear ripper scarifier.
- * Halogen grading lights.
- * Front push block.
- * Ground level refuelling.
- * Ground level daily checks.
- * **Fold out coolers and swing out cooling fan.**
- * **Thermostatically controlled, variable speed and auto reversing hydraulically driven low noise cooling fan.**
- * Electric horn.
- * Reverse warning alarm, 111 db(A) (SAEJ994).
- * Fluid sampling ports for engine oil, coolant, hydraulic oil, axle oil and transmission oil.
- * **Environmental drains with hoses for engine coolant and transmission, hydraulic, differential and engine oils.**
- * Grouped easy access vertical spin on filters.
- * Operators manual and parts CD.

ENGINE

- * John Deere Power Tech™ Plus 6090H certified tier 3 engine.
- * Net Power: 118 - 157 kW At 2100 Rpm.
- * 6 Cylinder, 9.0 Litre displacement.
- * High pressure common rail fuel injection.
- * Variable geometry turbocharger with air to air after-cooler.
- * Rotary ejector pre-cleaner with dual air cleaner elements.
- * **Severe duty fuel filtration.**

PRICING DETAILS - STANDARD ITEMS		
Quantity EACH	Description	Custom Details
1	670G	
1	14 Ft 17.5x25.	
1	(Standard) Front Pushblock	
1	(Standard) Rear Ripper	
1	Fire Extinguisher 2.5kg Mounted	
1	Grease Gun Pistol Grip McNaught	
1	Hydraulic Oil (JD 20L)	
1	Probe kit MG (Deere 4 pk)	
1	Risk Assessment	
2	Rotating Beacon Fold Down with Guard	
1	Sign Writing	
1	Slope Meter	
1	Tinted Windows	
1	UHF Radio - GME	
1	Canvas Seat Cover	
1	Full set of manuals	
1	Pushblock Toolbox	
1	padlocks to all compartments	
1	Battery Isolator	
1	RTA Certificate	
1	Cabin pre-cleaner	
1	Hydraulic Compressor Kit [ENG-0001001]	
1	Licensing	
1	Warranty Coverage	Full Machine = 60 Months / 5000 Hours Power Train = 60 Months / 5000 Hours
1	Customer Delivery	

TRADE IN DETAILS	
Description	Custom Details
2006 Cat 120H (Serial = CAT0120HECAF00797)	Agreed Attachments

Number of Machines Quoted	1
---------------------------	---

Pricing Information	Excl. GST	GST	Incl. GST
Single Machine Price	\$321,000.00	\$32,100.00	\$353,100.00
Trade In	\$48,000.00	\$4,800.00	\$52,800.00
Change Over Amount	\$273,000.00	\$27,300.00	\$300,300.00
Multiple Machine Price	\$321,000.00	\$32,100.00	\$353,100.00

OPTIONAL ITEMS at Additional Cost				
Description	Custom Details	Excl. GST	GST	Incl. GST
Grade Pro (GP) cross slope grader		\$22,000.00	\$2,200.00	\$24,200.00

ADDITIONAL COMMENTS

Description

QUOTE VALIDITY

This machine price is valid for 30 days from this document date and unless specifically stated, is subject to prior sale. Please refer to the standard terms and conditions within.

SUPPORT INFORMATION

MACHINE FAMILIARISATION TRAINING

Hitachi Construction Machinery (Australia) Pty Ltd (HCA) offers machine familiarisation training to all equipment purchasers at no charge. Your Sales Representative and Product Support Consultant will provide you with a thorough introduction to all of the machine features and benefits, safe operating procedures as well as routine maintenance and inspection points.

This support is ongoing to keep you abreast of the latest information relating to machine performance and maximising productivity.

MAINTENANCE SUPPORT

By 250 hours of operation for the Hitachi and John Deere products and at 100 hours of operation for Bell products, all new machine purchased will receive a first service and inspection free of charge which includes Parts, Labour and reasonable Travel (200 kms return trip).

There is also a range of service agreement options to provide fixed priced maintenance and repair solutions. They can be tailored to include the coverage you need to enhance your business through improved productivity and they provide the up-front comfort of knowing what your future maintenance costs will be.

On select excavator, wheel loader and dump truck models, HCA also offers satellite monitoring options, which allows secure remote tracking and downloading of key machine data via a personal account on the internet.

SPARE PARTS SUPPORT

To keep you moving and productive, we have a range of quality consumable items including filtration, G.E.T. undercarriage, oils and lubricants. We also stock a comprehensive range of genuine parts and components.

Our product support is complimented by HCA's Super Parts Distribution Centre in Sydney's West located close to major transport links and ringroads. There is also substantial parts stock levels held regionally and all branches are linked by our computer inventory system to fast track and access stock.

MARUBENI EQUIPMENT FINANCE

Marubeni Equipment Finance (Oceania) Pty Ltd is an incorporated joint venture between Marubeni Corporation Japan and Hitachi Construction Machinery Co., Ltd Japan. Whether you need equipment for mining, construction, forestry, demolition or scrap handling, Marubeni Equipment Finance has the financial solution that will help you purchase and get your equipment into production fast.

Our financial solutions can be customized to suit your individual project, cash flow, taxation, currency and balance sheet needs. Our products include (but are not limited to) Finance Lease, Operating Lease, Hire Purchase & Chattel Mortgage.

Marubeni Corporation (established 1858) is a major Japanese trading company. The company trades coal, copper, steel, iron ore, uranium and many other commodities. It has ownership interests in several coal mines in Australia and is part owner of the Portland Aluminium Smelter in Victoria, Boyne Aluminium Smelter in Queensland, Dampier Salt, several Australian power stations as well as significant investments in oil & gas operations. The company is also one of the largest forest owners (for pulp & paper processing) in the world.

If you need a finance solution from people that understand your business, please ask your Hitachi Construction Machinery Australia sales representative about Marubeni Equipment Finance or call us direct on (02) 9780 6990.

WARRANTY

This machine is covered by a comprehensive full machine and powertrain warranty by Hitachi Construction Machinery (Australia) Pty Ltd. There are various powertrain warranty options available at the time of purchase and the Warranty can be tailored to meet the coverage that best suits your operation. Please refer to the specific warranty terms and conditions for the make and model referred in this document.

Please note that Hitachi Construction Machinery (Australia) Pty Ltd does not extend warranty to attachments supplied with our equipment. This remains the sole responsibility of the attachment supplier.

STANDARD TERMS AND CONDITIONS

1. DEFINITIONS

In these conditions "the seller" means the Company sending the quotation, "the purchaser" means the other party to the Contract: "manufacturer" means and includes the maker or makers of the goods (or any part of the goods) to which this quotation relates.

2. THE CONTRACT

- a) No Contractual obligation shall arise until the purchaser has sent to the seller a written order for the goods specified in the quotation (herein called the "goods") and the seller has dispatched to the purchaser's address a written notification of his acceptance of the order. Until such notification is dispatched the seller may without incurring any liability revise or withdraw the quotation.
- b) Unless otherwise stated in writing, goods are supplied by the seller only on these conditions. The giving by the purchaser of any delivery instructions for the goods or any part thereof or the acceptance by the purchaser of delivery by the goods or any part thereof or any conduct by the purchaser in confirmation of the transaction after receipt by the purchaser of the seller's acceptance shall constitute unqualified acceptance by the purchaser of these conditions.

3. SPECIFICATIONS

If before the manufacture of the goods (whether before or after the seller's acceptance) the manufacturer modifies its specification the modified specification shall be substituted for any specification in the quotation and:

- (a) The purchaser shall accept the goods as manufactured in accordance with the modified specification in satisfaction of the seller's obligations under the Contract;
- (b) The purchaser shall pay any increase in the manufacturer's prices resulting from such modification.

4. PRICE AND PAYMENT

- (a) Unless otherwise stated in writing all quoted prices are for delivery at the place specified in the quotation and are payable without discount or allowance.
- (b) The purchaser shall pay to the seller in addition to the quoted price:
- (i) All packing costs.
- (ii) All taxes, duties and charges whatsoever imposed by any government or other authority and payable in respect or by reason of the sale or delivery of the goods or any part thereof whether or not the same were payable at the date of the quotation and including without prejudice to the generality of the foregoing charges for import, export or currency licenses, sales, turnover or purchase taxes and duties of customs and excise.
- (iii) The amount of any increase in the cost to the seller of supplying or delivering the goods or any part thereof occurring after the date of quotation for any reason whatsoever including (without prejudice to the generality of the foregoing) changes in manufacturer's prices, rates of exchange, landing charges and port dues and the cost of carriage, insurance and handling.
- (iv) Any increase in the cost to the seller arising from delivery of the goods in a place at a time or in a manner other than that specified in the quotation resulting from any request made by the purchaser or any other reason whatsoever beyond the control of the seller.
- (v) Any excess over the amount allowed by the seller in quoting the price actually incurred by the seller in respect of freight and insurance to or port dues or handling charges at any port to which the goods are shipped which is not regularly served without trans-shipment by a line of steamers.
- (vi) Any excess over the amount allowed by the seller for supplying or delivering the goods where such excess results from any error or omission on the part of the seller, its servants or agents affecting the price or its calculation:
- (c) The purchase price shall be paid by the purchaser to the seller in full within seven (7) days of the delivery notification and the purchaser shall not be entitled to withhold payment or make any deduction from the price in respect of any set-off or counter-claim.
- (d) If the purchaser fails to pay the purchase price as aforesaid the seller shall be entitled (without prejudice to any other right hereunder):
- (i) To charge interest thereon from the date when due until payment at the rate of two per centum above the maximum overdraft rate of the seller's bankers for the time being in force;

5. DELIVERY

- (a) Unless otherwise stated in writing the time for delivery shall run from the date of the seller's acceptance of the order and the purchaser shall take delivery of the goods within seven (7) days of notification from the seller that the goods are ready for delivery. The seller shall be under no obligation to make delivery before payment of the purchase price in full.
- (b) If the purchaser fails to take delivery in accordance with this condition the purchaser shall pay to the seller all storage and handling costs arising from the delay.
- (c) The seller shall be under no liability whatsoever to the purchaser for loss, injury or damage of any kind whatsoever arising out of delay in or failure to make delivery of the goods or any part thereof including (without prejudice to the generality of the foregoing) consequential loss of any kind whether the same be due to any act, omission, negligence or willful default of the seller or its servants or agents or to any other cause whatsoever including (without prejudice to the generality of the foregoing) any breach by the seller, its servants or agents of any fundamental term or any fundamental breach by the seller, its servants or agents of any term of the contract of which these conditions form part relating to delivery.
- (d) If the seller is prevented (directly or indirectly) from making delivery of the goods or any parts thereof by reason of act of God or strikes, lockouts, trade disputes, fire, breakdowns, interruption of transport, government action or any cause whatsoever (whether or not of the like nature to those specified above) outside its control the seller shall be under no liability whatsoever to the purchaser and shall be entitled at its option (to be notified to the purchaser in writing) either to cancel this contract or to extend the time of its performance.
- (e) Unless otherwise stated in writing the seller shall be entitled to make delivery by instalments and to determine the route and manner of delivery of the goods and shall for the purpose of section 35(2) of the Sale of Goods Act 1923 (NSW) be deemed to have the purchaser's authority to make such contract with any carrier as to the seller shall seem reasonable.

6. LICENSES

If it is necessary for the lawful fulfilment of the contract:

- (I) For the purchaser to hold or obtain any import, export, currency or other license, consent or authority the purchaser shall be obliged to obtain the same;
- (II) For the seller to hold or obtain any such license, consent or authority the seller shall apply for the same but if the same is refused this contract shall forthwith come to an end and neither the seller nor the purchaser shall be under any liability in respect thereof.

7. PASSING OF PROPERTY, RISK AND INSURANCE

- (a) Notwithstanding delivery of the goods or any part thereof the property in the goods shall remain in the seller until the purchaser has paid the purchase price in full as well as any other payments due to the seller hereunder.
- (b) The goods are at the purchaser's risk from the occurrence of first in time of any of the following events:
 - (i) The passing of property to the purchaser.
 - (ii) The physical delivery of the goods to the purchaser.
 - (iii) The physical delivery to a carrier or other bailee whether named by the purchaser or not.
- (c) The seller shall be under no obligation to give the purchaser the notice referred to in section 35(3) of the sale of goods act 1923 (NSW)

8. WARRANTIES AND CONDITIONS

- (a) The seller shall use its best endeavours to furnish to the purchaser as soon as its practicable after acceptance of the order copies of all guarantees, warranties and indemnities given or offered by the manufacturers of the goods or any part thereof.
- (b) Save as aforesaid and subject to the provisions of clause 9 hereof the seller shall be under no obligation whatsoever (including without prejudice to the generality of the foregoing any liability in tort or for consequential loss, damage or injury of any kind) for any defect in or willful default of the seller or its servants or agents or to faulty design workmanship or materials or to any other cause whatsoever including metal breach by the seller its servants or agents of any term of the contract of which these conditions form part.
- (c) Subject to the provision of clause 9 hereof all conditions, warranties or other terms whether express or implied statutory or otherwise inconsistent with the provisions of this condition are hereby expressly excluded.

9.

- (a) Subject to the provisions of clause 9(b) hereof under the Trade Practices Act 1974 certain conditions and warranties may be implied in this contract if the purchaser is a consumer within the meaning of that Act and certain other conditions and warranties may be implied in this contract by statute or otherwise under other Commonwealth or state law applicable hereto but except for such conditions and warranties implied all conditions and warranties which would or might otherwise be implied in this contract are hereby excluded and negated. In the event of the invalidity of any part or provision of this contract such invalidity shall not affect the enforceability of any other part or provision of this contract.
- (b) (I) Pursuant to section 68A of the Trade Practices Act 1974 this clause applies in respect of any of the goods or services supplied under this contract which are not of a kind ordinarily acquired for personal, domestic or household use or consumption, provided that this clause will not apply if the purchaser establishes that reliance on it would not be fair and reasonable.
 - (ii) Liability for breach of a condition or warranty implied into this contract by the Trade Practices Act 1974 other than a condition implied by section 69 of that Act is limited to:
 - (A) In the case of goods, any one of the following is determined by the company:
 - (i) The replacement of the goods or the supply of equivalent goods; or
 - (ii) The repair of the goods; or
 - (iii) The payment of the cost of replacing the goods or of acquiring equivalent goods; or
 - (iv) The payment of the cost of having the goods repaired;
 - (B) In the case of services, any one of the following as determined by the seller:
 - (i) The supplying of the services again; or
 - (ii) The payment of the cost of having the services supplied again

10.

The purchaser hereby further acknowledges warrants and declares with and to the seller as follows:

- (a) That the purchaser has carefully examined the goods and has found no defects therein other than the following defects (if any) which have been specifically drawn to the purchaser's attention. (Here complete particulars of any such defects – if none referred to, the answer shall be deemed to read "NIL")
- (b) That notwithstanding the defects (if any) in the goods which the purchaser's examination thereof has revealed and/or which have been drawn to the purchaser's attention the purchaser is satisfied with the quality and condition thereof and the purchaser has relied upon his own skill and judgement in selecting the goods.
- (c) The purchaser has not made known to the seller any particular purpose for which the goods are being acquired and the seller gives no warranty to the purchaser that the goods are suitable for any purpose; or
- (d) The purchaser has made known to the seller the particular purpose for which the goods are being acquired and has satisfied himself that the goods are reasonably fit for the purpose and the purchaser does not rely on the skill or judgement of the seller as to the fitness or possible fitness of the goods for that purpose.

11.

This contract shall be constructed and governed in all respects by the laws of the state of New South Wales.

12. ORDER CANCELLATION FEE

Upon cancellation by the Purchaser of the order for the supply of goods the Purchaser agrees that the Seller may charge a Cancellation Fee being the greater of:

- 5% of the machine selling price, or
- the sum of all Non-Recoverable costs associated with order and incurred by the Seller up to the date of the order cancellation, or to be incurred (due solely to the order cancellation) up until the subsequent sale of the machine.

Non Recoverable costs are those costs not recovered by the Seller upon the subsequent sale of the machine and include but are not limited to:

- o customer specific components, attachments and options,
- o assembly costs,
- o storage costs,
- o handling costs,
- o transport costs
- o shipping and demurrage costs,
- o holding costs including interest.

- Payment of the Cancellation Fee is to be paid to the Seller within 14 days of the Seller submitting an Invoice with supporting documentation to the Purchaser.
- The customer specific components and options that can be reasonable removed from the machine will (after payment of the Cancellation Fee) be the property of the Purchaser.
- Upon the sale of the machine the Seller will account to the Purchaser and refund to the purchaser all Non Recoverable costs (in excess of the minimum 5% cancellation fee) that were recovered upon the sale of the machine.

Hitachi Construction Machinery (Australia) Pty Ltd

ABN 62 000 080 179

ORDER FOR SUPPLY OF GOODS

Name : Shire of Mingenew
Address: Victoria Street, Mingenew. WA 6522
Phone No: 08 9928 1102

DESCRIPTION OF GOODS

1 670G Motor Grader

Acceptance of Goods and Terms as per Quote Number :QUO-59048-Q1J7X7 Revision #: 0

DELIVERY ARRANGEMENTS

CONDITIONS OF SALE

PRICING SUMMARY	Excl GST		Incl GST		TRADE 1		TRADE 2	
	Purchase Price	\$321,000.00		\$353,100.00		Machine	Cat	Machine
Trade-In	\$48,000.00		\$52,800.00		Model	120H	Model	NA
C/O Price	\$273,000.00		\$300,300.00		Serial No	CATD120HECAF007 97	Serial No	NA
Less Deposit					Engine No		Engine No	
Balance					Encumbered Declaration		Encumbered Declaration	

Balance to be paid in full prior to delivery

I/We hereby declare that the above mentioned equipment to be traded-in is my/our own property and is not subject to lien/bill of sale or any other encumbrance whatsoever.

I/We hereby declare that the above mentioned equipment to be traded-in is my/our own property and is not subject to lien/bill of sale or any other encumbrance whatsoever.

(Purchaser's Signature)

(Purchaser's Signature)

Trade Payout Details	
Amount Owning \$	
Date	
Bank	

Trade Payout Details	
Amount Owning \$	
Date	
Bank	

I/We hereby offer to purchase from Hitachi Construction Machinery (Australia) Pty Ltd hereinafter called "The Seller" the above mentioned goods upon the Terms and conditions printed within this quote.

.....
 (Customer Name) (Signature) (Date)

 (Witness Name) (Signature) (Date)

 (Sales Rep Name) (Signature) (Date)

Hitachi Construction Machinery (Australia) Pty Ltd

ABN 62 000 080 179

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Name : Shire of Mingenew
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DELIVERY ARRANGEMENTS

CONDITIONS OF SALE

PRICING SUMMARY	Excl GST	Incl GST	TRADE 1		TRADE 2	
			Machine	Cat	Machine	NA
Purchase Price	\$321,000.00	\$353,100.00	Model	120H	Model	NA
Trade-In	\$48,000.00	\$52,800.00	Serial No	CAT0120HECAF007	Serial No	NA
C/O Price	\$273,000.00	\$300,300.00	Engine No	97	Engine No	
Less Deposit			Encumbered Declaration		Encumbered Declaration	
Balance			I/We hereby declare that the above mentioned equipment to be traded-in is my/our own property and is not subject to lien/bill of sale or any other encumbrance whatsoever.		I/We hereby declare that the above mentioned equipment to be traded-in is my/our own property and is not subject to lien/bill of sale or any other encumbrance whatsoever.	

Balance to be paid in full prior to delivery

(Purchaser's Signature)		(Purchaser's Signature)	
Trade Payout Details		Trade Payout Details	
Amount Owng \$		Amount Owng \$	
Date		Date	
Bank		Bank	

I/We hereby offer to purchase from Hitachi Construction Machinery (Australia) Pty Ltd hereinafter called "The Seller" the above mentioned goods upon the Terms and conditions printed within this quote.

(Customer Name) (Signature) (Date)
 (Witness Name) (Signature) (Date)
 (Sales Rep Name) (Signature) (Date)

Specifications

Engine	670G/GP	
	<i>Base engine: For use in areas where EPA Tier 3 / EU Stage IIIA is not required</i>	<i>Optional engine: For use in U.S., Canada, and Europe</i>
Manufacturer and Model	John Deere PowerTech™ 6068H	John Deere PowerTech Plus 6090H
Non-Road Emission Standards	EPA Tier 2 / EU Stage II	EPA Tier 3 / EU Stage IIIA
Cylinders	6	6
Displacement	414 cu. in. (6.8 L)	548 cu. in. (9.0 L)
Rated Speed	2,100 rpm	2,100 rpm
Net Engine Power		
Gear 1	145 hp (108 kW)	155 hp (116 kW)
Gear 2	145 hp (108 kW)	160 hp (119 kW)
Gear 3	145 hp (108 kW)	170 hp (127 kW)
Gear 4	165 hp (123 kW)	185 hp (138 kW)
Gear 5	165 hp (123 kW)	190 hp (142 kW)
Gear 6	185 hp (138 kW)	195 hp (145 kW)
Gear 7	185 hp (138 kW)	195 hp (145 kW)
Gear 8	185 hp (138 kW)	195 hp (145 kW)
Net Peak Torque	625 lb.-ft. (848 Nm) at 1,000 rpm	810 lb.-ft. (1098 Nm) at 900 rpm
Net Torque Rise	45%	72%
Aspiration	Turbocharged, charge air cooled	Turbocharged, charge air cooled
Lubrication	Full-flow spin-on filter and integral cooler	Full-flow spin-on filter and integral cooler
Air Cleaner with Restriction Indicator	Dual element, dry	Dual element, dry
Cooling	Cooling on demand, hydraulic-driven, variable-speed fan drive to optimize fuel consumption; auto-reversing fan to keep coolers clean; swing-out rear fan door and foldout coolers for easy cleaning of all cooling components	
Engine Coolant, Extended Life, Rating	-34 deg. F (-37 deg. C)	
Powertrain	Direct-drive John Deere PowerShift Plus™, modulated shift-on-the-go, Event-Based Shifting (EBS), inching pedal; independent transmission reservoir with separate filtration and cooling system with 33-gpm (125 L/min.) gear pump	
Gears		
Forward	8	
Reverse	8	
Maximum Travel Speeds	<i>With no tire slip at 2,180 rpm, 14.0-R24 tires</i>	
Shift Lever Position 1	2.4 mph (3.9 km/h)	
Shift Lever Position 2	3.4 mph (5.4 km/h)	
Shift Lever Position 3	4.8 mph (7.7 km/h)	
Shift Lever Position 4	6.8 mph (10.9 km/h)	
Shift Lever Position 5	10.1 mph (16.3 km/h)	
Shift Lever Position 6	14.3 mph (23.0 km/h)	
Shift Lever Position 7	19.9 mph (32.1 km/h)	
Shift Lever Position 8	28.1 mph (45.2 km/h)	
Front Axle	Heavy-duty welded fabrication	
Oscillation (total)	32 deg.	
Wheel Lean Angle (each direction)	20 deg.	
Differentials	Spiral bevel; hydraulically actuated, clutch type can be applied on-the-go; selectable manual or automatic differential lock	
Steering (all models include steering wheel)	All-hydraulic power-frame articulation for maneuverability and productivity, crab steering reduces side drift, positions tandems on firm ground, and increases side-slope stability, return-to-straight control included in "Grade Pro" option	
Turning Radius (front steer and articulation)	23 ft. 8 in. (7.21 m)	
Articulation (both right and left)	22 deg.	
Final Drives	Inboard-mounted planetary sealed in cooled, filtered oil	
Drive-Chain Pitch	2 in. (51 mm)	
Brakes	Foot-controlled, hydraulically operated, multiple wet-disc brakes sealed in pressurized, cooled, filtered oil; both independent systems effective on all 4 tandem wheels	
Primary and Secondary Brakes	Hydraulically actuated, inboard of tandem pivot, self-adjusting, sealed in cooled and filtered oil, multi-disc (ISO 3450)	
Parking Brake	Automatically spring applied, hydraulically released, oil cooled, self-adjusting (ISO 3450)	

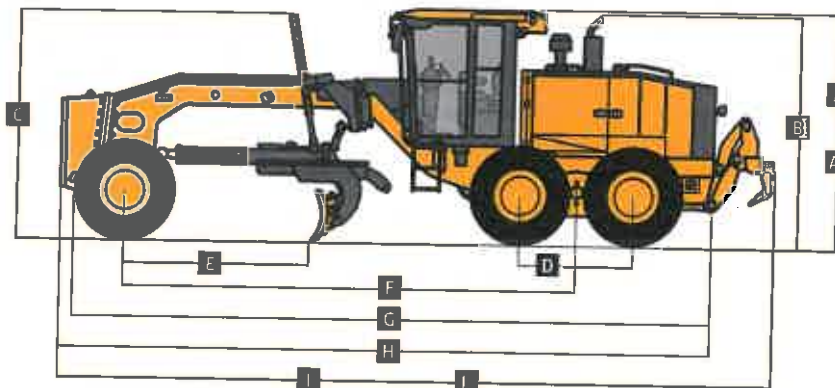
Hydraulics	670G/GP
Closed-center, pressure-compensated load-sensing (PCLS), variable-displacement piston pump, O-ring face-seal fittings	
Maximum Pump Flow	56 gpm (212 L/min.)
Maximum System Pressure	2,750 psi (18 961 kPa)
Pump Displacement	5.5 cu. in. (90 cm ³)
Blade Function	
All-hydraulic, industry-standard lever placement of blade-function controls; includes float position; 7 discrete saddle positions	
Blade Range	
Lift Above Ground	19.3 in. (490 mm)
Blade Side Shift (right or left)	26.9 in. (683 mm)
Pitch at Ground Line	
Forward	42 deg.
Back	5 deg.
Shoulder Reach Outside Wheels (frame straight, right or left)	6 ft. 10 in. (2083 mm)
Bank Cut Angle (right or left)	90 deg.
Productivity	
Blade Pull (maximum weight [46,800 lb. (21 228 kg)], 0.9 coefficient of traction)	28,220 lb. (12 800 kg)
Electrical	
Solid-state load center and sealed-switch module	
Voltage	24 volt
Number of Batteries	2
Battery Capacity	1,400 CCA
Reserve Capacity	440 min.
Amp-Hour Rating	224 amp-hour
Alternator Rating	100 amp
Lights	Driving lights; 2 high- and 2 low-beam halogen headlights; front and rear LED turn signals and marker lights, LED brake and hazard warning lights
Mainframe	
Type	Welded box construction
Width (minimum)	12.1 in. (307 mm)
Height (minimum)	12.1 in. (307 mm)
Thickness	
Side	0.63 in. (16 mm)
Top and Bottom Plate	0.89 in. (23 mm)
Modulus	
Minimum Vertical Section	88 cu. in. (1445 cm ³)
Average Vertical Section at Saddle	137 cu. in. (2245 cm ³)
Draft Frame (drawbar)	
Welded box construction machined for flatness with double ball-and-socket pivot connection equipped with quick-change replaceable wear inserts	
Circle	
Welded construction, heat-treated, machined for flatness, equipped with quick-change replaceable wear inserts	
Circle Diameter	60 in. (1524 mm)
Rotation	360 deg.
Drive	Hydraulic motor and worm gear with positive lock
Circle Side Shift (right and left)	31 in. (787 mm)
Moldboard	
High-strength, pre-stressed for higher strength, wear-resistant, high-carbon steel and reversible end bits; blade side-shift wear system includes quick-change replaceable wear inserts and quick-adjust jackscrew system	
Length	12 ft. 0 in. (3.66 m)
Height (measured along arc, including cutting edge)	24 in. (610 mm)
Thickness	0.88 in. (22 mm)
Cutting Edge	
Dura-Max® through-hardened steel edge	
Thickness	0.62 in. (16 mm)
Width	6 in. (152 mm)

Specifications

Scarifiers		670G/GP	
		Front	Mid-mount
Type		V-type toolbar with manual 2-pitch positions, with hydraulic float	Radial linkage, with NeverGrease™ pin joints, V-type manual 3-pitch positions, with hydraulic float
Width of Cut		4 ft. 0 in. (1.20 m)	3 ft. 11 in. (1.19 m)
Number of Shanks/Teeth		5 (maximum capacity 9)	11
Lift Above Ground		23.2 in. (589 mm)	13.2 in. (335 mm)
Maximum Penetration		13.2 in. (335 mm)	12.8 in. (325 mm)
Shank			
Spacing		5.75 in. (146 mm)	4.6 in. (117 mm)
Size		1 x 3 in. (25 x 76 mm)	1 x 3 in. (25 x 76 mm)
Front Lift Group (Balderson-style)			
Parallel linkage, mechanical pins, hydraulic float			
Lift			
Above Ground		73.4 in. (1864 mm)	
Range		38.9 in. (988 mm)	
Rear Ripper/Scarifier			
Parallelogram linkage, with NeverGrease pin joints, hydraulic float, integrated hitch			
		Ripper	Rear Scarifier
Width of Cut		7 ft. 3 in. (2.21 m)	7 ft. 2 in. (2.18 m)
Number of Shanks/Teeth		3 (maximum capacity 5)	None standard (maximum capacity 9)
Lift Above Ground		23.7 in. (602 mm)	31.9 in. (810 mm)
Maximum Penetration		16.8 in. (426 mm)	12.7 in. (323 mm)
Shank Size		2.42 x 5.25 in. (61.5 x 133 mm)	1 x 3 in. (25 x 76 mm)
Operator Station			
Low-profile cab with ROPS (ISO 3471-2008) and FOPS (ISO 3449-2005)			
Tires/Wheels			
		13.00-24 on 9-in. (229 mm) Rim	14.00-24 on 10-in. (254 mm) Rim
Wheel Tread on Ground (front and rear)		82 in. (2.08 m)	82 in. (2.08 m)
Overall Width (top of tires, front and rear)		97 in. (2.46 m)	98 in. (2.49 m)
Ground Clearance (front axle, front and rear)		22.0 in. (559 mm)	23.1 in. (587 mm)
Serviceability			
Refill Capacities			
Fuel Tank		110 gal. (416.4 L)	
Cooling System (6.8L engine)		12 gal. (45.4 L)	
Engine Oil with Filter (6.8L engine)		6.9 gal. (26.1 L)	
Transmission Fluid (refill)		6 gal. (22.7 L)	
Differential Housing		9.5 gal. (36.0 L)	
Tandem Housings (each)		20 gal. (75.7 L)	
Circle Gearbox		1.5 gal. (5.7 L)	
Hydraulic Reservoir		14 gal. (53.0 L)	
Operating Weights			
With full fuel tank, 175-lb. (79 kg) operator, 12-ft. x 24-in. x 7/8-in. moldboards, and 14.00-24, 12 PR G2 tires			
Front		9,240 lb. (4191 kg)	
Rear		24,580 lb. (11 149 kg)	
Total		33,820 lb. (15 340 kg)	
Typical Operating Weight with Front Push Block and Ripper			
Front		12,218 lb. (5542 kg)	
Rear		28,768 lb. (13 049 kg)	
Total		40,986 lb. (18 591 kg)	
Maximum Operating Weight		46,800 lb. (21 228 kg)	

Option Weights	670G/GP
Moldboards with Through-Hardened Dura-Max Cutting Edge	
12 ft. x 24 in. x 7/8 in. (3.66 m x 610 mm x 22 mm) with 8-in. x 3/4-in. (203 mm x 19 mm) cutting edge and 5/8-in. hardware	100 lb. (45 kg)
12 ft. x 27 in. x 1 in. (3.66 m x 686 mm x 25 mm) with 8-in. x 3/4-in. (203 mm x 19 mm) cutting edge and 5/8-in. hardware	277 lb. (126 kg)
13 ft. x 27 in. x 1 in. (3.96 m x 686 mm x 25 mm) with 8-in. x 7/8-in. (203 mm x 19 mm) cutting edge and 5/8-in. hardware	396 lb. (180 kg)
14 ft. x 24 in. x 7/8 in. (4.27 m x 610 mm x 22 mm) with 6-in. x 5/8-in. (152 mm x 16 mm) cutting edge and 5/8-in. hardware	231 lb. (105 kg)
14 ft. x 24 in. x 7/8 in. (4.27 m x 610 mm x 22 mm) with 8-in. x 3/4-in. (203 mm x 19 mm) cutting edge and 5/8-in. hardware	346 lb. (156.9 kg)
Extensions, 2 ft. (610 mm) (right or left)	
For Use with 24-in. (610 mm) Moldboards	255 lb. (115.7 kg)
For Use with 27-in. (686 mm) Moldboards	265 lb. (120.2 kg)
Overlay End Bits, Reversible (one pair)	
For 6-in. (152 mm) Cutting Edge	42 lb. (19.1 kg)
For 8-in. (203 mm) Cutting Edge	50 lb. (22.7 kg)
Extended-Wear Moldboard Side-Shift Wear Inserts	0 lb. (0 kg)
Extended-Wear Circle Wear Inserts	43 lb. (19.5 kg)
Circle-Drive Slip Clutch	20 lb. (9.1 kg)
Moldboard Impact-Absorption System	100 lb. (45.4 kg)
Ripper/Scarifier, Rear Mounted with Hitch and Ripper Shanks (3)	2,645 lb. (1200 kg)
Scarifier Shanks with Teeth (9 for rear ripper/scarifier)	150 lb. (68 kg)
Ripper Shanks and Teeth (2)	140 lb. (64 kg)
Rear Counterweight with Integral Rear Hitch	1,600 lb. (725.7 kg)
Rear Hitch	120 lb. (54.4 kg)
Push Block, Front Scarifier	3,000 lb. (1361 kg)
Front Mount with Teeth (5)	1,874 lb. (850 kg)
Mid-Mount with Teeth (11)	3,243 lb. (1471 kg)
Front Lift Group (Balderson-style)	1,726 lb. (782.9 kg)
Machine Dimensions	
A Height to Top of Cab	10 ft. 5 in. (3.18 m)
A1 Height to Top of Full-Height Cab	11 ft. 2 in. (3.40 m)
B Height to Top of Exhaust (6.8L engine)	10 ft. 2 in. (3.09 m)
C Height to Top of Blade-Lift Cylinders	10 ft. 0 in. (3.05 m)
D Tandem Axle Spacing	5 ft. 1 in. (1.54 m)
E Blade Base	8 ft. 5 in. (2.57 m)

Option Weights (continued)	670G/GP
Tires	
13.00-24, 12 PR G2	- 84 lb. (- 38.1 kg)
14.00-24, 12 PR G2	0 lb. (0 kg)
17.5-25, 12 PR G2/L2	264 lb. (119.7 kg)
14.00-R24, Radial, G2/L2 General Purpose	474 lb. (215 kg)
14.00-R24, Radial, G2/L2 Snow	654 lb. (296.6 kg)
17.5-R25, Radial, L2 General Purpose	594 lb. (269.4 kg)
17.5-R25, Radial, G2/L2 Snow	642 lb. (291.2 kg)
17.5-R25, Radial, G3/L3 General Purpose	726 lb. (329.3 kg)
One-Piece Rims	
9 in. x 24 in. (229 mm x 610 mm)	0 lb. (0 kg)
13 in. x 25 in. (330 mm x 635 mm)	162 lb. (73.5 kg)
Multi-Piece Rims	
10 in. x 24 in. (254 mm x 610 mm)	375 lb. (170.1 kg)
14 in. x 25 in. (356 mm x 635 mm)	565 lb. (256.3 kg)
Fenders	
Front	137 lb. (62.1 kg)
Rear	264 lb. (119.7 kg)
Cab	
Low with Opening Front and Side Windows	35 lb. (15.9 kg)
With Armrest Electrohydraulic (EH) Controls	110 lb. (49.9 kg)
Tall with Fixed Front and Side Windows	126 lb. (57.2 kg)
Tall with Opening Front and Side Windows	132 lb. (59.9 kg)
Canopy, Low Profile with ROPS	- 356 lb. (- 161.5 kg)
Premium Seat, Air Suspension, Heated, with Adjustable Arm- and Headrests	28 lb. (12.7 kg)
Coolant Heater	8 lb. (3.6 kg)
Rotary Ejector Precleaner	17 lb. (7.7 kg)
Lighting Packages	
10 Halogen Lights	8 lb. (3.6 kg)
16 Halogen Lights	17 lb. (7.7 kg)
18 Halogen Lights	20 lb. (9.1 kg)
High-Front Light Bar for Snowplowing	44 lb. (20 kg)
24- to 12-Volt, 30-Amp Converter	3 lb. (1.4 kg)
Auxiliary Hydraulic Control Valve Section and Controls	15 lb. (6.8 kg)
Hydraulics for Front-Mounted Equipment	19 lb. (8.6 kg)
Wipers/Washers, Lower-Front Windows	9 lb. (4.1 kg)
Machine Dimensions (continued)	
F Wheelbase	20 ft. 3 in. (6.16 m)
G Overall Length	29 ft. 2 in. (8.89 m)
H Overall Length with Scarifier	31 ft. 9 in. (9.69 m)
I Overall Length with Push Block and Ripper	32 ft. 9 in. (9.99 m)
I1 Overall Length with Scarifier and Ripper	34 ft. 9 in. (10.59 m)
<i>For Overall Width see Tires/Wheels on page 18.</i>	



Specifications

Engine	672G/GP	
Manufacturer and Model	<i>For use in U.S., Canada, and Europe</i> John Deere PowerTech™ Plus 6090H	<i>For use outside U.S., Canada, and Europe</i> John Deere PowerTech 6068H
Non-Road Emission Standards	EPA Tier 3 / EU Stage IIIA	EPA Tier 2 / EU Stage II
Cylinders	6	6
Displacement	548 cu. in. (9.0 L)	414 cu. in. (6.8 L)
Rated Speed	2,100 rpm	2,100 rpm
Net Engine Power		
Gear 1 (6WD on)	170 hp (127 kW)	165 hp (123 kW)
Gear 2 (6WD on)	175 hp (130 kW)	165 hp (123 kW)
Gear 3 (6WD on)	180 hp (134 kW)	165 hp (123 kW)
Gear 4 (6WD on)	190 hp (142 kW)	165 hp (123 kW)
Gear 5	190 hp (142 kW)	165 hp (123 kW)
Gear 6	195 hp (145 kW)	185 hp (138 kW)
Gear 7	195 hp (145 kW)	185 hp (138 kW)
Gear 8	195 hp (145 kW)	185 hp (138 kW)
Net Peak Torque	810 lb.-ft. (1098 Nm) at 900 rpm	625 lb.-ft. (848 Nm) at 1,000 rpm
Net Torque Rise	72%	45%
Aspiration	Turbocharged, charge air cooled	Turbocharged, charge air cooled
Lubrication	Full-flow spin-on filter and integral cooler	Full-flow spin-on filter and integral cooler
Air Cleaner with Restriction Indicator	Dual element, dry	Dual element, dry
Cooling		
Cooling on demand, hydraulic-driven, variable-speed fan drive to optimize fuel consumption; auto-reversing fan to keep coolers clean; swing-out rear fan door and foldout coolers for easy cleaning of all cooling components		
Engine Coolant, Extended Life, Rating	-34 deg. F (-37 deg. C)	
Powertrain		
Six-Wheel Drive	Automatic dual-path hydrostatic drive; increases tractive effort and front-end control; includes separate left and right systems with variable-displacement pumps, axial-piston wheel motors, and freewheel at transport speeds; operator-selectable 15-position rotary aggressiveness control and inching capability down to 0 mph; precision mode (propelled by front wheels only)	
Conventional Mode Effective Gears	1-4 forward and reverse	
Precision Mode		
Effective Gears	1-3 forward only	
Operating Speeds	0.25-5.0 mph (0.4-8.0 km/h)	
Hydrostatic Pumps (2 each)	3.9 cu. in. (64 cm³)	
Wheel Motors	3.7 cu. in. (60 cm³)	
Final Reduction	38.7:1	
Transmission	Direct-drive John Deere PowerShift Plus™, modulated shift-on-the-go, Event-Based Shifting (EBS), Inching pedal; independent transmission reservoir with separate filtration and cooling system with 33-gpm (125 L/min.) gear pump	
Gears		
Forward	8	
Reverse	8	
Maximum Travel Speeds	<i>With no tire slip at 2,180 rpm, 14.0-R24 tires</i>	
Shift Lever Position 1	2.4 mph (3.9 km/h)	
Shift Lever Position 2	3.4 mph (5.4 km/h)	
Shift Lever Position 3	4.8 mph (7.7 km/h)	
Shift Lever Position 4	6.8 mph (10.9 km/h)	
Shift Lever Position 5	10.1 mph (16.3 km/h)	
Shift Lever Position 6	14.3 mph (23.0 km/h)	
Shift Lever Position 7	19.9 mph (32.1 km/h)	
Shift Lever Position 8	28.1 mph (45.2 km/h)	
Front Axle	Heavy-duty welded fabrication	
Oscillation (total)	32 deg.	
Wheel Lean Angle (each direction)	20 deg.	
Differentials	Spiral bevel; hydraulically actuated, clutch type can be applied on-the-go; selectable manual or automatic differential lock	
Steering (all models include steering wheel)	All-hydraulic power-frame articulation for maneuverability and productivity, crab steering reduces side drift, positions tandems on firm ground, and increases side-slope stability, return-to-straight control included in "Grade Pro" option	
Turning Radius (front steer and articulation)	23 ft. 8 in. (7.21 m)	
Articulation (both right and left)	22 deg.	

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Shire of Mingenew

Reference Number : VP78556

Supply and Delivery of one (1) only new Caterpillar Motor Grader



The Equipment Management Company

westrac.com.au

Westrac



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The Equipment Management Company
westrac.com.au

WesTrac



WesTrac

CAT

30th June 2017

SHIRE OF MINGENEW
Victoria St, MINGENEW
6522, WESTERN AUSTRALIA

ATTN: Martin Whitely,

Please find enclosed our official quotation for the supply, delivery and licensing of:

Quotation Number: VP78556
ONE ONLY NEW CATERPILLAR 12M MOTOR
GRADER

We have endeavoured to supply all relevant information on our product and support facilities offered by WesTrac Pty Ltd.

Should you require additional information, please do not hesitate to contact the undersigned.

Yours faithfully,



Greg Pike
SALES REPRESENTATIVE
Caterpillar Cert. Sales. | WesTrac Pty Ltd | Building Construction
Government Sales
t: (08) 93627404
m: 0400 968 194
w: www.westrac.com.au

WesTrac



WesTrac Pty Ltd
A.B.N. 63 009 342 572

Quote Number: 47472#1
Date: 28/06/2017

SHIRE OF MINGENEW
PO BOX 120
MINGENEW WA 6522

Safety Note: Remember never to operate a machine until you are familiar with the Operation & Maintenance manual. For Safety Tips and helpful information go to www.safety.cat.com

ONE (1) ONLY NEW CATERPILLAR 12M MOTOR GRADER
ID: PC111052A SERIAL NO: 0B9200564
"SUBJECT TO PRIOR SALE"

Includes the following specifications:-

POWERTRAIN

Air cleaner, dual stage dry type radial seal with service indicator through messenger and automatic dust ejector
Air-to-air after cooler (ATAAC)
Belt, serpentine, automatic tensioner
Brakes, oil disc, four-wheel, hydraulic
Demand fan, hydraulic
Differential, lock/unlock, AUTO
Drain, engine oil, ecology
Electronic over speed protection
Engine, C7 with ACERT technology, diesel, with automatic engine derate and idle control.
Note: For EU Dealers only, meets EU Stage IIIA Certified Engine
Note: For all other regions, meets non-current US EPA Tier 3 or EU Stage IIIA Emissions Standards
Fuel-water separator
Muffler, under hood
Parking brake, multi-disc, sealed and oil cooled
Priming pump, fuel
Rear axle, modular
Sediment drain, fuel tank
Tandem drive
Transmission, 8 speed forward and 6 speed reverse, power shift, direct drive
VHP Plus (Variable Horsepower Plus)
EIS (Engine Idle Shutdown)

ELECTRICAL

Alarm, back-up
Alternator, 80 ampere, sealed
Batteries, maintenance free, heavy duty, 1125 CCA
Breaker panel, ground accessible
Cab harness and electrical hydraulic valves
Electrical system, 24 volt
Grade Control Ready (Cab harness, software, electrical hydraulic valves, bosses and brackets)
Lights, reversing

Lights, roading, roof-mounted
Lights, stop and tail, LED
Starter, electric

OPERATOR ENVIRONMENT

Air Conditioning with heater
Arm and wrist rest, adjustable
Articulation, automatic return to centre
Power Port
Centershift pin indicator
Coat hook
Cupholder
Display, digital speed and gear
Doors, left and right side with wiper
Gauge, machine level
Gauges (analog) inside the cab (includes fuel, articulation, engine coolant temp, engine RPM, and hydraulic oil temp)
Joystick, adjustable armrests
Joystick gear selection
Joystick hydraulic controls, (right/left blade lift with float position, blade sideshift and tip, circle drive, centershift, front wheel lean and articulation and steering)
Joystick hydraulic power steering
Ladders, cab, left and right side
Lights, night time cab
Messenger operator information system
Meter, hour, digital
Mirror, inside rearview, wide angle
Power Port, 12V
Radio Ready, Entertainment
ROPS cab, sound suppressed 70dB(A)
ISO 6394
Seat, cloth-covered, comfort suspension
Seat belt, retractable 3"
Storage area for cooler/lunchbox
Throttle control, electronic
Windows: laminated glass
-fixed front with intermittent wiper
-side and rear (3)
Cab Storage

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Prices are subject to change without notice.

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WE THANK YOU FOR YOUR VALUED BUSINESS

WesTrac Pty Ltd
A.B.N. 63 009 342 572

Quote Number: 47472#1
Date: 28/06/2017

OTHER STANDARD EQUIPMENT

Accumulators, brake, dual certified
Anti-glare paint
Bumper, rear, integrated with hitch
CD ROM Parts Book
Clutch, circle drive slip
Cutting edges, 6" x 5/8" (152mm x 16mm)
curved DH-2 steel, 3/4" mounting bolts (19mm)
Doors, 3 engine compartment, (two left hand, one right hand,) locking
Drawbar, 6 shoe with replaceable wear strips
Electrical hydraulic valves, base 8
Endbits, 5/8" (16mm) DH-2 steel, 3/4"(19mm) mounting bolts
Fluid check, ground level
Frame, articulated with safety lock
Fuel tank, 110 gallon (416 L)
Ground level engine shutdown
Ground level fueling

Hammer (emergency exit)
Horn, electric
Hydraulic lines for base functions
Lockout, hydraulic implement (for roading and servicing)
Mounting, cab roof accessories
Pump, hydraulic, high capacity (98cc/6cu in)
Radiator, cleanout access
Secondary steering
Serviceability, LH side
SOS ports, engine, hydraulic, transmission, coolant, fuel
Tandem walkway/guards
Tool box

Factory Fitted Equipment

- 2466705 DRAIN, GRAVITY, ENGINE OIL**
- 2486925 TRANSMISSION, AUTOSHIFT**
Improves ease of operation and maximizes productivity by automatically shifting the transmission at optimal shift points
- 2503071 PUSH PLATE, COUNTERWEIGHT**
Front mounted. Recommended when machine is equipped with rear ripper/scarifier and other rear Mounted attachments
- 2520775 TYRES, 17.5R25 BS VKT * D2A MP**
Bridgestone Radial VKT 1 on 14" x 25" multi-piece rims.*
- 2532724 ALTERNATOR, 150 AMP (AC)**
Provides alternator, AC compressor belt, and placement film
- 2610610 COMPRESSOR/TANK, AIR**
Air supply for blowing debris, operating power tools, and more. Provides 150 PSI @ 13.5 CFM. 7 liter storage capacity
- 3052927 LINES,STANDARD W/O ACCUMULATOR**
- 3086276 TOWING GROUP, 45 MM PIN**
Mounted on ripper beam. INCLUDES: Pin and positive chain retention
- 3236970 GUARD GP, HITCH**
Standard bottom plate just rear of articulation hitch.
- 3240889 RIPPER/SCARIFIER**
Hydraulic, rear mounted ripper with three straight ripper shanks and teeth and nine scarifier teeth.
- 3493047 MOLDBOARD, 4.3M BASIC**
Moldboard 14' x 24" x 7/8" (4267mm x 610mm x 22mm)
- 3493051 WEATHER, STANDARD**
Recommended for year around use when typical ambient temperature range is 5 degrees C to 43 degrees C
- 3548706 YEAR OF MANUFACTURE PLATE**
- 3662459 GUARD, TRANSMISSION**
Provides a steel guard to protect the transmission from ground debris
- 3744558 LIGHTS, WORKING, PLUS**
Lights, Ripper 3X3 - Lights, Work, Heel 3X3 - Lights, Work, Midframe Toe 3X3
- 3771602 SOUND SUPPRESSION (BOTTOM)**
Provides two metallic side panels on either side of the transmission guard, enclosing the rear of the machine. This option prevents debris from accumulating on top of the transmission guard
- 3826931 FUEL TANK, STANDARD**
- 3914396 CAMERA, REAR VISION**
Provides a 115 degree color camera mounted on the rear of the hood that is connected to a 7 inch (178mm) LCD color display mounted in the cab which shows the view behind the machine

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4394922 AUSTRALIAN ARRANGEMENT

Includes:

- Converter for Communications
- Radio, 12V, AM/FM CD/MP3 BLUETOOTH, Weatherband
- Film Tie Down
- Lights, Front Head Lights Low
- Marker Lights
- Mirror, Inside Flat
- Mirror, Outside Mounted Convex
- Mounting, Warning Beacon Cab, Guarded
- Plus Cab
- Product Link, PLE631
- Registration Plate Mounting, Front
- Registration Plate Mounting, Rear
- Shade, Sun, Rear
- Tie Down Frame

4588701 JOYSTICK CONTROLS, ADVANCED

Provides enhanced functionality while using ACCUGRADE READY or GRADE CONTROL X SLOPE

4626393 GRADE CONTROL X SLOPE

Allows the operator to manually control one end of the blade to match the curb or crown while automatically maintaining the desired slope of the blade. This system is used to maintain the crown of a gravel road or the shoulder of a road.

4832354 CONTROL AUTO ARTICULATION

Improves ease of operation, increases manoeuvrability and maximizes productivity by automatically matching articulation angle to steering angle.

4K3330 SHANKS/TEETH, RIPPER/SCARIFIER

Locally Sourced Equipment

SUPPLY TYRE CHANGE TOOLS (wheel Brace)
SUPPLY & INSTALL TWO-WAY RADIO
SUPPLY SPARE TYRE & RIM
SUPPLY & INSTALL SIGNWRITING – “Shire of Mingenew”
SUPPLY & INSTALL FIRE EXTINGUISHER (2KG IN CAB)
SUPPLY & INSTALL ENGINE PRECLEANER
SUPPLY & INSTALL AMBER BEACON (LED) – Twin CAT LED Beacons
SUPPLY & INSTALL CANVAS SEAT COVER
SUPPLY & INSTALL WINDOW TINTING
SUPPLY TYRE INFLATION KIT
SUPPLY SET OF BOOKS

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Quote Number: 47472#1
Date: 28/06/2017

Pricing Information

Selling Price Excluding G.S.T	\$344,800.00
Plus G.S.T.	\$34,480.00
Selling Price Including G.S.T.	\$379,280.00
Less Your Trade:	
CAT 120H (CAF00797)	\$57,000.00
Plus G.S.T.	\$5,700.00
Total Trade Including G.S.T.	\$62,700.00
Net Change Over Price Excluding G.S.T.	\$287,800.00
G.S.T.	\$28,780.00
Net Change Over Price Including G.S.T.	\$316,580.00

Optional Extras (AUD\$ - Plus GST)

SUPPLY TOOL KIT, METRIC (157-0674)	\$1,178.41
SUPPLY & INSTALL ADDITIONAL TOOL BOX	\$239.77
12 MONTHS LICENCE INC STAMP DUTY	(3% of Sell Price)
Optional Extras Total (Ex G.S.T.)	\$1,418.18

**THIS QUOTATION IS VALID FOR A PERIOD OF FOURTEEN (14) DAYS FROM THE DATE OF THE QUOTE.
YOUR OFFER TO PURCHASE THE GOODS PURSUANT TO THE QUOTATION MUST BE MADE WITHIN THIS PERIOD.**

DELIVERY

4 weeks from date of order, SUBJECT TO PRIOR SALE and events of force majeure which will delay delivery and are beyond the control of WesTrac Pty Ltd.

Ex works Westrac Kewdale to Mingenew with return trade to Westrac Guildford

WARRANTY

5000 Hours/60 Months Premier Full Machine whichever occurs first, from the date of delivery to the original customer.

Any attachment that, you the client, elect to fit to this new Caterpillar machine, which is not a genuine Caterpillar attachment and has not been approved by WesTrac Pty Ltd may void the machine warranty should it be determined by Caterpillar and/or WesTrac Pty Ltd that any failure on the machine is caused by fitting such an attachment I.E. Non Genuine Attachments are not covered by Caterpillar Warranty.

PAYMENT TERMS

Payment required 21 days from invoice date.

Signature:



Greg Pike:- WesTrac Geraldton

PH # 0427190007

Greg.pike@westrac.com.au

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WesTrac Pty Ltd
A.B.N. 63 009 342 572

Quote Number: 47472#1
Date: 28/06/2017

OFFER AND ACCEPTANCE

If you wish to purchase the Goods, please sign this document. Your signature constitutes an offer by you to purchase the Goods on the terms and conditions set out in this document.

WesTrac Pty Ltd.'s standard terms and conditions of sale form part of this document and, with an offer and acceptance executed by both parties, form the agreement between the parties for the sale and purchase of the Goods.

WesTrac Pty Ltd may accept or reject your offer to purchase, in its absolute discretion.

If WesTrac Pty Ltd accepts your offer to purchase, a binding contract will exist.

MINGENEW SHIRE COUNCIL

**ACCEPTED BY WES TRAC PTY LTD:
BY:**

Signature of Customer

Authorised signatory

Signature of Witness

Date

Date

Terms and Conditions Attached. Our applicable terms and conditions are at:
http://www.wes-trac.com.au/Company_Profile/Pages/Procurement.aspx

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WE THANK YOU FOR YOUR VALUED BUSINESS
Page 82 of 302

12M

Motor Grader



Operator Station

Industry leading cab design gives you unmatched comfort, visibility and ease of use, so your operators can be more confident and productive.

Structures, Drawbar, Circle and Moldboard

Durable structures with fast and simple DCM adjustments save you service time. Shims and wear strips save you money and make it easy to maintain factory tightness of components for better grading results.

Hydraulics

Load sensing, proportional hydraulics mean operators can rely on consistent power. This precise, predictable implement response will save time and help assure quality work.

Integrated Technologies

Grade control and machine monitoring technologies help you improve grading efficiency and enhance fleet management for improved machine utilization.

Safety

The safety of your operators and those on the job site is key in the design of every Cat machine. Features like outstanding visibility, hydraulic lockout and redundant steering and braking systems help you meet your goals of getting everyone home safely at the end of each work day.



12M Motor Grader Specifications

Engine

Engine Model*	Cat® C7 ACERT™	
Base Power (1st gear) – Net	136 kW	183 hp
Base Power (1st gear) – Net (Metric)	186 hp	
VHP Plus Range – Net	136-159 kW	183-213 hp
VHP Plus Range – Net (Metric)	186-216 hp	
Displacement	7.2 L	439 in ³
Bore	110 mm	4.3 in
Stroke	127 mm	5 in
Torque Rise (VHP Plus)	39%	
Maximum Torque (VHP Plus)	1052 N·m	776 lb-ft
Speed @ Rated Power	2,000 rpm	
Number of Cylinders	6	
Derating Altitude	3048 m	10,000 ft
Standard – Fan Speed		
Maximum	1,450 rpm	
Minimum	600 rpm	
Standard – Ambient Capability	43° C	109° F
High Ambient – Fan Speed		
Maximum	1,650 rpm	
Minimum	600 rpm	
High Ambient Capability	50° C	122° F

- Maximum torque (VHP Plus) measured at 1,000 rpm.
- Net power is tested per ISO 9249, SAE J1349, and EEC 80/1269 Standards in effect at the time of manufacture.
- Net power advertised is the power available at rated speed of 2,000 rpm, measured at the flywheel when engine is equipped with fan running at minimum speed, air cleaner, muffler and alternator.
- Power as declared per ISO 14396
Rated Speed = 2,000 rpm
VHP Plus = 160 kW (214 hp)
- No engine derating required up to 3048 m (10,000 ft).
- * Note: Meets non-current U.S. EPA Tier 3 or EU Stage IIIA emission standards.

12M Net Power

Gear	VHP Plus kW (hp)
Forward	
1st	136 (183)
2nd	140 (188)
3rd	144 (193)
4th	148 (198)
5th	151 (203)
6th	151 (203)
7th	155 (208)
8th	159 (213)
Reverse	
1st	136 (183)
2nd	140 (188)
3rd	144 (193)

Power Train

Forward/Reverse Gears	8 Forward/6 Reverse
Transmission	Direct drive, power shift, countershaft
Brakes	
Service	Multiple oil disc
Service, Surface Area	23 000 cm ² 3,565 in ²
Parking	Multiple oil disc
Secondary	Dual circuit control system

Hydraulic System

Circuit Type	Electro-hydraulic load sensing, closed center	
Pump Type	Variable piston	
Pump Output	210 L/min	55.7 gal/min
Maximum System Pressure	24 150 kPa	3,500 psi
Standby Pressure	3100 kPa	450 psi

- Pump output measured at 2,150 rpm.

12M Motor Grader Specifications

Operating Specifications

Top Speed		
Forward	46.6 km/h	29.0 mph
Reverse	36.8 km/h	22.9 mph
Turning Radius, Outside Front Tires		
	7.6 m	24 ft 10 in
Steering Range – Left/Right		
	47.5 degrees	
Articulation Angle – Left/Right		
	20 degrees	
Forward		
1st	4.0 km/h	2.5 mph
2nd	5.5 km/h	2.4 mph
3rd	8.0 km/h	5.0 mph
4th	11.0 km/h	6.8 mph
5th	17.1 km/h	10.6 mph
6th	23.3 km/h	14.5 mph
7th	32.0 km/h	19.9 mph
8th	46.6 km/h	29.0 mph
Reverse		
1st	3.2 km/h	2.0 mph
2nd	6.0 km/h	3.7 mph
3rd	8.7 km/h	5.4 mph
4th	13.5 km/h	8.4 mph
5th	25.3 km/h	15.7 mph
6th	36.8 km/h	22.9 mph

• Speeds when equipped with 14.0R24 tires.

Service Refill

Fuel Capacity	416 L	110 gal
Cooling System	40 L	10.6 gal
Hydraulic System – Tank	64 L	16.9 gal
Engine Oil	25 L	6.6 gal
Trans./Diff./Final Drives	64 L	16.9 gal
Tandem Housing (each)	64 L	16.9 gal
Front Wheel Spindle Bearing Housing	0.5 L	0.13 gal
Circle Drive Housing	7 L	1.8 gal

Frame

Circle		
Diameter	1530 mm	60.2 in
Blade Beam Thickness	40 mm	1.6 mm
Drawbar		
Height	152 mm	6 in
Width	76.2 mm	3 in
Front Frame Structure		
Height	305 mm	12 in
Width	305 mm	12 in
Thickness	16 mm	0.6 in
Front Axle		
Height to Center	571 mm	23 in
Wheel Lean, Left/Right	18 degrees	
Total Oscillation Per Side	32 degrees	

Tandems

Height	506 mm	19.9 in
Width	201 mm	7.9 in
Sidewall Thickness		
Inner	16 mm	0.6 in
Outer	18 mm	0.7 in
Drive Chain Pitch	50.8 mm	2 in
Wheel Axle Spacing	1523 mm	60 in
Tandem Oscillation		
Front Up	15 degrees	
Front Down	25 degrees	

Moldboard

Moldboard		
Width	3.7 m	12 ft
Height	610 mm	24 in
Thickness	22 mm	0.87 in
Arc Radius	413 mm	16.3 in
Throat Clearance	166 mm	6.5 in
Cutting Edge		
Width	152 mm	6 in
Thickness	16 mm	0.6 in
End Bit		
Width	152 mm	6 in
Thickness	16 mm	0.6 in
Blade Pull		
Base GVW	10 810 kg	23,832 lb
Maximum GVW	13 685 kg	30,170 lb
Down Pressure		
Base GVW	7244 kg	15,969 lb
Maximum GVW	11 739 kg	25,880 lb

• Blade pull calculated at 0.9 traction coefficient, which is equal to no-slip conditions, and Gross Machine Weight.

12M Motor Grader Specifications

Blade Range

Circle Centershift		
Right	728 mm	28.7 in
Left	695 mm	27.4 in
Moldboard Sideshift		
Right	660 mm	26 in
Left	510 mm	20.1 in
Maximum Blade Position Angle	90 degrees	
Blade Tip Range		
Forward	40 degrees	
Backward	5 degrees	
Maximum Shoulder Reach Outside of Tires		
Right	1978 mm	77.9 in
Left	1790 mm	70.5 in
Maximum Lift Above Ground	480 mm	18.9 in
Maximum Depth of Cut	715 mm	28.1 in

Ripper

Ripping Depth, Maximum	428 mm	16.8 in
Ripper Shank Holders	5	
Ripper Shank Holder Spacing	533 mm	21 in
Penetration Force*	9199 kg	20,280 lb
Pryout Force*	11 641 kg	25,664 lb
Machine Length Increase, Beam Raised	919 mm	36.2 in

* Based on typically equipped weight.

Scarifier

Front, V-Type, 5 or 11 Tooth		
Working Width	1205 mm	47.4 in
Scarifying Depth, Maximum	467 mm	18.4 in
Scarifier Shank Holders	5/11	
Scarifier Shank Holder Spacing	116 mm	4.6 in
Mid, V-Type		
Working Width	1184 mm	46.6 in
Scarifying Depth, Maximum	292 mm	11.5 in
Scarifier Shank Holders	11	
Scarifier Shank Holder Spacing	116 mm	4.6 in
Rear		
Working Width	2300 mm	91 in
Scarifying Depth, Maximum	266 mm	10.5 in
Scarifier Shank Holders	9	
Scarifier Shank Holder Spacing	267 mm	10.5 in

Weights

Gross Vehicle Weight – Base		
Total	16 231 kg	35,783 lb
Front Axle	4220 kg	9,303 lb
Rear Axle	12 011 kg	26,479 lb
Gross Vehicle Weight – Maximum		
Total	22 045 kg	48,601 lb
Front Axle	6839 kg	15,077 lb
Rear Axle	15 206 kg	33,523 lb
Gross Vehicle Weight – Typically Equipped		
Total	18 400 kg	40,565 lb
Front Axle	5090 kg	11,221 lb
Rear Axle	13 310 kg	29,343 lb

- Base operating weight calculated on standard machine configuration with 14.00R24 tires on a single piece rim, full fuel tank, coolant, lubricants, and operator.

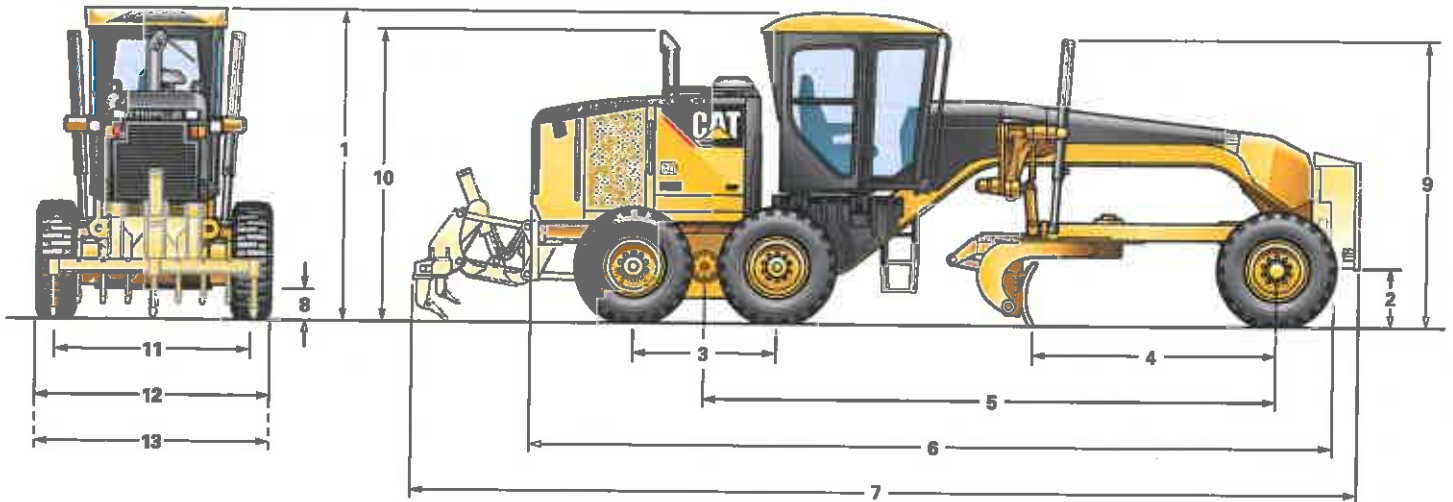
Standards

ROPS/FOPS	ISO 3471:2008, ISO 3449:2005 Level II
Steering	ISO 5010:2007
Brakes	ISO 3450:1996
Sound	ISO 6394:2008, ISO 6395:2008

- The static sound operator pressure level measured according to ISO 6394:2008 for a cab offered by Caterpillar, when properly installed, maintained and tested with doors and windows closed and hydraulic fan at maximum speed is 74 dB(A).

12M Motor Grader Specifications

Dimensions



	12M	
	mm	in
1 Height – Top of Cab	3308	130.2
Height – Top of Cab Product Link	3378	133.0
2 Height – Front Axle Center	596	23.5
3 Length – Between Tandem Axles	1523	60.0
4 Length – Front Axle to Moldboard	2552	100.5
5 Length – Front Axle to Mid Tandem	6123	241.1
6 Length – Front Tire to Rear of Machine	8754	344.6
7 Length – Push Plate to Ripper	10 136	399.1
Length – Push Plate to Ripper Retracted	9818	386.5
8 Ground Clearance at Rear Axle	339	13.3
9 Height to Top of Cylinders	3040	119.7
10 Height to Exhaust Stack	3076	121.1
11 Width – Tire Center Lines	2140	84.3
12 Width – Outside Rear Tires	2511	98.9
13 Width – Outside Front Tires	2511	98.9

Dimensions based on 14.00R24 tire on multi-piece rim. Dimensions may vary with tire selection.

12M Motor Grader Specifications

Optional Tire Arrangements

12M	Rim Size	Wheel Group	Tires
	9 × 24	Single-Piece	13.00-24
	9 × 24	Single-Piece	14R24
	13 × 25	Single-Piece	17.5R25
	10 × 24	Multi-Piece	14.00-24
	10 × 24	Multi-Piece	14.00R24
	10 × 24	Multi-Piece	17.5R25

Note: Consult your dealer for individual tire width, size, and brand.

12M Motor Grader Standard Equipment

Standard Equipment

Standard equipment may vary. Consult your Cat dealer for details.

POWER TRAIN

- Air cleaner, dual stage, dry type, diesel, with automatic engine derate and automatic dust ejector, service indicator through Cat Messenger
- Air-to-air after cooler (ATAAC)
- Belt, serpentine, automatic tensioner
- Brakes, oil disc, four-wheel, hydraulic
- Demand fan, hydraulic
- Differential Lock/Unlock, Automatic
- Drain, engine oil, ecology
- Electronic over speed protection
- Engine Cat C7 with ACERT Technology, diesel, with automatic engine derate and idle control
- Note: Engines meet non-current U.S. EPA Tier 3 or EU Stage IIIA emission standards.
- Engine Idle Shutdown (EIS)
- Fuel tank, 416 L (110 gal), ground level access and sediment drain
- Fuel-water separator
- Muffler, underhood
- Parking brake – multi-disc, sealed, oil-cooled
- Priming pump, fuel
- Rear axle, modular
- Sediment drain, fuel tank
- Tandem drive
- Transmission, 8F/6R, power shift, direct drive
- Variable Horsepower Plus (VHP Plus)

ELECTRICAL

- Alarm, back up
- Alternator, 80 ampere, sealed
- Batteries, maintenance free, heavy duty, 1,125 CCA
- Breaker panel, ground accessible
- Cab harness and electrical hydraulic valves
- Electrical system, 24V
- Grade Control Ready – Cab harness, software, electrical hydraulic valves, bosses and brackets
- Lights, roof-mounted roading, reversing, LED stop and tail
- Product Link Ready
- Starter, electric

OPERATOR ENVIRONMENT

- Accelerator
- Air conditioning with heater
- Arm and wrist rest, electronically adjustable
- Articulation, automatic Return-to-Center
- Cat Messenger operator information system
- Centershift pin indicator
- Coat hook
- Cup holder
- Display, digital speed and gear
- Doors, left and right side with wiper
- Gauge, machine level
- Gauge cluster (analog) – fuel, articulation, engine coolant temp, engine RPM, hydraulic oil temp
- Hour meter, digital
- Joystick hydraulic controls right/left blade lift with float position, circle drive, blade sideshift and tip, centershift, front wheel lean, articulation and steering
- Joystick, adjustable armrests

- Joystick gear selection
- Joystick hydraulic power steering
- Ladders, cab, left and right side
- Lights, night time cab
- Mirror, inside rearview, wide angle
- Power port, 12V
- Radio Ready, Entertainment
- ROPS cab, sound suppressed
- Seat, cloth-covered, comfort suspension
- Seat belt, retractable 76 mm (3 in)
- Storage area for cooler/lunchbox
- Throttle control, electronic
- Windows, laminated glass:
 - fixed front with intermittent wiper
 - side and rear (3)

FLUIDS

- Antifreeze
- Extended Life Coolant to -35°C (-30°F)

TIRES, RIMS AND WHEELS

- Partial allowance for tires on 254×607 mm (10×24 in) multi-piece rims is included in the base machine price and weight

OTHER STANDARD EQUIPMENT

- Accumulators, brake, dual certified
- Anti-glare paint
- Bumper, rear, integrated with hitch
- CD ROM Parts Book
- Clutch, circle drive slip
- Cutting edges
 - 152×16 mm ($6 \times 5/8$ in)
 - curved DH-2 steel
 - 19 mm ($3/4$ in) mounting bolts
- Doors (3), engine compartment, locking
- Drawbar – 6 shoes, replaceable wear strips
- Electrical hydraulic valves, hydraulic lines for base 8 functions
- Endbits
 - 16 mm ($5/8$ in) DH-2 steel
 - 19 mm ($3/4$ in) mounting bolts
- Fluid check, ground level
- Frame, articulated, with safety lock
- Ground level engine shutdown
- Ground level fueling
- Hammer (emergency exit)
- Horn, electric
- Hydraulic lines for base functions
- Lockout, hydraulic implement (for roading and servicing)
- Moldboard – $3658 \times 610 \times 22$ mm (12 ft \times 24 in \times $7/8$ in)
- Mounting, cab roof accessories
- Pump, hydraulic, high capacity, 98 cm³ (6 in³)
- Radiator, cleanout access
- Secondary steering
- Serviceability, left-hand side
- S•O•SSM ports: engine, hydraulic, transmission, coolant, fuel
- Tandem walkway/guards
- Tool box
- Tow hitch

12M Motor Grader

Optional Equipment

Optional equipment may vary. Consult your Cat dealer for details.

	kg	lb		kg	lb		kg	lb
ELECTRICAL			Precleaner, HVAC	5	10	Sound suppression	15	33
Alternator, 150 ampere	2	5	Radio ready, AM/FM	9	20	Starting aid, ether	0.5	1
Batteries:			Seat, air suspension, cloth	2	5	WORK TOOLS/ GROUND ENGAGING TOOLS		
extreme duty, 1,400 CCA	14	30	Shade, sun	2	5	Blade extension, left hand, 610 mm (2 ft)	113	249
Converter, communication (CB)	5	11	Wiper/washer, rear	2	4	Endbits, overlay	24	52
Lights:			POWER TRAIN			Front lift group, mounting	5	11
Headlights, high	5	11	Precleaner, snow/debris	2	4.4	Front lift group	680	1,500
Headlights, low	5	11	Transmission, autoshift	2	5	Mid-Mount Scarifier, Package	942	2,077
Working lights, basic	9	20	OTHER ATTACHMENTS			Mid-Mount Scarifier, Mounting	57	125
Working lights, plus	10	22	AccuGrade ARO	39	85	Moldboard		
Warning: beacon or strobe	2	5	Accumulators, blade lift	77	170	4267 × 610 × 22 mm (14 ft × 24 in × 7/8 in)	100	220
Mounting for warning light	5	11	Camera, rearview	9	20	4267 × 686 × 25 mm (14 ft × 27 in × 1 in)	257	567
GUARDS			Cat Grade Control Cross Slope	75	165	Push plate	885	1,950
Articulation guard	13	30	Cat Product Link 321 (Satellite)	13	29	Ripper, mounting	32	70
Axle hose guard	7	15	Cat Product Link 522 (Cellular)	13	29	Ripper, rear	962	2,120
Fenders, front	56	123	Compressor/tank, air	27	50	Ripper tooth	28	61
Fenders, rear	156	344	Heater, engine coolant:			Scarifier, front	434	956
Sound guard (bottom)	110	243	120V	1	3	MACHINE ARRANGEMENTS		
Transmission guard	141	311	240V	1	3	Snow Arrangement		
OPERATOR ENVIRONMENT			Hydraulic arrangements with one or more additional hydraulic valves are available for ripper, dozer, snow wings, front lift group, mid-mount scarifier.					
Deluxe CD radio with MP3 and Bluetooth technology			Security system	5	11			
Fan, defroster, rear window	2	4	Snow wing mounting, frame ready	111	245			
Mirrors, outside:								
heated 24V mounted	15	33						
	15	33						

Materials and specifications are subject to change without notice.

Featured machines in photos may include additional equipment.

For more complete information on Cat products, dealer services, and industry solutions, visit us on the web at www.cat.com

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Product ID 12M

AEHQ6901-02
Replaces AEHQ6901-01

July 2013



9.2 FINANCE

9.2.1 FINANCIAL STATEMENTS FOR PERIOD ENDING 30 JUNE 2017

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 12 July 2017
Author: Durga Ojha, Manager of Finance
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that the Monthly Statement of Financial Activity report for the period ending 30 June 2017 is presented to Council for adoption.

MFA Attachment-1

Finance Report for period ending 30 June 2017

Background

The Monthly Financial Report to 30 June 2017 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances
- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

Comment

SUMMARY OF FUNDS – SHIRE OF MINGENEW	
Municipal Fund	\$573,661
3 Month Term Deposit @ 2.45%	\$750,000
Restricted Funds	\$520,786
Trust Fund	\$37,356
Reserve fund (6 Month Term Deposit) @2.55%	\$396,475

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 July 2017

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. The following remains outstanding as at 30 June 2017:

	Current	30+ Days	60+ Days	90+ Days	TOTAL
Amount	18,087	1,785	40	59,961	79873

Rates Outstanding at 30 June 2017 were:

	Current	TOTAL
Rates	73,016	73,016
Rubbish	6,933	6,933
ESL	498	498
TOTAL	80,447	80,447

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2016/17 financial year. Please note that the financials presented as at 30 June 2017 are in draft form and will be revised throughout the final audit process.

Consultation

Chief Executive Officer

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is 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 in the following detail —
- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - budget estimates to the end of the month to which the statement relates; and
 - actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
- an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - an explanation of each of the material variances referred to in subregulation (1)(d); and

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 July 2017

- (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Financial Implications

Financial implications are outlined in comments.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.2.1
--

That the Monthly Statement of Financial Activity for the period 1 July 2016 to 30 June 2017 be received.

SHIRE OF MINGENEW

MONTHLY FINANCIAL REPORT

For the Period Ended 30 June 2017

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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Report Purpose

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996*, Regulation 34 .

Overview

Summary reports and graphical progressive graphs are provided on page 3, 4 and 5.
No matters of significance are noted.

Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 30 June 2017 of \$1,902,861.

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

Preparation

Prepared by: Durga Ojha

Reviewed by: Martin Whitely

Date prepared: 12/07/2017

SHIRE OF MINGENEW
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 30 June 2017

	Note	2016/17 Forecast Budget	2016/17 Original Budget (a)	2016/17 YTD Budget (a)	2016/17 YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
Operating Revenues								
General Purpose Funding		\$ 2,372,597	\$ 2,384,752	\$ 2,372,597	\$ 2,678,185	\$ 305,588	12.88%	▲
Governance		17,559	7,099	17,559	22,145	4,586	26.12%	
Law, Order and Public Safety		77,070	79,070	77,070	31,522	(45,548)	(59.10%)	▼
Health		301	301	301	2,870	2,569	853.49%	
Education and Welfare		3,745	3,745	3,745	2,197	(1,548)	(41.33%)	
Housing		118,733	118,733	118,733	113,632	(5,101)	(4.30%)	
Community Amenities		83,577	85,662	83,577	82,713	(864)	(1.03%)	
Recreation and Culture		31,619	31,619	31,619	57,011	25,392	80.31%	▲
Transport		608,803	684,827	608,803	637,745	28,942	4.75%	
Economic Services		6,224	6,824	6,224	6,373	149	2.39%	
Other Property and Services		137,929	113,757	137,929	179,114	41,185	29.86%	▲
Total Operating Revenue		3,458,159	3,516,389	3,458,159	3,813,506	49,761		
Operating Expense								
General Purpose Funding		(83,815)	(89,815)	(83,815)	(63,516)	20,299	24.22%	▲
Governance		(111,671)	(217,483)	(111,671)	(227,803)	(116,132)	(103.99%)	▼
Law, Order and Public Safety		(170,044)	(170,044)	(170,044)	(122,927)	47,117	27.71%	▲
Health		(73,039)	(75,539)	(73,039)	(66,199)	6,840	9.36%	
Education and Welfare		(69,760)	(76,146)	(69,760)	(59,688)	10,072	14.44%	▲
Housing		(297,992)	(297,992)	(297,992)	(90,624)	207,368	69.59%	▲
Community Amenities		(372,924)	(372,924)	(372,924)	(202,149)	170,775	45.79%	▲
Recreation and Culture		(1,122,947)	(1,118,561)	(1,122,947)	(964,602)	158,345	14.10%	▲
Transport		(2,662,628)	(2,662,628)	(2,662,628)	(2,740,778)	(78,150)	(2.94%)	▼
Economic Services		(392,522)	(395,022)	(392,522)	(289,476)	103,046	26.25%	▲
Other Property and Services		(28,448)	1,552	(28,448)	(49,818)	(21,370)	(75.12%)	▼
Total Operating Expenditure		(5,385,790)	(5,474,602)	(5,385,790)	(4,877,580)	508,210		
Funding Balance Adjustments								
Add back Depreciation		2,360,651	2,360,651	2,360,651	2,100,736	(259,915)	(11.01%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	(36,765)	(36,765)	(36,765)	279	37,044	(100.76%)	
Adjust Provisions and Accruals		0	0	0	0	0		
Net Cash from Operations		396,255	365,673	396,255	1,036,941	335,100		
Capital Revenues								
Grants, Subsidies and Contributions	11	2,242,506	1,795,921	2,242,506	1,502,497	(740,009)	(33.00%)	▼
Proceeds from Disposal of Assets	8	447,000	447,000	447,000	456,621	9,621	2.15%	
Total Capital Revenues		2,689,506	2,242,921	2,689,506	1,959,117	(730,389)		
Capital Expenses								
Land Held for Resale	13	(200,000)	(200,000)	(200,000)	(682)	199,318	29233.26%	▲
Land and Buildings	13	(1,023,000)	(723,000)	(1,023,000)	(126,475)	896,525	87.64%	▲
Infrastructure - Roads	13	(1,452,561)	(1,236,362)	(1,452,561)	(808,895)	643,666	44.31%	▲
Infrastructure - Footpaths	13	0	0	0	0	0		
Infrastructure - Drainage & Culverts	13	0	0	0	(3,102)	(3,102)		
Infrastructure - Aerodomes	13	0	0	0	0	0		
Infrastructure - Other		(445,000)	(445,000)	(445,000)	(35,551)			
Plant and Equipment	13	(589,900)	(600,000)	(589,900)	(501,460)	88,440	14.99%	▲
Furniture and Equipment	13	(14,500)	(14,500)	(14,500)	(3,318)	11,182	77.12%	▲
Total Capital Expenditure		(3,724,961)	(3,218,862)	(3,724,961)	(1,479,483)	1,836,029		
Net Cash from Capital Activities		(1,035,455)	(975,941)	(1,035,455)	479,635	1,105,641		
Financing								
Proceeds from New Debentures		0	0	0	0	0		
Proceeds from Advances		0	0	0	0	0		
Self-Supporting Loan Principal		0	0	0	0	0		
Transfer from Reserves	7	258,778	195,363	258,778	(45,749)	(304,527)	(117.68%)	
Advances to Community Groups		0	0	0	0	0		
Repayment of Debentures	10	(181,409)	(181,409)	(181,409)	(181,409)	0	0.00%	
Transfer to Reserves	7	(91,775)	(91,775)	(91,775)	(42,107)	49,668	54.12%	▲
Net Cash from Financing Activities		(14,406)	(77,821)	(14,406)	(269,265)	(254,858)		
Net Operations, Capital and Financing		(653,606)	(688,089)	(653,606)	1,247,311	1,185,882		
Opening Funding Surplus(Deficit)	3	653,606	688,089	653,606	655,550	1,944	0.30%	
Closing Funding Surplus(Deficit)	3	(0)	(0)	(0)	1,902,861	1,187,827		

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

SHIRE OF MINGENEW
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 30 June 2017

	Note	2016/17 Amended Annual Budget	2016/17 Original Budget (a)	2016/17 YTD Budget (a)	2016/17 YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	
Operating Revenues								
Rates	9	\$ 1,769,967	\$ 1,786,567	\$ 1,769,967	\$ 1,757,549	\$ (12,419)	% (0.70%)	
Operating Grants, Subsidies and Contributions	11	763,239	827,184	763,239	1,132,003	368,764	48.32%	▲
Fees and Charges		236,201	248,886	236,201	266,510	30,309	12.83%	▲
Service Charges		0	0	0	0	0		
Interest Earnings		27,152	22,152	27,152	36,577	9,425	34.71%	
Other Revenue		618,600	588,600	618,600	615,807	(2,793)	(0.45%)	
Profit on Disposal of Assets	8	43,000	43,000	43,000	5,060			
Total Operating Revenue		3,458,159	3,516,389	3,458,159	3,813,506	393,287		
Operating Expense								
Employee Costs		(974,354)	(1,017,429)	(974,354)	(1,176,466)	(202,112)	(20.74%)	▼
Materials and Contracts		(1,051,072)	(1,119,309)	(1,051,072)	(721,151)	329,921	31.39%	▲
Utility Charges		(117,268)	(123,768)	(117,268)	(98,800)	18,468	15.75%	▲
Depreciation on Non-Current Assets		(2,360,651)	(2,360,651)	(2,360,651)	(2,100,736)	259,915	11.01%	▲
Interest Expenses		(53,270)	(54,270)	(53,270)	(36,127)	17,143	32.18%	▲
Insurance Expenses		(143,612)	(143,612)	(143,612)	(127,662)	15,950	11.11%	▲
Other Expenditure		(679,328)	(649,328)	(679,328)	(611,300)	68,028	10.01%	▲
Loss on Disposal of Assets	8	(6,235)	(6,235)	(6,235)	(5,340)			
Total Operating Expenditure		(5,385,790)	(5,474,602)	(5,385,790)	(4,877,580)	507,314		
Funding Balance Adjustments								
Add back Depreciation		2,360,651	2,360,651	2,360,651	2,100,736	(259,915)	(11.01%)	▼
Adjust (Profit)/Loss on Asset Disposal	8	(36,765)	(36,765)	(36,765)	279	37,044	(100.76%)	
Adjust Provisions and Accruals		0	0	0	0	0		
Net Cash from Operations		396,255	365,673	396,255	1,036,941	677,730		
Capital Revenues								
Grants, Subsidies and Contributions	11	2,242,506	1,795,921	2,242,506	1,502,497	(740,009)	(33.00%)	▼
Proceeds from Disposal of Assets	8	447,000	447,000	447,000	456,621	9,621	2.15%	
Total Capital Revenues		2,689,506	2,242,921	2,689,506	1,959,117	(730,389)		
Capital Expenses								
Land Held for Resale	13	(200,000)	(200,000)	(200,000)	(682)	199,318	29233.26%	▲
Land and Buildings	13	(1,023,000)	(723,000)	(1,023,000)	(126,475)	896,525	87.64%	▲
Infrastructure - Roads	13	(1,452,561)	(1,236,362)	(1,452,561)	(808,895)	643,666	44.31%	▲
Infrastructure - Footpaths	13	0	0	0	0	0		
Infrastructure - Drainage & Culverts	13	0	0	0	(3,102)	(3,102)		
Infrastructure - Aerodomes	13	0	0	0	0	0		
Infrastructure - Other	13	(445,000)	(445,000)	(445,000)	(35,551)			
Plant and Equipment	13	(589,900)	(600,000)	(589,900)	(501,460)	88,440	14.99%	▲
Furniture and Equipment	13	(14,500)	(14,500)	(14,500)	(3,318)	11,182	77.12%	▲
Total Capital Expenditure		(3,724,961)	(3,218,862)	(3,724,961)	(1,479,483)	1,836,029		
Net Cash from Capital Activities		(1,035,455)	(975,941)	(1,035,455)	479,635	1,105,641		
Financing								
Proceeds from New Debentures		0	0	0	0	0		
Proceeds from Advances		0	0	0	0	0		
Self-Supporting Loan Principal		0	0	0	0	0		
Transfer from Reserves	7	258,778	195,363	258,778	(45,749)	(304,527)	(117.68%)	
Advances to Community Groups		0	0	0	0	0		
Repayment of Debentures	10	(181,409)	(181,409)	(181,409)	(181,409)	0	0.00%	
Transfer to Reserves	7	(91,775)	(91,775)	(91,775)	(42,107)	49,668	54.12%	▲
Net Cash from Financing Activities		(14,406)	(77,821)	(14,406)	(269,265)	(254,858)		
Net Operations, Capital and Financing		(653,606)	(688,089)	(653,606)	1,247,311	1,528,512		
Opening Funding Surplus(Deficit)	3	653,606	688,089	653,606	655,550	1,944	0.30%	
Closing Funding Surplus(Deficit)	3	(0)	(0)	(0)	1,902,861	1,530,457		

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

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

SHIRE OF MINGENEW
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 30 June 2017

Capital Acquisitions	Note	YTD 30 06 2017					
		YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	Amended YTD Budget (d)	Amended Annual Budget	Variance (d) - (c)
Land Held for Resale	13	\$ 682	\$ 0	\$ 682	\$ 682	\$ 200,000	\$ 0
Land and Buildings	13	97,357	7,132	104,489	104,489	1,023,000	0
Infrastructure - Roads	13	799,759	9,136	808,895	808,895	1,452,561	0
Infrastructure - Footpaths	13	0	0	0	0	0	0
Infrastructure - Drainage & Culverts	13	0	3,102	3,102	3,102	0	0
Infrastructure - Aerodomes	13	0	0	0	0	0	0
Infrastructure - Other	13	35,551	0	57,537	35,551	445,000	21,986
Plant and Equipment	13	501,460	0	501,460	501,460	589,900	0
Furniture and Equipment	13	0	0	3,318	0	14,500	3,318
Capital Expenditure Totals		1,434,809	19,370	1,479,483	1,454,179	3,724,961	25,304

Funded By:

Capital Grants and Contributions	1,502,497	2,242,506	2,158,632	740,009
Borrowings	0	0	0	0
Other (Disposals & C/Fwd)	439,954	447,000	447,000	(7,046)
Own Source Funding - Cash Backed Reserves				
Land and Building Reserve	-14,347	0	0	(14,347)
Sportsground Improvement Reserve	0	0	40,000	0
Plant Replacement Reserve	0	0	0	0
Aged Persons Units Reserve	0	0	100,000	0
Street Light Upgrade Reserve	14,376	0	0	14,376
Painted Road Reserve	4,222	0	14,449	4,222
Industrial Area Reserve	0	0	0	0
Total Own Source Funding - Cash Backed Reserves	45,749	258,778	195,363	(213,029)
Own Source Funding - Operations	(512,968)	(1,494,105)	769,517	981,138
Capital Funding Total	1,479,483	1,454,179	3,724,961	25,304

Comments and graphs

Capital Expenditure Program YTD



Shire of Mingenew
STATEMENT OF BUDGET REVIEW
(Statutory Reporting Program)
For the Period Ended 28th February 2017

FM Reg
33A (1)

FM Reg 33A(2A)(a)

FM Reg 33A(2A)(c)

FM Reg 33A

FM Reg Sch 1

Operating Revenues

Governance
General Purpose Funding
Law, Order and Public Safety
Health
Education and Welfare
Housing
Community Amenities
Recreation and Culture
Transport
Economic Services
Other Property and Services

Operating Expense

Governance
General Purpose Funding
Law, Order and Public Safety
Health
Education and Welfare
Housing
Community Amenities
Recreation and Culture
Transport
Economic Services
Other Property and Services

Funding Balance Adjustment

Add Back Depreciation
Adjust (Profit)/Loss on Asset Disposal
Adjust Provisions and Accruals

Net Operating

Capital Revenues

Grants, Subsidies & Contributions
Proceeds from Disposal of Assets

Capital Expenses

Land Held for Resale
Land and Buildings
Plant and Equipment
Furniture and Equipment
Infrastructure Assets - Roads
Infrastructure Assets - Other
Total Capital Expenditure

Net Cash from Capital Activities

Financing

Transfer from Reserves
Proceeds from New Debentures
Repayment of Debentures
Advances to Community Groups
Transfer to Reserves

Net Cash from Financing Activities

Net Capital

Net Operating, Capital and Financing

Opening Funding Surplus(Deficit)

Closing Funding Surplus(Deficit)

Note	Budget v Actual		Variance Permanent (c)	Predicted		
	Annual Budget \$ (a)	YTD Actual \$ (b)		Variance Timing (Carryover) (d)	Year End \$ (a)+(c)+(d)	
	\$	\$	\$	\$	\$	
	7,099	15,552	10,460		17,559	▲
	2,384,752	2,369,908	(12,155)		2,372,597	▼
	79,070	19,922	(2,000)		77,070	▼
	301	270	0		301	
	3,745	2,045	0		3,745	
	118,733	69,236	0		118,733	
	85,662	81,829	(2,085)		83,577	▼
	31,619	32,091	0		31,619	
	684,827	464,911	(76,022)		608,805	▼
	6,824	4,749	(600)		6,224	▼
	113,757	92,207	24,172		137,929	▲
	3,516,389	3,152,720	(58,230)	0	3,458,159	
	Operating Expense					
	(217,483)	(155,560)	105,812		(111,671)	▼
	(89,815)	(32,569)	6,000		(83,815)	▼
	(170,044)	(63,916)	0		(170,044)	
	(75,539)	(35,915)	2,500		(73,039)	▼
	(71,760)	(37,175)	2,000		(69,760)	▼
	(297,992)	(81,148)	0		(297,992)	
	(372,924)	(113,665)	0		(372,924)	
	(1,122,947)	(682,273)	0		(1,122,947)	
	(2,662,628)	(1,949,454)	0		(2,662,628)	
	(395,022)	(190,893)	2,500		(392,522)	▼
	1,552	(28,111)	(30,000)		(28,448)	▲
	(5,474,602)	(3,370,680)	88,812	0	(5,385,790)	
	Funding Balance Adjustment					
	2,360,651	1,541,613	0		2,360,651	
	(36,765)	1,861	0		(36,765)	
	0	0	0		0	
	365,673	1,325,514	30,582	0	396,255	
	Capital Revenues					
	1,795,921	549,937	446,585		2,242,506	▲
	447,000	295,150	0		447,000	
	2,242,921	845,087	446,585	0	2,689,506	
	Capital Expenses					
	(200,000)	(682)	0		(200,000)	
	(723,000)	(9,617)	(300,000)		(1,023,000)	▲
	(600,000)	(313,744)	10,100		(589,900)	▼
	(14,500)	0	0		(14,500)	
	(1,236,362)	(515,211)	(216,199)		(1,452,561)	▲
	(445,000)	(35,551)	0		(445,000)	
	(3,218,862)	(874,805)	(506,099)	0	(3,724,961)	
	(975,941)	(29,718)	(59,514)	0	(1,035,455)	
	Financing					
	195,363	18,598	63,415		258,778	▲
	0	0	0		0	
	(181,409)	(107,653)	0		(181,409)	
	0	0	0		0	
	(91,775)	(40,478)	0		(91,775)	
	(77,821)	(129,532)	63,415	0	(14,406)	
	(1,053,762)	(159,250)	3,901	0	(1,049,861)	
	(688,089)	1,166,264	34,485	0	(653,604)	
	688,089	653,606	(34,485)		653,604	▼
	0	1,819,870	0	0	0	

FM Reg
33A(1)

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

1. SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Accounting

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations. Material accounting policies which have been adopted in the preparation of this statement are presented below and have been consistently applied unless stated otherwise.

Except for cash flow and rate setting information, the report has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this statement.

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

All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.

(c) Rounding Off Figures

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

(d) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

(e) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO).

Receivables and payables are stated inclusive of GST receivable or payable.

The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(f) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

Bank overdrafts are reported as short term borrowings in current liabilities in the statement of financial position.

(g) Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets.

Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

(h) Inventories

General

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point.

Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

(i) Fixed Assets

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead.

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets.

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:

Buildings	25 to 50 years
Construction other than Buildings (Public Facilities)	5 to 50 years
Furniture and Equipment	4 to 10 years
Plant and Equipment	5 to 15 years
Heritage Assets	25 to 50 years
Roads	25 years
Footpaths	50 years
Sewerage Piping	75 years
Water Supply Piping and Drainage Systems	75 years

(k) Trade and Other Payables

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

(l) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

(ii) Annual Leave and Long Service Leave (Long-term Benefits)

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(m) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

(n) Provisions

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

(o) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is expected to be settled. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non current based on Council's intentions to release for sale.

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(p) Nature or Type Classifications

Rates

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

Operating Grants, Subsidies and Contributions

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

Non-Operating Grants, Subsidies and Contributions

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

Profit on Asset Disposal

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

Fees and Charges

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

Service Charges

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

Interest Earnings

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

Other Revenue / Income

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

Employee Costs

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

Materials and Contracts

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

Utilities (Gas, Electricity, Water, etc.)

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

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(q) Nature or Type Classifications (Continued)

Insurance

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

Loss on asset disposal

Loss on the disposal of fixed assets.

Depreciation on non-current assets

Depreciation expense raised on all classes of assets.

Interest expenses

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

Other expenditure

Statutory fees, taxes, provision for bad debts, member's fees or levies including WA Fire Brigade Levy and State taxes. Donations and subsidies made to community groups.

(r) Statement of Objectives

Council has adopted a 'Plan for the future' comprising a Strategic Community Plan and Corporate Business Plan to provide the long term community vision, aspirations and objectives.

Based upon feedback received from the community the vision of the Shire is:

"Standing proud, growing strong"

The Strategic Community Plan defines the key objectives of the Shire as:

"Economic: To be a diverse and innovative economy with a range of local employment opportunities.

Environment: A sustainable natural and built environment that meets current and future community needs.

Social: A safe and welcoming community where everyone has the opportunity to contribute and belong.

Civic Leadership: A collaborative and innovative community with strong and vibrant leadership."

(s) Reporting Programs

Council operations as disclosed in this statement encompass the following service orientated activities/programs:

GOVERNANCE

Expenses associated with provision of services to members of council and elections. Also included are costs associated with computer operations, corporate accounting, corporate records and asset management. Costs reported as administrative expenses are redistributed in accordance with the principle of activity based costing (ABC).

GENERAL PURPOSE FUNDING

Rates and associated revenues, general purpose government grants, interest revenue and other miscellaneous revenues. The costs associated with raising the above mentioned revenues, eg. Valuation expenses, debt collection and overheads.

LAW, ORDER, PUBLIC SAFETY

Enforcement of Local Laws, fire prevention, animal control and provision of ranger services.

HEALTH

Health inspection services, food quality control, mosquito control and contributions towards provision of medical health services.

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(s) Reporting Programs (Continued)

EDUCATION AND WELFARE

Support of day care for children. Autumn Centre for Senior Citizens.
Youth & seniors projects.

HOUSING

Provision and maintenance of rented housing accommodation for pensioners and employees.

COMMUNITY AMENITIES

Sanitation, sewerage, stormwater drainage, protection of the environment, public conveniences, cemeteries and town planning.

RECREATION AND CULTURE

Parks, gardens and recreation reserves, library services, walk trails, youth recreation,
Public halls and Mingenew Recreation Centre.

TRANSPORT

Construction and maintenance of roads, footpaths, drainage works, parking facilities, traffic control, depot operations, plant purchase and cleaning of streets.

ECONOMIC SERVICES

Tourism, community development, pest control, building services and private works.

OTHER PROPERTY & SERVICES

Plant works, plant overheads and stock of materials.

Note 2: EXPLANATION OF MATERIAL VARIANCES

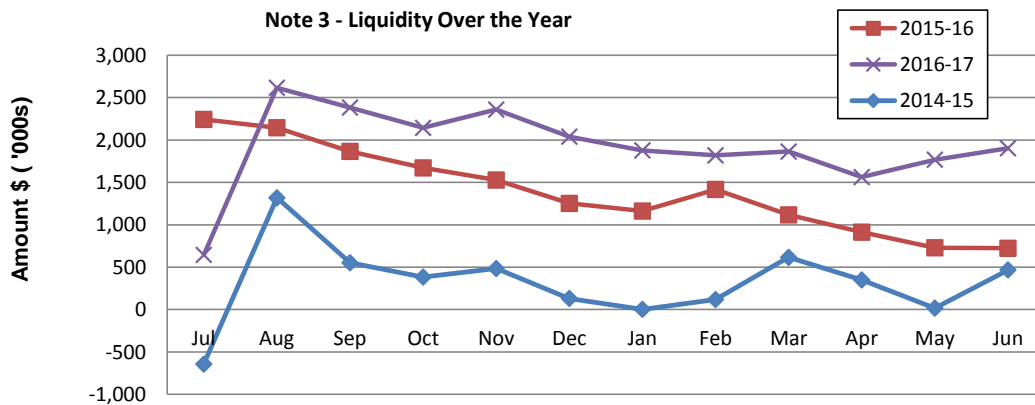
Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
Operating Revenues	\$	%			
General Purpose Funding	305,588	12.88%	▲		FAG Grants received in advance for FY 2017/18
Governance	4,586	26.12%			Nil
Law, Order and Public Safety	(45,548)	(59.10%)	▼		Bush fire management Plan grants has not been received yet
Health	2,569	853.49%			Nil
Education and Welfare	(1,548)	(41.33%)			Nil
Housing	(5,101)	(4.30%)			Nil
Community Amenities	(864)	(1.03%)			Nil
Recreation and Culture	25,392	80.31%	▲		LGIS insurance settlements for Town hall \$23,088
Transport	28,942	4.75%			Nil
Economic Services	149	2.39%			Nil
Other Property and Services	41,185	29.86%	▲		Fuel revision of diesel fuel rebate is done which is more than budgeted \$63K
Operating Expenses					
General Purpose Funding	20,299	24.22%	▲		Nil
Governance	(116,132)	(103.99%)	▼		Internal admin allocation under budget \$31K and redundancy payment is over \$30K. Admin salary is under \$27K Bushfire management plan expenses is under budget \$25K
Law, Order and Public Safety	47,117	27.71%	▲		
Health	6,840	9.36%			Medical practitioner expenses are less than budgeted \$7K
Education and Welfare	10,072	14.44%	▲		Senior citizens building maintenance under budget \$9K Staff housing maintenance under budget \$55K, Staff housing allocation is under \$51K
Housing	207,368	69.59%	▲		Refuse site maintenance under budget by \$15K, Mingenew revitalization project money has not been spent yet \$30K, Asbestos manager plan money has not been spent yet \$50K, Town Planning Scheme has not been finalised yet \$56K.
Community Amenities	170,775	45.79%	▲		the following expenses are under budget: Public garden and reserve expenses are under budget \$86K, Assets depreciation \$15K. Internal admin allocation is under \$15K
Recreation and Culture	158,345	14.10%	▲		
Transport	(78,150)	(2.94%)	▼		Following items are currently over budget - Mtce grading \$94k, Rural Road Mtce \$187k, Assets depreciation is under \$148.
Economic Services	103,046	26.25%	▲		The following items are currently under budget - Telecommunication project \$32K, MIG office Maintenance cost \$8.7K, admin allocation 19K Following items are currently over and under budget - Redundancy payment is over by \$91K, fuel & Oil is under \$57K, Plant parts & repair is over by \$44K, Plant depreciation is under by \$113K
Other Property and Services	(21,370)	(75.12%)	▼		
Capital Revenues					
Grants, Subsidies and Contributions	(740,009)	(33.00%)	▼		The following Grants has not been received yet. Grants funding for subdivision \$200K, Regional Roads Recoup \$58K, Town Hall Upgrade Grants 173K, Town Hall Upgrade \$73K
Proceeds from Disposal of Assets	9,621	2.15%			Proceed from sale of assets less than expected \$9K
Capital Expenses					
Land Held for Resale	199,318	29233.26%	▲		Land held for resale expenses is under \$199K
Land and Buildings	896,525	87.64%	▲		Capital works on independent living units has not been completed yet
Infrastructure - Roads	643,666	44.31%	▲		Road construction cost are less than budgeted \$643 K
Infrastructure - Footpaths	0				
Infrastructure - Drainage & Culverts	(3,102)				
Infrastructure - Aerodromes	0				
Plant and Equipment	88,440	14.99%	▲		Plant & Equipment is under \$88K (Timing)
Furniture and Equipment	11,182	77.12%	▲		Furniture & Equipment is Under \$11K (Timing)
Financing					
Loan Principal	0	0.00%			

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 3: NET CURRENT FUNDING POSITION

		Positive=Surplus (Negative=Deficit)		
		YTD 30 Jun 2017	30th June 2017	YTD 30 Jun 2016
		\$	\$	\$
Current Assets				
Cash - Unrestricted	4	1,323,961	621,333	621,333
Cash - Restricted Reserves	4	396,475	308,620	308,620
Cash - Restricted Unspent Grants		520,786	216,626	216,626
Investments		0	0	0
Rates - Current	6	83,832	37,608	37,608
Sundry Debtors	6	79,873	1,951	1,951
Provision for Doubtful Debts		(1,585)	(1,585)	(1,585)
ESL Levy		0	4,431	4,431
GST Receivable		27,347	4,060	4,060
Receivables - Other		0	0	0
Inventories - Fuel & Materials		4,196	13,285	13,285
Inventories - Land Held for Resale		40,394	80,788	80,788
		2,475,280	1,287,118	1,287,118
Current Liabilities				
Sundry Creditors		(91,850)	(200,583)	(200,583)
GST Payable		(29,012)	(10,022)	(10,022)
PAYG		(12,709)	4,497	4,497
Accrued Interest on Debentures		0	(34,074)	(34,074)
Accrued Salaries & Wages		(1,977)	(1,977)	(1,977)
Current Employee Benefits Provision		(261,493)	(261,493)	(261,493)
Current Loan Liability		(1)	(181,410)	(181,410)
		(397,044)	(685,063)	(685,063)
NET CURRENT ASSETS		2,078,236	602,055	602,055
Less:				
Cash - Restricted Reserves		(396,475)	(308,620)	(308,620)
Inventories - Land Held for Resale		(40,394)	(80,788)	(80,788)
Add Back:				
Current Loan Liability		1	181,410	181,410
Cash Backed Employee Provisions	7	261,493	261,493	261,493
Net Current Funding Position (Surplus / Deficit)		1,902,861	655,550	655,550

0.00



Comments - Net Current Funding Position

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 4: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
(a) Cash Deposits							
Municipal Bank Account	1.25%	573,661	520,786		1,094,447	NAB	At Call
3 Month Term Deposit	2.45%	750,000					30 September
Trust Bank Account	1.25%			37,356	37,356	NAB	At Call
Cash Maximiser Account (Muni)	0.70%	0	0		0	NAB	At Call
Cash On Hand	Nil	300	0		300	NAB	At Call
Reserve Funds (6 Month Term Deposit)	2.55%	0	396,475		396,475	NAB	30 December
(b) Term Deposits							
Short Term Deposits	0.00%	0	0		0		
Total		1,323,961	917,261	37,356	1,528,579		

Comments/Notes - Investments

A review of bank accounts held has been undertaken in conjunction with National Australia Bank. Following this review some changes have been made to the type of accounts we use. To improve interest earnings, the Cash Maximiser Accounts are no longer used (they were earning approximately 0.7% interest) and the Municipal, Trust and Reserve accounts are corporate cheque accounts and will earn interest at the RBA cash rate when balances are >\$250,000 and RBA Cash rate -0.25% when balances are <\$250,000

Restricted Cash

(1) Municipal Fund

Purpose for Funds Being Restricted	Funding Organisation	Due Date to be Expended	Amount
1 Mooruary Rd	Roads to Recovery	30 June 2019	180,786
2 Town Revitalisation Plan	Department of Planning	30 June 2018	60,000
3 Town Planning Scheme	Department of Planning	30 June 2018	25,000
4 Special Purpose Grants - Bridges	Financial Assistance Grants	30 June 2018	210,000
5 Mingenew Transfer Station	Mid West Development Commission	30 June 2017	45,000
Sub-total			520,786

Shire of Mingenew
NOTES TO THE BUDGET REVIEW REPORT
For the Period Ended 28th February 2017

Note 5: BUDGET AMENDMENTS

udget since budget adoption. Surplus/(Deficit)

GL Account / Job No.	Description	Council Resolution	Classification	No Change - (Non Cash Items) Adjust.	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
	Budget Adoption		Opening Surplus(Deficit)	\$	\$	\$	\$ 688,089
	Actual Opening value as per audited financial report 30/6/2016					(34,483)	653,606
0121	Interim Rates Levied	Proposed	Operating Revenue		1,000		654,606
0131	Rates Legal Fees Recovered	Proposed	Operating Revenue			(1,100)	653,506
0141	Rates Concessions Granted	Proposed	Operating Revenue			(16,000)	637,506
0082	Rates Written Off	Proposed	Operating Expenses			(500)	637,006
0472	Rating Valuations	Proposed	Operating Expenses		5,000		642,006
0432	Interest on Overdraft	Proposed	Operating Revenue		1,000		643,006
0091	General Purpose Grant	Proposed	Operating Revenue		(886)		642,120
0041	Special Purpose Grants	Proposed	Operating Revenue		210,000		852,120
0071	Local Road Grants	Proposed	Operating Revenue		331		852,451
0061	Rates Penalty Interest	Proposed	Operating Revenue		5,000		857,451
0012	Conference Expenses	Proposed	Operating Expenses		5,000		862,451
0092	Councillor Training	Proposed	Operating Expenses		6,000		868,451
0122	Refreshments & Functions	Proposed	Operating Expenses		3,000		871,451
0523	Reimbursements	Proposed	Operating Revenue		11,000		882,451
0773	Contributions to Vehicle Expenses	Proposed	Operating Revenue			(540)	881,911
0262	LSL	Proposed	Operating Expenses		16,075		897,986
0272	Admin Salaries	Proposed	Operating Expenses		15,000		912,986
0302	Staff Training	Proposed	Operating Expenses		5,000		917,986
0322	Staff Conferences	Proposed	Operating Expenses		7,000		924,986
0392	Telephone	Proposed	Operating Expenses		4,000		928,986
0502	Consultants	Proposed	Operating Expenses		10,000		938,986
532	Asset Management	Proposed	Operating Expenses		28,737		967,723
0772	Administration Vehicles	Proposed	Operating Expenses		6,000		973,723
0703	Fines & Penalties	Proposed	Operating Revenue			(1,000)	972,723
0833	Dog / Cat Registration	Proposed	Operating Revenue			(1,000)	971,723
1002	Maternal & Infant Health Clinic	Proposed	Operating Expenses		4,000		975,723
1492	Mosquito Control	Proposed	Operating Expenses			(1,500)	974,223
1652	Senior Citizens Building	Proposed	Operating Expenses		2,000		976,223
1803	Domestic Refuse Removal	Proposed	Operating Revenue		2,160		978,383
1923	Commercial Refuse Removal	Proposed	Operating Revenue			(5,040)	973,343
1983	Septic Tank Fees	Proposed	Operating Revenue			(500)	972,843
2223	Development Application Fees	Proposed	Operating Expenses		300		973,143

Shire of Mingenew
NOTES TO THE BUDGET REVIEW REPORT
For the Period Ended 28th February 2017

Note 5: BUDGET AMENDMENTS

udget since budget adoption. Surplus/(Deficit)

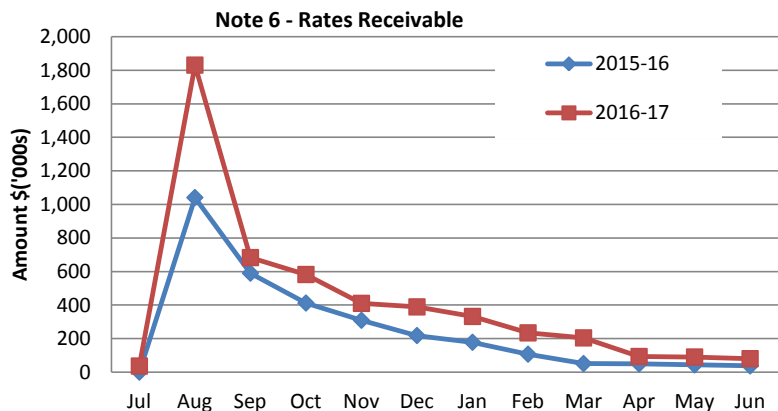
GL Account / Job No.	Description	Council Resolution	Classification	No Change - (Non Cash Items) Adjust.	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
2363	Cemetery Fees	Proposed	Operating Revenue		495		973,638
2393	Sundry Income	Proposed	Operating Revenue		500		974,138
2433	Grant Contributions	Feb 17 - 9.1.1	Capital Revenue		236,585		1,210,723
4203	Roads To Recovery Funding	Proposed	Operating Revenue		(76,374)		1,134,349
3533	Street Lighting Subsidy	Proposed	Operating Expenses		352		1,134,701
4273	Water Sales	Proposed	Operating Revenue			(600)	1,134,101
4232	Water Supply Stand Pipes	Proposed	Operating Expenses		2,500		1,136,601
4333	Charges - Private Works Various	Proposed	Operating Revenue			(7,500)	1,129,101
4483	Insurance Rebates	Proposed	Operating Revenue		1,672		1,130,773
4472	Fuel & Oils	Proposed	Operating Expenses		10,000		1,140,773
4482	Tyres & Sundries	Proposed	Operating Expenses		10,000		1,150,773
4492	Parts & Repairs	Proposed	Operating Expenses			(20,000)	1,130,773
4623	Mid West Industry Road Safety Alliance Reimbursements	Proposed	Operating Revenue		30,000		1,160,773
4662	Mid West Industry Road Safety Alliance Expenses	Proposed	Operating Expenses			(30,000)	1,130,773
	Town Hall Refurbishment	Proposed	Capital Expenses			(300,000)	830,773
6066	Depot Hill North Rd - RTR	Proposed	Capital Expenses		14,170		844,943
6067	Yandanooka Melara Rd - RTR	Proposed	Capital Expenses			(20,369)	824,574
	Special Purpose Grant - Yarragadee Bridge	Proposed	Capital Expenses			(210,000)	614,574
176	Ride on Mower	Proposed	Capital Expenses		10,100		624,674
	Transfer of Trust Funds	Proposed	Capital Revenue		63,415		688,089
Amended Budget Cash Position as per Council Resolution				0	650,132	(650,132)	688,089

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 6: RECEIVABLES

Receivables - Rates & Rubbish Receivable

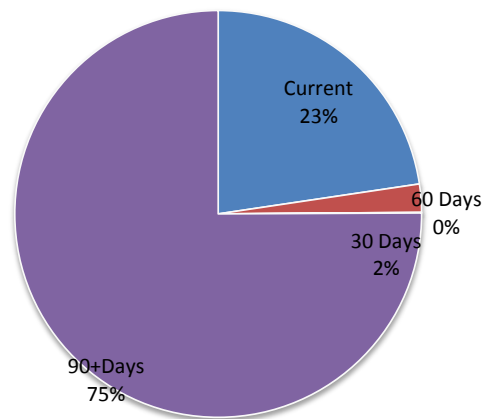
	YTD 30 Jun 2017	30 June 2016
Opening Arrears Previous Years	\$ 37,608	\$ 37,608
Levied this year	1,852,748	1,709,614
Less Collections to date	(1,809,909)	(1,709,614)
Equals Current Outstanding	80,447	37,608
Net Rates Collectable	80,447	37,608
% Collected	95.74%	97.85%



Receivables - General

	Current	30 Days	60 Days	90+Days
Receivables - General	\$ 18,087	\$ 1,785	\$ 40	\$ 59,961
Total Receivables General Outstanding				79,873

Note 6 - Accounts Receivable (non-rates)



Comments/Notes - Receivables Rates

Instalment Due Dates:

Instalment 1	27-Sep-16
Instalment 2	29-Nov-16
Instalment 3	3-Feb-17
Instalment 4	7-Apr-17

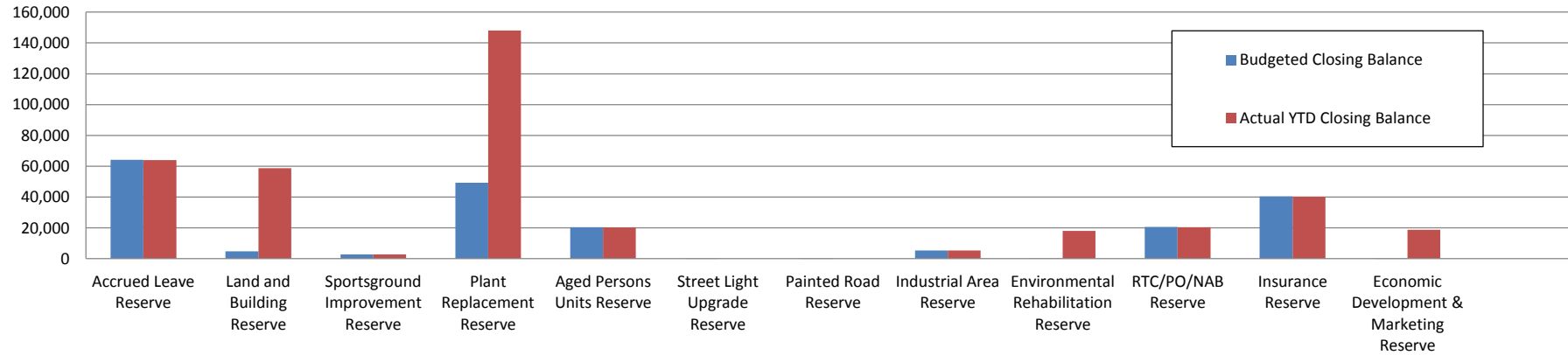
Comments/Notes - Receivables General

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 7: Cash Backed Reserve

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	YTD Actual Transfers In (+)	YTD Budget Transfers Out (-)	YTD Actual Transfers Out (-)	Transfer out Reference	Budgeted Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$		\$	\$
Accrued Leave Reserve	13,907	139	158	50,139	0	0	50,000		64,185	64,065
Land and Building Reserve	43,920	439	499	439	0	(40,000)	14,347		4,798	58,767
Sportsground Improvement Reserve	2,695	27	31	27	0	0	0		2,749	2,725
Plant Replacement Reserve	146,392	1,460	1,664	1,460	0	(100,000)	0		49,312	148,056
Aged Persons Units Reserve	20,002	200	227	200	0	0	0		20,402	20,230
Street Light Upgrade Reserve	14,307	143	70	143	0	(14,449)	(14,376)		144	0
Painted Road Reserve	4,202	42	20	42	0	(4,244)	(4,222)		42	0
Industrial Area Reserve	5,228	52	59	52	0	0	0		5,332	5,287
Environmental Rehabilitation Reserve	17,799	178	202	178	0	(17,977)	0		178	18,002
RTC/PO/NAB Reserve	20,153	202	229	202	0	0	0		20,557	20,382
Insurance Reserve	20,016	200	228	20,200	20,000	0	0		40,416	40,243
Economic Development & Marketing Reserve	0	0	120	18,693	18,598	(18,693)	0		0	18,719
	308,620	3,082	3,509	91,775	38,598	(195,363)	45,749	0	208,114	396,475

Note 7 - Year To Date Reserve Balance to End of Year Estimate



SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal				Disposals	Amended Current Budget			Comments
Cost	Accum Depr	Proceeds	Profit (Loss)		YTD 30 06 2017			
					2016/17 Budget Profit/(Loss)	2016/17 Actual Profit/(Loss)	Variance	
\$	\$	\$	\$	\$	\$	\$		
				Plant and Equipment				
127,930	(3,602)	122,822	(1,507)	CEO Vehicle (3)	0	(1,507)	(1,507)	3x changeover done
165,226	(4,544)	159,294	(1,388)	DCEO Vehicle (4)	0	(1,388)	(1,388)	4 x changeovers done
165,121	(8,283)	157,838	1,000	Works Manager Vehicle (4)	0	1,000	1,000	4x changeovers done
			0	11 Tonne Dual Cab Truck (A# 0591)	43,000	0	(43,000)	
458,277	(16,429)	439,954	(1,894)		43,000	(1,894)	(44,894)	

Comments - Capital Disposal/Replacements

Management vehicles are scheduled to be changed over at 15,000kms

Assets disposed:

A#890 - Mi 177	8 July 2016
A#0682 - Mi 108	3 August 2016
A# 0681 - 1 Mi	7 September 2016
A#897 - Mi 177	13 October 2016
A# 892 - Mi 108	28 November 2016
A# 898 - 1 Mi	9 January 2017
A#900- Mi 177	9 February 2017
A#901- Mi108	17-March-2017
A#903 - 1Mi	19-May-2017
A#905- Mi 177	27-June-2017
A#905-Mi108	26-June-2017

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 9: RATING INFORMATION

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	2016/17 Budget Rate Revenue \$	2016/17 Budget Interim Rate \$	2016/17 Budget Back Rate \$	2016/17 Budget Total Revenue \$
General Rate											
GRV - Mingenew & Yandanooka	13.5884	145	1,568,940	212,194	(50)		212,143	213,194			213,194
UV - Rural & Mining	1.4014	113	102,310,000	1,433,772	(13,793)		1,419,979	1,433,767			1,433,767
Sub-Totals		258	103,878,940	1,645,966	(13,844)	0	1,632,123	1,646,961	0	0	1,646,961
Minimum Payment	Minimum \$										
GRV - Mingenew & Yandanooka	655	77	90,176	50,435	655		51,090	55,675	0	0	55,675
UV - Rural & Mining	1500	37	1,353,478	55,500			55,500	55,500	0	0	55,500
Sub-Totals		114	1,443,654	105,935	655	0	106,590	111,175	0	0	111,175
Concessions							1,738,713				1,758,136
Amount from General Rates							(15,822)				(6,235)
Ex-Gratia Rates (CBH)							1,722,891				1,751,901
Specified Area Rates							34,657				34,666
Totals							0				0
							1,757,548				1,786,567

Comments - Rating Information

No differential rates levied in 2016/17

Concession provided on GRV properties in Yandanooka Townsite of 50%

Concession provided on UV minimum properties (Resolved at October meeting)

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

10. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Principal 1-Jul-16	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			YTD Actual	YTD Budget	YTD Actual	Budget	YTD Actual	Budget
			\$	\$	\$	\$	\$	\$
Education & Welfare								
Loan 137 - Senior Citizens Buildings	96,719		5,086	5,086	91,633	91,633	4,961	6,424
Housing								
Loan 133 - Triplex	73,136		11,370	11,370	61,766	61,766	3,286	5,317
Loan 134 - SC Housing	52,130		5,649	5,649	46,481	46,481	2,314	3,516
Loan 136 - Staff Housing	118,462		7,727	7,727	110,735	110,735	5,792	8,230
Loan 142 - Staff Housing	65,811		9,658	9,658	56,153	56,153	2,415	3,639
Recreation & Culture								
Loan 138 - Pavilion Fitout	92,850		4,883	4,883	87,967	87,967	4,763	6,167
Transport								
Loan 139 - Roller	39,168		14,913	14,913	24,255	24,255	1,655	2,603
Loan 141 - Grader	106,509		24,266	24,266	82,243	82,243	4,277	6,909
Loan 143 - 2 x Trucks	54,770		54,770	54,770	(0)	0	1,365	2,329
Loan 144 - Side Tipping Trailer	65,812		9,658	9,658	56,154	56,154	2,415	3,639
Loan 145 - Drum Roller	121,810	0	33,429	33,429	88,381	88,381	2,884	4,497
	887,177	0	181,409	181,409	705,768	705,768	36,127	53,270

All debenture repayments were financed by general purpose revenue.

Interest Repayment Actual YTD shows negative balances due to Interest accrual to 30 June 2016.

(b) New Debentures

Nil

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 11: GRANTS AND CONTRIBUTIONS

Program/Details GL	Grant Provider	Approval	2016-17 Forecast Budget	2016-17 Original Budget	Variations Additions (Deletions)	Operating 2016/17 Budget	Capital 2016/17 Budget	Recoup Status	
								2016-17 YTD Actual	2016-17 YTD Budget
		(Y/N)	\$	\$	\$	\$	\$	\$	\$
GENERAL PURPOSE FUNDING									
Financial Assistance Grant - Roads	Grants Commission	Y	301,155	300,824	331	300,824	0	461,625	300,824
Financial Assistance Grant - General	Grants Commission	Y	273,240	274,126	(886)	274,126	0	422,532	274,126
LAW, ORDER, PUBLIC SAFETY									
ESL Administration Grant	Department of Fire & Emergency Services	Y	4,400	4,400	0	4,400	0	4,000	4,400
ESL Annual Grant	Department of Fire & Emergency Services	Y	26,500	26,500	0	26,500	0	24,649	26,500
Bushfire Management Plan	Department of Fire & Emergency Services	Y	42,500	42,500	0	0	42,500	0	42,500
HEALTH									
Childcare Facility Upgrade	MWDC	N	70,000	70,000	0	0	70,000	0	70,000
EDUCATION & WELFARE									
Seniors Week Grant	COTAWA	N	1,000	1,000	0	1,000	0	1,000	1,000
Community Christmas Tree	CBH	N	2,000	2,000	0	2,000	0	0	2,000
HOUSING									
Independent Living Units	WCHS	Y	395,545	395,545	0	0	395,545	395,455	395,545
COMMUNITY AMENITIES									
Town Planning	NPP	Y	0	0	0	0	0	0	0
Thank a Volunteer Day	Department of Local Government & Communities	N	1,000	1,000	0	1,000	0	0	0
Anzac Day	TBA	N	3,000	3,000	0	3,000	0	0	0
Rural Womens Day	TBA	N	1,000	1,000	0	1,000	0	4,000	5,000
Transfer Station	Mid West Development Commission	Y	50,000	50,000	0	0	50,000	45,000	50,000
RECREATION AND CULTURE									
Museum	Lotterywest	N	10,000	10,000	0	0	10,000	13,712	10,000
Museum	Museum Committee	Y	5,000	5,000	0	0	5,000	0	0
Enanty Barn	TBA	N	50,000	50,000	0	0	50,000	0	50,000
Town Hall	Sino Steel trust fund	N	236,585	0	236,585	0	0	63,415	0
Littlewell	TBA	N	15,000	15,000	0	0	15,000	0	15,000
Railway Station	Lotterywest	N	35,000	35,000	0	0	35,000	13,580	35,000
Football Oval Lights	DSR	Y	50,000	50,000	0	0	150,000	50,000	50,000
Football Oval Lights	Football Club	Y	30,000	30,000	0	0	30,000	0	136,400
Hockey Oval Lights	Hockey Club	Y	13,200	13,200	0	0	13,200	13,200	50,000
TRANSPORT									
Direct Grant	Main Roads WA	Y	72,224	72,224	0	72,224	0	72,224	72,224
Blackspot Funding	Main Roads WA	Y	40,000	40,000	0	0	40,000	16,000	40,000
Regional Road Group	Main Roads WA	Y	386,000	386,000	0	0	386,000	327,333	386,000
Financial Assistance Special Grant - Bridge	Department of Infrastructure	Y	210,000	0	210,000	0	0	210,000	210,000
Roads To Recovery	Department of Infrastructure	Y	354,802	431,176	(76,374)	0	431,176	354,802	431,176
Street Lighting	Main Roads WA	Y	2,352	2,000	352	2,000	0	2,352	2,000
ECONOMIC SERVICES									
Mingenev Hill Walk Trail	TBA	N	15,000	15,000	0	0	15,000	0	15,000
OTHER PROPERTY & SERVICES									
Industrial Subdivision	Mid West Development Commission	N	100,000	100,000	0	0	100,000	0	200,000
Rural Residential Subdivision	Mid West Development Commission	N	100,000	100,000	0	0	100,000	0	0
TOTALS			2,896,503	2,526,495	370,008	688,074	1,938,421	2,494,879	2,874,695

Operating	Operating	687,871	730,574				992,382	688,074
Non-Operating	Non-operating	2,158,632	1,745,921				1,502,497	1,926,621
Contribution & Reimbursement	Operating & Non Operating	179,682	139,110				139,621	

		<u>3,026,185</u>	<u>2,615,605</u>				<u>2,634,500</u>	<u>2,614,695</u>
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SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 12: TRUST FUND

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 Jul 16	Amount Received	Amount Paid	Closing Balance 30-Jun-17
	\$	\$	\$	\$
BCITF Levy	1,374	962	(2,014)	322
BRB Levy	1,086	1,022	(1,883)	225
Autumn Committee	974	0	0	974
Community Bus	2,460	140	(400)	2,200
ANZAC Day Breakfast Donation	501	0	0	501
Building Relocation Bond	1,000	0	0	1,000
Mid West Industry Road Safety Alliance	39,650	52,250	(70,606)	21,294
Mingenew Cemetery Group	4,314	0	0	4,314
Bonds		0	0	
Housing Bonds	1,428			1,428
Cool Room Bond	530			530
Outdoor Camera Bond	350			350
Animal Trap Bond	50		(50)	0
Projector Screen	0	20	(20)	0
Other Bonds	200			200
Rates Incentive Prizes	200	0	(100)	100
Sinosteel Community Trust Fund	63,415	0	(63,415)	0
Tree Planter - LCDC	88	0	0	88
Weary Dunlop Memorial	87	0	0	87
Mingenew P & C - NBN Rental	0	6,190	(6,190)	0
Joan Trust	961	1,200	0	2,161
Youth Advisory Council	746	0	0	746
Centenary Committee	897	0	0	897
Community Christmas Tree	132	300	0	432
Silverchain Committee	2,268	0	(2,268)	0
Seniors Donations	0	50	0	50
	122,711	62,135	(146,947)	37,899

SHIRE OF MINGENEW
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 30 June 2017

Note 13: CAPITAL ACQUISITIONS

Level of Completion Indicator	Infrastructure Assets	Amended Annual Budget	Original Full Year Budget	YTD Budget	YTD Actual	Variance (Over)/Under	Comment
Land Held for Resale							
Community Amenities							
Other Property & Services							
	Rural Residential Area Development	4504	100,000	100,000	100,000	0	100,000
	Industrial Area Development	4644	100,000	100,000	100,000	682	99,318
Other Property & Services Total			200,000	200,000	200,000	682	(199,318)
Land Held for Resale Total			200,000	200,000	200,000	682	(199,318)
Land & Buildings							
Governance							
	Shire Office	0594	15,000	15,000	15,000	0	15,000
Housing Total			15,000	15,000	15,000	0	15,000
Health							
	Child Care Facility	0075	80,000	80,000	80,000	0	80,000
	Child Care Facility	0074	0	0	0	22	(22)
Health Total			80,000	80,000	80,000	22	79,978
Education & Welfare							
	Men's Shed Ablution Block	0048	0	0	0	0	0
Education & Welfare Total			0	0	0	0	0
Land & Buildings							
Housing							
	Construction - Staff Housing	9003	5,000	5,000	5,000	4,151	849
	Construction - Staff Housing	9005	10,000	10,000	10,000	0	10,000
	Construction - Staff Housing	9006	7,000	7,000	7,000	0	7,000
	Construction - Staff Housing	9010	10,000	10,000	10,000	0	10,000
	Aged Care Units	0165	450,000	450,000	450,000	92,535	357,465
	Silver Chain House	0166	11,000	11,000	11,000	0	11,000
Housing Total			493,000	493,000	493,000	96,686	396,314
Recreation And Culture							
	Town Hall	2434	300,000	0	300,000	2,981	297,019
	Enanty Barn	0067	50,000	50,000	50,000	0	50,000
	Museum	0068	20,000	20,000	20,000	0	20,000
	Old Roads Building	0069	12,000	12,000	12,000	0	12,000
	Old Railway Station	0070	35,000	35,000	35,000	0	35,000
Recreation And Culture Total			417,000	117,000	417,000	2,981	414,019
Transport Total							
	Depot	0027	18,000	18,000	18,000	0	18,000
Transport Total			18,000	18,000	18,000	0	18,000
Economic Services							
	Wild flower country sites	0143	0	0	0	21,986	(21,986)
	Business Incubator	5964	0	0	0	4,800	(4,800)
Economic Services Total			0	0	0	26,786	(4,800)
Land & Buildings Total			1,023,000	723,000	1,023,000	126,475	918,511
Infrastructure - Drainage/Culverts							
Transport							
	Moore Street Drainage	3284	0	0	0	3,102	(3,102)
Transport Total			0	0	0	3,102	(3,102)
Infrastructure - Drainage/Culverts Total			0	0	0	3,102	(3,102)

SHIRE OF MINGENEW
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 June 2017

Note 13: CAPITAL ACQUISITIONS

Level of Completion Indicator	Infrastructure Assets	Amended Annual Budget	Original Full Year Budget	YTD Budget	YTD Actual	Variance (Over)/Under	Comment
Infrastructure - Footpaths							
Transport							
	Midlands Road Town Footpaths	1291	0	0	0	0	
	Transport Total		0	0	0	0	
	Infrastructure - Footpaths Total		0	0	0	0	
Infrastructure - Other							
Community Amenities							
	Waste Transfer Station	3084	185,000	185,000	185,381	0	185,000
	Little Well Project	0071	45,000	45,000	45,309	0	45,000
	Mingenev Hill Project	0142	30,000	30,000	30,000	0	30,000
	Community Amenities Total		260,000	260,000	260,690	0	260,000
Recreation							
	Hockey Oval Lights	0076	35,000	35,000	35,000	35,000	0
	RV Friendly Site Development	0077	0	0	0	170	(170)
	Football Oval Lights	0140	130,000	130,000	130,000	381	129,619
	Water Tanks & Reticulation	0167	20,000	20,000	20,000	0	20,000
	Community Amenities Total		185,000	185,000	185,000	35,551	149,449
	Infrastructure - Other Total		445,000	445,000	445,690	35,551	409,449
Furniture & Office Equip.							
Governance							
	Electronic Whiteboard	0014	3,500	3,500	3,500	0	3,500
	Projector	0584	0	0	0	3,318	(3,318)
	Replacement Computers	0574	8,000	8,000	8,000	0	8,000
	Governance Total		11,500	11,500	11,500	3,318	8,182
Recreation							
	Christmas Lights	0065	3,000	3,000	3,000	0	3,000
	Recreation Total		3,000	3,000	3,000	0	3,000
Transport							
	Nil			0	0	0	0
	Transport Total		0	0	0	0	0
	Furniture & Office Equip. Total		14,500	14,500	14,500	3,318	11,182
	Infrastructure - Aerodomes Total		0	0	0	0	0

SHIRE OF MINGENEW
 NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
 For the Period Ended 30 June 2017

Note 13: CAPITAL ACQUISITIONS

Level of Completion Indicator	Infrastructure Assets	Amended Annual Budget	Original Full Year Budget	YTD Budget	YTD Actual	Variance (Over)/Under	Comment
Plant , Equip. & Vehicles							
Governance							
	CEO Vehicle Replacement	0554	90,000	90,000	43,000	129,000	(39,000)
	DCEO Vehicle Replacement	0554	180,000	180,000	84,000	166,567	13,433
	30 KVA Generator	0134	15,000	15,000		9,073	5,927
	Governance Total		285,000	285,000	127,000	304,640	(19,640)
Transport							
	Works Manager Vehicle	0170	135,000	135,000	135,000	166,111	(31,111)
	Sundry Plant	0171	10,000	10,000	10,000	5,718	4,282
	Dual Cab Truck	0173	100,000	100,000	100,000	0	100,000
	Ride On Mower	0176	19,900	30,000	19,900	0	19,900
	Road Broom	0177	20,000	20,000	20,000	0	20,000
	Slasher	0178	20,000	20,000	20,000	24,991	(4,991)
	Transport Total		304,900	315,000	304,900	196,820	108,080
Plant , Equip. & Vehicles Total			589,900	600,000	431,900	501,460	88,440
Roads & Bridges							
Transport							
	Yandanooka NE Intersection	BS05	60,000	60,000	60,000	9,136	50,864
	Roadworks Construction - Own Resources	0001	66,184	66,184	66,184	0	66,184
	Depot Hill North Road (R2R)	6066	154,149	168,319	154,149	154,149	0
	Yandanooka Melara Rd (R2R)	6067	158,716	138,347	158,716	158,716	(0)
	Mooriary Road (R2R)	6074	224,512	224,512	224,512	55,651	168,861
	Yarragadee Bridge (R2R)	6075	210,000	0	210,000	0	210,000
	Depot Hill Road Reseal (RRG)	RR62	139,000	139,000	139,000	84,717	54,283
	Mingenew Mullewa Road Reseal (RRG)	RR65	0	0	0	346,525	(346,525)
	Mingenew Mullewa Road Reseal (RRG)	RR63	440,000	440,000	440,000	0	440,000
	Transport Total		1,452,561	1,236,362	1,452,561	808,895	643,666
Roads (Non Town) Total			1,452,561	1,236,362	1,452,561	808,895	643,666
Capital Expenditure Total			3,724,961	3,218,862	3,567,651	1,479,483	1,868,828

9.2.2 ACCOUNTS FOR PAYMENT – MONTH ENDING 30 JUNE 2017

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Disclosure of Interest: Nil
Date: 13 July 2017
Author: Durga Ojha, Manager of Finance
Senior Officer: Martin Whitely, Chief Executive Officer

Summary

This report recommends that Council confirm the payment of creditors for the month of June 2017 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

MFA Attachment-2 &3

Copy of list of accounts due (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13(1).

Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.2.2
--

That Council confirm the accounts as presented for June 2017 from the Municipal & Trust Fund totalling \$246,916.85 represented by Electronic Funds Transfers of EFT 10847 to 10852 and 10856 to 10915 Direct Deduction DD8123.1.1, 2, 3, 4&5, DD8139.1, 2, 3, 4&5, Municipal Cheque numbers 8511 to 8513 and Trust Cheque 503.

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Shire of MINGENEW
List of Accounts for 1 June 2017 to 30 June 2017

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
503	16/06/2017	Department Of Commerce	HOUSING BOND TRANSFER TO BOND ADMINISTRATOR	T		669.60
8511	06/06/2017	Office Of State Revenue	Rates refund for assessment A845 23 OLIVER STREET MINGENEW 6522	M		279.19
8512	26/06/2017	SYNERGY	Street Light Charges for May 2017	M		3,390.70
8513	26/06/2017	WATER CORPORATION	Water Accounts for the month of May 2017	M		5,278.34
EFT10847	01/06/2017	Australian Services Union	Payroll deductions	M		26.35
EFT10848	01/06/2017	CHILD SUPPORT AGENCY	Payroll deductions	M		263.48
EFT10849	01/06/2017	MINGENEW SHIRE COUNCIL	Payroll deductions	M		110.00
EFT10850	01/06/2017	MINGENEW IGA X-PRESS & LIQUOR	Various groceries bill for the month of May 2017	M		684.40
EFT10851	01/06/2017	DURGA P Ojha	Reimbursement of office uniform, fuel & dinner for training day in perth	M		549.42
EFT10852	01/06/2017	ROAD SIGNS AUSTRALIA	Various traffic signs	M		831.60
EFT10856	13/06/2017	Cr Michelle Bagley	June quarter sitting fees and President allowance	M		3,325.00
EFT10857	13/06/2017	CR GARY COSGROVE	June quarter sitting fees and deputy president allowance	M		1,081.59
EFT10858	13/06/2017	CR KARL CRIDDLE	June quarter sitting fees	M		895.00
EFT10859	13/06/2017	CR LEAH EARDLEY	June quarter sitting fees	M		895.00
EFT10860	13/06/2017	Crispian Charles Reginald Lucken	June Quarter Sitting fees	M		895.00
EFT10861	13/06/2017	CR HELEN NEWTON	June quarter sitting fees and deputy president allowance	M		998.79
EFT10862	13/06/2017	CR MARGUERITE PEARCE	June quarter sitting fees	M		608.11
EFT10863	13/06/2017	Martin Gerard Whitely	Rimbursement of various expenses to the CEO	M		851.87

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List of Accounts for 1 June 2017 to 30 June 2017

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT10864	13/06/2017	GREENFIELD TECHNICAL SERVICES	Mingenew Morawa/Yandi road revise survey.	M		374.00
EFT10865	22/06/2017	ANDREWS & CO	MAY/JUNE SOCIAL MEDIA 2017 CHARGE	T		1,650.00
EFT10866	22/06/2017	APDPromotions Pty Ltd	PROMOTIONS	T		2,469.50
EFT10867	22/06/2017	MINGENEW MIDWEST EXPO	EXPO BOOKING FEES	T		1,710.00
EFT10868	22/06/2017	PRIME MEDIA GROUP PTY	MWIRSA TV COMMERCIALS DURING EASTER HOLIDAY	T		5,500.00
EFT10869	22/06/2017	Shine Aviation Services	MWIRSA GIFT VOUCHER	T		810.00
EFT10870	23/06/2017	Australian Taxation Office	May BAS	M		41,179.00
EFT10871	26/06/2017	Australian Services Union	Payroll deductions	M		26.35
EFT10872	26/06/2017	Butler Settineri	Interim Audit fees for the year ending June 2017	M		7,463.34
EFT10873	26/06/2017	CHILD SUPPORT AGENCY	Payroll deductions	M		263.48
EFT10874	26/06/2017	LANDGATE	Rural UV GEN VALS 500 SHARED	M		2,624.05
EFT10875	26/06/2017	LGRCEU	Payroll deductions	M		41.00
EFT10876	26/06/2017	MINGENEW SHIRE COUNCIL	Payroll deductions	M		110.00
EFT10877	26/06/2017	Able Sales	Purchase of generator	M		9,980.00
EFT10878	26/06/2017	AUSTRALIA POST	Post Charges for May 2017	M		64.05
EFT10879	26/06/2017	ABCO PRODUCTS	Cleaning Products for the Rec Centre	M		1,271.00
EFT10880	26/06/2017	MOORE STEPHENS	Financial Reporting Workshops	M		2,310.00
EFT10881	26/06/2017	Courier Australia	Courier Fees	M		123.08
EFT10882	26/06/2017	CUNNINGHAMS AG SERVICES	Purchase of Hose Fittings	M		104.48

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List of Accounts for 1 June 2017 to 30 June 2017

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT10883	26/06/2017	DONGARA BOBCAT & CONTRACTING SERVICES	Supply Cable Location for Mingenew Entrance	M		264.00
EFT10884	26/06/2017	DORMA	Repair Automatic Office Door Sensor and Switch	M		2,831.73
EFT10885	26/06/2017	ELDERS LIMITED	Purchase of Honda Pump	M		1,133.00
EFT10886	26/06/2017	GERALDTON MOWER & REPAIR SPECIALISTS	Various Repair Items for Honda Mower	M		276.00
EFT10887	26/06/2017	GREAT NORTHERN RURAL SERVICES	Main Oval Goods	M		52.13
EFT10888	26/06/2017	GREAT SOUTHERN FUEL SUPPLIES	Fuel Account for the Month of May 2017	M		11,669.00
EFT10889	26/06/2017	IRWIN PLUMBING SERVICES	Replace Hot Water heater in APU 2	M		3,943.50
EFT10890	26/06/2017	KLEENHEAT GAS	Service Charge May 2017	M		37.95
EFT10891	26/06/2017	CANINE CONTROL	Ranger Services for 7th June 2017	M		1,012.00
EFT10892	26/06/2017	LATERAL ASPECT	Service Fee May 2017	M		3,758.33
EFT10893	26/06/2017	STARICK TYRES	Various Tyres and PArts for plant items	M		3,005.18
EFT10894	26/06/2017	Mitchell and Brown	Purchase of projector and mounts	M		3,650.00
EFT10895	26/06/2017	MIDWEST AERO MEDICAL AIR AMBULANCE P/L	Professional Services Provided by DR	M		3,750.00
EFT10896	26/06/2017	MINGENEW SPRING CARAVAN PARK	Accomadation For Lateral Aspect	M		214.00
EFT10897	26/06/2017	MARKETFORCE	Local Government Vacancy Advertisement	M		861.80
EFT10898	26/06/2017	NORTH MIDLANDS AGRICULTURAL SOCIETY	Sponsorsip for NMAS Art Exhibition 2017	M		250.00
EFT10899	26/06/2017	Officeworks	Bathroom supplies for public toilets	M		327.86
EFT10900	26/06/2017	Road Safety Auditing And Works Management	Road Safety Audit	M		6,435.00

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List of Accounts for 1 June 2017 to 30 June 2017

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT10901	26/06/2017	LANDMARK	Fertilizer for various Parks & Garden	M		720.48
EFT10902	26/06/2017	SHIRE OF CHAPMAN VALLEY	Planning Services	M		1,524.50
EFT10903	26/06/2017	Kellie Anne Starick	Purchase of Paint for the Mingenew Tourism Committee	M		231.42
EFT10904	26/06/2017	S&C SMART	Gravel for Roads to Recovery roads construction	M		21,450.00
EFT10905	26/06/2017	Telstra Corporation	Telstra Accounts for the month of May 2017	M		1,423.62
EFT10906	26/06/2017	Western Australian Museum	Guided Tour	M		80.00
EFT10907	26/06/2017	YOUNG MOTORS	Vehicle change over expenses	M		2,276.80
EFT10908	27/06/2017	Shire of Mingenew - Payroll	TRUST REFUND TO MUNI ACCOUNT	T		63,415.39
EFT10909	28/06/2017	Australian Services Union	Payroll deductions	M		26.35
EFT10910	28/06/2017	CHILD SUPPORT AGENCY	Payroll deductions	M		263.48
EFT10911	28/06/2017	LGRCEU	Payroll deductions	M		20.50
EFT10912	28/06/2017	MINGENEW SHIRE COUNCIL	Payroll deductions	M		110.00
EFT10913	28/06/2017	Mas Tax Accountants Pty Ltd	ABN APPLICATION CHARGE	T		165.00
EFT10915	06/06/2017	FIVE STAR BUSINESS EQUIPMENT & COMMUNICATIONS	Photocopy Charges	M		421.30
EFT10916	30/06/2017	NAB BUSINESS VISA	Credit Card payment for the month of June	M		1,206.82
DD8123.1	14/06/2017	WA SUPER	Payroll deductions	M		3,550.67
DD8123.2	14/06/2017	PERSONAL CHOICE PRIVATE FUND EWRAP SUPER	Superannuation contributions	M		1,115.21
DD8123.3	14/06/2017	MLC SUPER FUND	Superannuation contributions	M		75.34
DD8123.4	14/06/2017	PRIME SUPER	Superannuation contributions	M		274.04

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List of Accounts for 1 June 2017 to 30 June 2017

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
DD8123.5	14/06/2017	BEATTIE PETA SMSF PTY LTD	Superannuation contributions	M		196.62
DD8139.1	28/06/2017	WA SUPER	Payroll deductions	M		3,537.90
DD8139.2	28/06/2017	PERSONAL CHOICE PRIVATE FUND EWRAP SUPER	Superannuation contributions	M		1,115.21
DD8139.3	28/06/2017	MLC SUPER FUND	Superannuation contributions	M		75.34
DD8139.4	28/06/2017	PRIME SUPER	Superannuation contributions	M		274.04
DD8139.5	28/06/2017	BEATTIE PETA SMSF PTY LTD	Superannuation contributions	M		188.57

REPORT TOTALS

Bank Code	Bank Name	TOTAL
M	MUNI - NATIONAL AUST BANK	170,527.36
T	TRUST- NATIONAL AUST BANK	76,389.49
TOTAL		246,916.85

Licensing , Payroll and Credit Card Transaction for June 2017

Transport Licensing

Direct Debit from Muni bank
1/6/2017 to 30/6/2017 \$20,687.00

Staff payroll

PPE 14/6/2017 \$22,609.19
PPE 28/6/2017 \$23,055.86

Credit Card

CEO's Credit Card - June 2017 \$1,206.82

9.3 ADMINISTRATION

9.3.1 LOCAL LAWS REVIEW

Location/Address:	Shire of Mingenew
Name of Applicant:	Shire of Mingenew
Disclosure of Interest:	Nil
File Reference:	AD0384
Date:	3 July 2017
Author:	Kelvin Matthews, Locum Governance Officer

Summary

This report recommends that Council consider for approval the proposed local laws detailed as attached to this report for public advertising in accordance with section 3.12 of the Local Government Act 1995.

Attachment

1. Shire of Mingenew Draft Local Laws
2. Local Laws Rubric Matrix

Background

Council considered the making of the following (draft) local laws at its Ordinary Council Meetings (OCM) dated 20 April 2016 and 21 September 2016:

- Meetings Procedure Local Law 2016
- Health Local Law 2016,
- Animal, Environment and Nuisance Local Law 2016
- Waste Local Law 2013

The above Local Laws did not progress to advertising as required in accordance with section 3.12 of the Local Government Act 1995 and therefore have remained as draft Local Laws only. The following Fencing Local Law was gazetted on 17 February 1999 and has been updated and included in this report for recommendation:

- Fencing Local Law 2017

This report also recommends that Council consider and advertise the making of the following new Local Laws as prescribed by section 3.12 of the Local Government Act 1995:

- Repeal Local Laws 2017
- Standing Orders Local Law 2017
- Cemeteries Local Law 2017, and
- Extractive Industries Local Law 2017

In the OCM reports from its April and September 2016 meetings it was noted that Council must also comply with section 3.16 of the Local Government Act 1995 whereby a review of its local laws should be undertaken within an eight year period to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

All of the above local laws will ensure that Council is legislatively compliant in the manner in which it governs its district that simultaneously meets its local needs and circumstances.

Comment

Appendix 2 of this report provides a brief descriptive Rubric Matrix regarding the current status of Councils local laws. In particular Councils attention is drawn to the following in regard to each local law:

- Repeal Local Law 2017 - required to repeal and amend existing local laws noting that research reveals approximately 45 obsolete Shire of Mingenew Local Laws (some formerly known as By-laws) still exist where the Local Laws Register does not record any repeal.

- Standing Orders Local Law – required in accordance with Part 5, Division 2 of the Local Government Act 1995 and Part 2 of the Local Government (Administration) Regulations 1996 for the proper legislative conduct and procedure of Council (and Committee) Meetings. Council had previously considered a draft Meetings Procedure Local Law in 2016 and has a current Meetings Procedure Policy, however the draft Local Law was not formally adopted by Council and the Policy does not provided legislative compliance in the conduct of Council Meeting (and Committees) procedures.
- Cemeteries Local Law - the purpose of this local law is to provide for the control and regulation of Councils cemetery site for the benefit of the community within its district.
- Extractive Industries Local Law – the purpose of this local law is to provide for the control and regulation of the extraction of materials within the district, where and when applicable.
- Fencing Local Law - the purpose of this local law is to provide for the control and regulation of fencing in accordance with the Dividing fences Act 1961 within its district and has been updated from the gazetted local law of 1999. A building licence is not required for a fence on a rural lo in accordance with Part 3, clause 7 of the local law.
- Health Local Law – required to provide a legislative means of effectively controlling the possibility of health related issues that may adversely impact on the health and well being of the community of the district.
- Animal, Environment and Nuisance Local Law - required to provide a legislative means of effectively controlling the possibility of animal and nuisance related matters that may adversely impact on the health and well being of the community of the district.
- Waste Local Law - the purpose of this local law is to provide for the control and regulation of Councils waste landfill site and the collection of domestic and commercial waste (putrescible and inert) within its district.

Consultation

All councillors

Public in accordance with section 3.12(2) of the Local Government Act 1995 whereby Statewide Public Notice is required.

Statutory Environment

In accordance with section 3.12 of the Local Government Act 1995 as follows:

Procedure for making local laws

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2A) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give Statewide public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*

and

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 July 2017

- (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*
- * Absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice —*
- (a) *stating the title of the local law; and*
 - (b) *summarizing 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 local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section —*
making *in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

In accordance with **section 3.15 of the Local Government Act 1995** as follows:

Local laws to be publicised

A local government is to take reasonable steps to ensure that the inhabitants of the district are informed of the purpose and effect of all of its local laws.

In accordance with **section 3.16 of the Local Government Act 1995** as follows:

Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that —*
 - (a) *the local government proposes to review the local law; and*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*

MINGENEW SHIRE COUNCIL ORDINARY MEETING AGENDA – 19 July 2017

- (2a) *A notice under subsection (2) is also to be published and exhibited as if it were a local public notice.*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

Policy Implications

The proposed Standing Orders Local Law 2017 is intended to replace the current Meetings Procedures Policy that will be simultaneously revoked during the review of Council Policy process.

Financial Implications

Nil

Strategic Implications

Community Strategic Plan Outcome 4.5.1

– Ensure compliance with local, town planning, building, health and all other relevant legislation.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION – ITEM 9.1.1
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That Council confirm the following Shire of Mingenew Local Laws for Statewide advertising in accordance with section 3.12 of the Local Government Act 1995:

- **Repeal Local Law 2017**
- **Standing Orders Local Law 2017**
- **Cemeteries Local Law 2017**
- **Extractive Industries Local Law 2017**
- **Health Local Law 2017**
- **Animal, Environment and Nuisance Local Law 2017, and**
- **Waste Local Law 2017**

SHIRE OF MINGENEW



LOCAL LAWS REVIEW RUBRIC MATRIX

JULY 2017

Local laws are made to meet local circumstances and needs, and assist local governments in promoting good governance for the people in their districts. Local Laws are the subsidiary legislation made by Local Governments under delegated power granted by the:

- *Local Government Act 1995*
- *Public Health Act 2016, and*
- *Various other legislative instruments*

In accordance with section 3.16 of the WA Local Government Act 1995 whereby within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended. Furthermore when Council has considered the report, the local government may determine (by Absolute Majority) whether or not it considers that the local law should be repealed or amended. Section 3.12 of the WA Local Government Act 1995 prescribes the manner and procedure for making, repealing and/or amending a Local Law noting section 3.12(7) whereby the Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

The following rubric matrix provides a breakdown and description of the individual current Local Laws of the Shire of Mingenew with comments relevant to each individual Local Law in regard to its status and compliance including where appropriate that the Local Law be repealed in accordance with the legislative process.

LOCAL LAWS RUBRIC MATRIX					
LOCAL LAW & REFERENCE NUMBER	<i>Retain</i>	<i>Repeal Entirely</i>	<i>Retain & Amend</i>	<i>New Local Law</i>	<i>Comments</i>
Repeal Local Laws		✓		✓	Required to repeal and amend existing local laws
Standing Orders Local law				✓	New Local Law - refer to section 3.5 of the LG Act. Note replaces current Meeting Procedures Policy
Cemeteries Local Law				✓	New Local Law - refer to section 3.5 of the LG Act

Extractive Industries Local Law				✓	New Local Law - refer section 3.5 of the LG Act
Health Local Law			✓		Amended where applicable to previous draft and to incorporate legislation update
Waste Local Law			✓		Amended where applicable to previous draft and to incorporate other legislation
Animal, Environment & Nuisance Local Law			✓		Amended to incorporate other legislation
Fencing Local Law			✓		Amended to include updates noting previous Fencing Local Law from 1999

Additional Comments:

- Council has numerous Local Laws that date from circa 1919 that can be deemed obsolete and unnecessary to the current governance functions of Council. The purpose and effect of the Repeal Local Law 2017 is to allow for more effective and efficient local government by removing these outdated and irrelevant local laws.
- Council has no legislative Standing Orders Local Law that provides for the conduct of its Council and Committee Meetings. The only previously recorded Standing Orders Local Law is from 1965 and is therefore obsolete and outdated. While Council does have a current Policy in regard to its Standing orders, it is a legislative requirement to have Standing Orders that prescribe the manner in which Council conduct its meeting process and procedure. The purpose of the proposed Standing Orders Local law is to provide for this process to be conducted in accordance with the Act, the Regulations and this local law.
- Council has no current Cemeteries Local Law with the only previously recorded local law(s) being its Cemetery Fees Local Law in 1978. Accordingly it is recommended that Council adopt a new Cemeteries Local Law that will prescribe the manner in which the operations and administration of the Mingenew cemetery are managed.
- Council has no current Extractive Industries Local Law with no previous local law being recorded. Accordingly it is recommended that Council adopt a new Extractive Industries Local Law that will prescribe the manner in which the operations and administration of any extractive industry (if and when applicable) are managed.
- Council gazetted its Fencing Local Law in February 1999 and this has been reviewed and updated to reflect any changes.
- Council prepared a draft Health Local Law (in 2016), a draft Waste Local Law (in 2013) and a draft Animals Local Law (in 2016), however had not formally adopted the process of advertising and calling for submissions in accordance with section 3.12 of the Local Government Act 1995. In particular the Health Act 1911 has now been revoked and replaced with a new Public Health Act 2016 and the provisions of the new Public Health Act 2016 need to be reflected (where applicable) in the Shire of Mingenew Health Local Law. Accordingly it is recommended that Council adopt these local laws to provide for the efficient and effective good governance of its district.

SHIRE OF MINGENEW



(DRAFT) REPEAL LOCAL LAW

JULY 2017

LOCAL GOVERNMENT ACT 1995

Shire of Mingenew

REPEAL LOCAL LAW 2017

Preamble

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Mingenew resolved on 19 July 2017 to make the following local law.

Part 1—Introducing Matters

1.1 Title

This Local Law may be cited as the *Shire of Mingenew Repeal Local Law 2017*.

1.2 Content and Intent

(1) This Local Law—

- (a) Provides for the repeal of obsolete Local Laws;
- (b) Identifies the obsolete Local Laws by giving their names, date they were first published in the *Gazette* and any date of subsequent amendments.

(2) This Local Law is intended to result in—

- (a) More efficient and effective Local Government, by removing obsolete Local Laws.

Part 2—Substance of this Law

2.1 Repeal

The following Local Laws are hereby repealed—

- Reserve Common 9693 Local Law published in the *Government Gazette* on 31 January 1919.
- Reserve Common 9694 Local Law published in the *Government Gazette* on 15 August 1919.
- Poundage Fees Local Law(s) published in the *Government Gazette* on 7 July 1919 and 19 December 1946.
- Legal proceedings Local Law published in the *Government Gazette* on 27 June 1926.
- Stock on Roads Local Law published in the *Government Gazette* on 21 May 1926.
- Depositing of Rubbish Local Law published in the *Government Gazette* on 22 July 1927.
- Dogs Local Laws(s) published in the *Government Gazette* on 13 December 1929, 19 December 1967, 2 June 1978, 28 September 1979, 5 February 1988 and 19 January 1996.
- Rates Discount Local Law(s) published in the *Government Gazette* on 23 September 1932, 25 September 1970, 9 September 1977 and 28 September 1979.
- General and Buildings Local Law(s) published in the *Government Gazette* on 10 February 1933 and 17 April 1936.
- Employees Appointment Local Law published in the *Government Gazette* on 12 December 1941.
- Vehicle on Roads Local Law published in the *Government Gazette* on 10 September 1948.
- Traffic Act Angle Parking Local Law published in the *Government Gazette* on 17 December 1948.
- Long service Leave Local Law published in the *Government Gazette* on 23 July 1952.
- Old Refrigerators Local Law(s) published in the *Government Gazette* on 22 December 1964 and 24 April 1975.
- Damage to Streets Local Law published in the *Government Gazette* on 22 December 1964.
- Animals and Vehicles Local Law published in the *Government Gazette* on 22 December 1964.

- Signs, Hoardings and Billposting Local Law(s) published in the *Government Gazette* on 22 December 1964 and 30 May 1975.
- Revocation of Certain By-Laws published in the *Government Gazette* on 10 June 1965.
- Inflammable Liquids Local Law published in the *Government Gazette* on 10 June 1965.
- Control of Hawkers Local Law(s) published in the *Government Gazette* on 10 June 1965 and 18 April 1975.
- Standing Orders Local Law published in the *Government Gazette* on 10 June 1966.
- Clearing Land of Refuse and Rubbish Local Law published in the *Government Gazette* on 17 August 1966.
- Noxious Weeds Local Law published in the *Government Gazette* on 16 November 1966.
- Fencing Local Law published in the *Government Gazette* on 27 August 1968.
- Erection of Verandas Local Law(s) published in the *Government Gazette* on 6 February 1969 and 25 January 1974.
- Control of Vehicles Driven on Shire Land Local Law published in the *Government Gazette* on 19 February 1969.
- Caravan Parks Local Law(s) published in the *Government Gazette* on 17 August 1966 and 23 June 1971.
- Control of vehicles on Streets Local Law published in the *Government Gazette* on 25 January 1974
- Cemetery Fees Local Law published in the *Government Gazette* on 2 June 1978.
- Caravans and Camping Local Law(s) published in the *Government Gazette* on 18 April 1975 and 13 March 1998.

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

Cr Michelle BAGLEY
Shire President

Mr M WHITELY
Chief Executive Office

Dated: ____ / ____ /2017

SHIRE OF MINGENEW



(DRAFT) STANDING ORDERS LOCAL LAW

JULY 2017

LOCAL GOVERNMENT ACT 1995

Shire of Mingenew

STANDING ORDERS 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 Mingenew resolved on 19 of July 2017 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This Local Law may be cited as the *Shire of Mingenew Standing Orders Local Law 2017*.

1.2 Definitions

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

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

“**absolute majority**” means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices

(whether vacant or not) of member of the council;

“**CEO**” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the Shire of Mingenew;

“**Committee**” means any Committee or Sub-Committee appointed in accordance with the Act;

“**committee member**” means an Elected Member and/or any other person serving on a Committee;

“**Council**” means the Council of the Shire of Mingenew;

“**District**” means the district of the Shire of Mingenew;

“**Elected Member**” means a person who holds the office of Shire President or Councillor on the Council;

“**meeting room**” means the room in which a Committee or Council meeting is being conducted;

“**officer**” means an employed member of the staff of the Shire of Mingenew;

“**Presiding Member**” means the person presiding at the meeting of the Council or a Committee, as prescribed by the Act;

“**quorum**” for a meeting of a council or committee means at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

“**Regulations**” means the *Local Government (Administration) Regulations 1996*;

“**simple majority**” is more than 50% of the members present and voting; and

“**substantive motion**” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

(2) Unless otherwise defined herein the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

1.3 Repeal

The *Shire of Mingenew Standing Orders Local Law 1965* published in the *Government Gazette* on 10 June 1965 is repealed.

1.4 Application

All meetings of the Council or a Committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and this local law.

1.5 Commencement

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

1.6 Intent

This local law is intended to result in—

- (a) better decision making by the Council;
- (b) orderly conduct of meetings dealing with Council business;
- (c) community understanding of the process of conducting meetings dealing with Council business; and
- (d) more efficient and effective use of time at meetings.

1.7 Local Government (Rules of Conduct) Regulations 2007

To the extent that this local law is inconsistent with the Local Government (Rules of Conduct) Regulations 2007, the Local Government (Rules of Conduct) Regulations 2007 prevail to the extent of that inconsistency.

1.8 Reference to Time

Any reference to time in this local law means western standard time or western daylight time if western daylight time is enforced on that day in the state of Western Australia.

PART 2—CALLING MEETINGS

2.1 Calling Committee Meetings

A meeting of a Committee is to be held—

- (a) if called for in a verbal or written request to the CEO by the Presiding Member of the Committee, setting out the date and purpose of the proposed meeting;
- (b) if called for by at least 1/3 (one third) of the committee members in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the Committee or the Council.

2.2 Notice of Special Council Meetings

- (1) Subject to subclause 2.2(2), the CEO is to convene a special meeting of the Council by giving each Elected Member at least 72 hours' notice of the date, time, place and purpose of the meeting.
- (2) Where there is a need to meet urgently, in the opinion of the Shire President, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause 2.2(1).

2.3 Notice of Ordinary and Special Committee Meetings

- (1) The CEO is to convene an ordinary meeting of a Committee pursuant to clause 2.1 by giving each committee member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a Committee by giving each committee member at least 72 hours' notice of the date, time, place and purpose of the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses 2.3(1) and 2.3(2) to every Elected Member.

PART 3—BUSINESS OF THE MEETING

3.1 Business to be Specified on Notice Paper

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at a Committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the Committee.

(4) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that—

(a) specified in the notice of the meeting which had been adjourned; and

(b) which remains unresolved;

except in the case of an adjournment to the next ordinary meeting of the Council or the Committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 Order of Business

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—

(a) Opening and Announcement of Visitors

(b) Attendance and Apologies

(c) Answers to Questions Which Were Taken on Notice

(d) Public Question Time

(e) Public Statement Time

(f) Leave of Absence

(g) Petitions, Presentations and Deputations

(i) Petitions

(ii) Presentations

(iii) Deputations

(h) Confirmation of Minutes

(i) Announcements by the Presiding Member without Discussion

(j) Declarations of Interest (Financial, Proximity, Impartiality—both real and perceived)

(k) Elected Members' Questions of Which Due Notice Has Been Given Without Discussion

(l) Elected Members' Questions of Which Notice Has Not Been Given Without Discussion

(m) Any Business Left Over From Previous Meeting

(n) Recommendations of Committees

(o) Adoption of Recommendations Contained in Items Withdrawn

(p) Reports

(q) Motions of Which Previous Notice Has Been Given

(r) Notice of Motions For Consideration at the Following Meeting if Given During the Meeting

(s) Late and Urgent Business

(t) Confidential Items

(u) Close of Meeting

(2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a Committee meeting is to be the order in which that business stands in the agenda of the meeting.

(3) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or Committee meeting in an appropriate place within the order of business any matter which must be decided, or which the CEO considers is appropriately decided, by that meeting.

3.3 Public Question Time

(1) A member of the public who raises a question during question time is to state his or her name and address.

(2) A question may be taken on notice by the Council or Committee for later response.

(3) When a question is taken on notice under subclause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.

(4) Questions asked by members of the public and answers—

(a) are to be brief and concise; and

(b) are not to be accompanied by—

(i) any argument, expression of opinion or statement of facts, except so far as may be necessary to explain the question or answer; or

(ii) any statement reflecting adversely on the integrity of any member, officer or other party; or

(iii) any discussion.

3.4 Public Statement Time

(1) Any person or group wishing to be received as a public statement by the Council at an ordinary meeting of the Council shall send to the CEO an application setting out the subject matter, which must be a matter concerning local government, for their statement in sufficient detail to enable a general understanding of the purpose of the statement.

(2) Where the CEO receives the request in terms of the preceding clause the CEO shall refer it to the Presiding Member.

(3) Public statements shall not—

(a) involve any language considered offensive by the Presiding Member;

(b) contain any statement reflecting adversely on the integrity of any elected member, officer or other; or

(c) exceed 2 minutes.

(4) The Presiding Member may determine that a statement is out of order where the Statement;

(a) is the same or similar in content to a statement made at a previous meeting;

(b) a response was provided or council action was taken; and

(c) the person is directed to the minutes of the meeting at which the response was provided or the action was determined.

3.5 Petitions

(1) A petition in the form prescribed by the Act and *Local Government (Constitution) Regulations 1998* for—

(a) a proposal to change the method of filling the office of Shire President;

(b) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward,

in order to be effective, is to—

(i) be a formal written request;

- (ii) be signed by not less than three people;
 - (iii) be addressed to the Shire President;
 - (iv) be made by electors of the district;
 - (v) state the request on each page of the petition;
 - (vi) contain the names, addresses and signatures of the electors of the Shire of Mingenew making the request, and the date each elector signed;
 - (vii) contain a summary of the reasons for the request; and
 - (viii) state the name of the person upon whom, and an address at which, notice to the petitioners can be given.
- (2) Any other petition, in order to be effective, is to—
- (a) be a formal written request;
 - (b) be signed by not less than three people;
 - (c) state the request on each page of the petition;
 - (d) contain the names, addresses and signatures of persons making the request, and the date each person signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given.
- (3) The only question which shall be considered by the Council on the presentation of any petition shall be (a Motion to the effect) that the petition be received and forwarded to officers for further action.

3.6 Presentations and Announcements

- (1) At any meeting of Council or Committee the presiding member may announce or raise any matter of interest or relevance to the Council or the Committee as the case may be.
- (2) The Presiding Member may allow in his or her absolute discretion a presentation or announcement to the Council or Committee by an Elected Member.
- (3) Any external organisation wishing to make a presentation to the Council or a Committee meeting shall send to the CEO a written request, setting out the subject matter (which must be a matter concerning local government) in sufficient detail to enable a general understanding of the purpose and benefits of the presentation.
- (4) Where the CEO receives the request in terms of the preceding clause, the CEO may refer it to the Presiding Member.
- (5) Any presentation from an external organisation shall not exceed 15 minutes.

3.7 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council or a Committee shall send to the CEO an application—
 - (a) setting out the agenda item to which the deputation relates;
 - (b) whether the deputation is supporting or opposing the officer's or Committee's recommendation; and
 - (c) include sufficient detail to enable a general understanding of the purpose of the deputation.
- (2) Where the CEO receives a request in terms of the preceding clause the CEO shall refer it to the presiding member of the Council or appropriate Committee who shall determine whether the deputation should be received.

- (3) A deputation approved to attend a Council or Committee meeting is not to—
 - (a) exceed five persons, only two of whom may address the Council or Committee, although others may respond to questions from members; and
 - (b) address the Council or Committee for a period exceeding five minutes without the agreement of the Council or the Committee as the case requires.
- (4) Where a deputation has been made at a Committee meeting, a further deputation will not be permitted at a successive Council meeting by the same person or persons, or a directly related party, on the same matter unless it is demonstrated there is new, relevant material which may impact upon the Council's understanding of the facts of the matter.
- (5) (a) deputations are to be presented in the order of which the item they relate to sits on the Agenda.
- (b) where there are deputations both for and against an agenda item the person wishing to make a deputation against the matter is to present first, followed by a deputation in favour.
- (c) deputations will then continue in alternating order until there are no persons wishing to speak to the opposite view of the last preceding speaker.
- (6) Members of a Committee (or other Elected Member) to which the deputation is presented may ask a question or questions of persons of the deputation group and any person of the deputation group may respond to such questions.
- (7) Deputations—
 - (a) shall not involve any language considered offensive by the Presiding Member; and
 - (b) shall not contain any statement knowingly incorrect, knowingly misleading or reflecting adversely on the integrity of any member, officer or other party.

3.8 Confirmation of Minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or Committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to—
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.9 Questions from Members

- (1) An Elected Member who wishes to ask a question with notice at a Committee meeting of the Council is to—
 - (a) give reasonable written notice of the question wherever possible to the CEO before the scheduled commencement of the meeting; and
 - (b) direct the question through the presiding member.
- (2) An Elected Member may ask a question without notice at a Committee meeting provided that any such question is relevant to the purpose of the meeting.
- (3) If the question referred to in clause 3.9(1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (4) An Elected Member who wishes to ask a question with notice at a Council meeting is to—

- (a) give reasonable written notice of the question wherever possible to the CEO before the scheduled commencement of the meeting; and
- (b) direct the question through the Presiding Member.
- (5) An Elected Member may ask a question without notice at a Council Meeting.
- (6) If the question referred to in subclause (4) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (7) Questions asked by Elected Member and answers—
 - (a) are to be brief and concise; and
 - (b) are not to be accompanied by—
 - (i) any argument, expression of opinion or statement of facts, except so far as may be necessary to explain the question or answer;
 - (ii) any statement reflecting adversely on the integrity of any Elected Member; or
 - (iii) any discussion.

3.10 Notices of Motion

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given to the CEO at least five (5) clear business days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO—
 - (a) with the concurrence of the Shire President, may exclude from the notice paper any notice of motion deemed to be out of order; or
 - (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless—
 - (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses in the circumstances referred to in subclause (5)(a) above or is defeated, a notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse or defeat.
- (7) Motions are to be dealt with in the order they are received.

3.11 Distribution of Reports to the Members

- (1) Subject to clause 3.12 the CEO is to provide each member of the Council or Committee as the case may be with a copy of any report, which is to be presented to any Council or Committee meeting.
- (2) The report is to be provided to each member at least 24 hours before the commencement of the meeting.

3.12 Late Reports

In cases of urgency or other special circumstances a report by the CEO may, with the consent of the presiding member, be read or otherwise given to members at the meeting if it has not previously been sent to members in accordance with clause 3.11.

3.13 Urgent Business Approved by the Presiding Member or by Decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the Presiding Member, or by decision of the members present, be raised without notice and decided by the meeting.

3.14 Reports or Advice by the CEO

(1) The CEO may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the CEO should be drawn to the attention of the meeting.

(2) The CEO may advise the Council or Committee on any matter which he or she considers appropriate.

PART 4—PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Confidentiality of Information Withheld

Information withheld by the CEO from members of the public under regulation 14.2 of the Regulations is to be—

- (a) identified in the agenda of a Council or Committee meeting under the item “Confidential Items”; and
- (b) marked “confidential” in the agenda.

PART 5—DISCLOSURE OF INTERESTS

5.1 Disclosure of Interest

Disclosure of interests is dealt with in the Act.

PART 6—QUORUM

6.1 Quorum to be Present

The Council or a Committee is not to transact business at a meeting unless a quorum is present.

6.2 Loss of Quorum During a Meeting

(1) If at any time during the course of a meeting of the Council or a Committee a quorum is not present—

- (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either—
 - (i) a quorum is present to decide the matter; or
 - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under the Act; or
- (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the presiding member is to suspend the proceedings of the meeting for a period of 5 minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the presiding member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or this local law when calling a meeting of that type.

- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b)—
- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting—
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 8.5 apply when the debate is resumed.

PART 7—CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

7.1 Official Titles to be Used

Elected Members are to speak of each other in the Council or Committee by their respective titles of Shire President or Councillor. Members, in speaking of or addressing officers, are to designate them by their respective official titles.

7.2 Members to Occupy Own Seats

When present in the meeting room, a member will occupy the seating position allocated to him or her for each specific Council or Committee meeting.

7.3 Leaving Meetings

During the course of a meeting of the Council or a Committee no member is to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

7.4 Adverse Reflection

- (1) No member is to reflect adversely upon a decision of the Council or Committee except on a motion that the decision be revoked or amended.
- (2) No member is to—
- (a) reflect adversely on the character or actions of another member or any other person;
or
 - (b) impute any motive to another member or any other person;
the Council resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) No member is to use offensive or objectionable expressions in reference to any member or any other person.

7.5 Withdrawal of Offensive Language

- (1) A member who, in the opinion of the Presiding Member, uses an expression which—
- (a) in the absence of a resolution under clause 7.4(2)—
 - (i) reflects adversely on the character or actions of another member; or
 - (ii) imputes any motive to a member; or
 - (b) is offensive or insulting,
must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the Presiding Member under the above subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

7.6 Disturbance by Members

While another person is addressing the Council or a Committee, a member is not—

- (a) to make any noise or disturbance; or
 - (b) to converse aloud;
- except to raise a point of order, to interrupt.

7.7 Continued Irrelevance

(1) The Presiding Member, at any time, may—

(a) call the attention of the meeting to—

- (i) any irrelevant, repetitious, offensive or insulting language by a member; or
- (ii) any breach of order by a member; and

(b) direct that member, if speaking, to discontinue his or her speech.

(2) A member is to comply with a direction of the presiding member under subclause (1) by immediately ceasing to speak and resuming his or her seat.

7.8 Recording of Proceedings

(1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Council.

(2) If the Council gives permission under subclause (1), the Presiding Member must advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

7.9 Prevention of Disturbance

(1) Any member of the public addressing the Council or a Committee is to extend due courtesy and respect to the Council or Committee and the processes under which they operate and must take direction from the presiding member whenever called upon to do so.

(2) Members of the public are admitted to Council and Committee meetings upon the understanding that no expression of dissent or approval, conversational or interruption to the proceedings shall take place—

(a) For the purpose of this clause any expression of dissent or interruption to proceedings shall include a person who interrupts the proceedings of a meeting, whether by expressing approval or dissent, by conversing or by other means—

- (i) enters or remains in any part of the room where the meeting is taking place reserved for members and officers;
- (ii) misconducts himself or herself;
- (iii) fails to withdraw when members of the public are directed to withdraw;

(iv) obstructs the approaches to the room where the meeting is taking place; or

(v) creates a disturbance within the precincts of the room where the meeting is taking place.

(b) In the event of any such interruption, the Presiding Officer may exercise his or her discretion and require those interrupting to withdraw. The Presiding Officers ruling in this regard is final and cannot be challenged by moving dissent with the ruling or otherwise.

(c) Any person who does not withdraw when called upon by the Presiding Officer to do so may by order of the Presiding Officer be removed from the room.

(3) If an Elected Member or the CEO specifically requests, immediately after their use, that any particular words used by a person be recorded, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in a file note of the meeting, unless the presiding member in any case decides otherwise.

(4) If a person or persons have been ordered by the Presiding Member to desist from such behaviour, but fails to do so, the Presiding Member can immediately adjourn the meeting in accordance with clause 14.9.

(5) The CEO shall be the designated person in charge of the premises for the purposes of section 5.41(d) of the Act and is the “person in authority” in relation to section 70A of the Criminal Code and shall advise such person or persons during the period that the meeting is adjourned to behave in an appropriate manner or to immediately leave the premises.

(6) Where a person or persons have been required to leave the room where the meeting is taking place and have been advised in accordance with subclause 7.9(3) but continue to remain in the room where the meeting is taking place, the CEO may instigate legal action against such person or persons.

(7) If a person ordered by the CEO to leave the premises cannot be removed without the application of physical force then a member or members of the Police Force shall be called to the room where the meeting is taking place to effect the removal of the person and the meeting may be adjourned until the person has been removed.

7.10 Prevention of Disturbance Generally

No electronic or other device shall be used in a manner that creates a disturbance or leads to a disturbance at the meeting.

7.11 Distinguished Visitors

If a distinguished visitor is present at a meeting of the Council or a Committee, the presiding member may make special arrangement for the seating of the person.

PART 8—CONDUCT OF MEMBERS DURING DEBATE

8.1 Speaking at Council or Committee Meetings

(1) Every member wishing to speak is to indicate by show of hands or other method agreed upon by the Council or Committee.

(2) When a member or officer has been chosen to speak by the presiding member the member or officer must address the Council or Committee through the Presiding Member.

(3) Any member moving a motion or amendment, or taking part in the discussion thereon, shall address the presiding member and may rise if the member so desires, or shall do so when requested by the presiding member except when prevented from doing so by sickness or physical disability.

(4) When invited by the Presiding Member to speak, such member or officer may remain seated whilst speaking unless the Presiding Member rises, upon which such member or officer will cease speaking immediately so the presiding member can be heard.

8.2 Priority

In the event of two or more members wishing to speak at the same time, the Presiding Member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

8.3 The Presiding Member May Take Part in Debates

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in this local law, the Presiding Member may take part in a discussion of any matter before the Council or Committee as the case may be.

8.4 Relevance

Every member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

8.5 Limitation of Number of Speeches

No member is to address the Council or Committee more than once on any motion or amendment before the Council or Committee except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

8.6 Limitation of Duration of Speeches

All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of a simple majority of members present.

8.7 Questions During Debate or Points of Clarification

With the approval of the presiding member a member may ask a question or seek clarification of any matter relevant to a motion at any time during the debate on the motion before it is put, but no discussion thereon is permitted.

8.8 Members Not to Speak After Conclusion of Debate

No member is to speak to any motion after the mover has concluded his or her right of reply and/or after it has been put by the Presiding Member.

8.9 Members Not to Interrupt

No member is to interrupt another member or an officer whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum; or
- (c) to move a motion under clause 10.1(1)(c).

8.10 Re-Opening Discussion on Decisions

No member is to re-open discussion on any decision of the Council or Committee, except for the purpose of moving that the decision be revoked or amended.

PART 9—GENERAL CONDUCT OF DEBATE

9.1 Motions to be Stated

Any member who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion and obtain a seconder before speaking to it.

9.2 Motions to be Supported

- (1) No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or amend the decision made at a Council or a Committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.
- (2) Subject to clause 9.13 the seconder cannot subsequently withdraw his or her seconding of the motion.

9.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the Presiding Member may declare the motion in subclause (1) carried without debate and without taking a vote on it.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or Committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or amend a decision which has been made at a Council or Committee meeting.

9.4 Only One Substantive Motion Considered

When a substantive motion is under debate at any meeting of the Council or a Committee, no further substantive motion is to be accepted.

9.5 Breaking Down of Complex Motions

The Presiding Member may order a complex motion to be broken down and put in the form of several motions, which are to be put in sequence.

9.6 Order of Call in Debate

Unless dealt with in accordance with clause 9.3 the Presiding Member is to call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion in alternating order until there is no member (excluding the mover) wishing to speak who is of the opposite view than the last preceding speaker; and
- (h) The mover has the right of reply which closes debate.

9.7 Limit of Debate

The Presiding Member may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

9.8 Member May Require Motion to be Read

Any member may require the motion or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

9.9 Consent of Secunder Required to Accept Alteration of Wording

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

9.10 Order of Amendments

Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been carried, withdrawn or lost.

9.11 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

9.12 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

9.13 Withdrawal of Motion and Amendments

Council or a Committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

9.14 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.15 Foreshadowed Motion

(1) In speaking upon a motion, a member—

(a) may give notice to the meeting of the member's intention to move a different motion on the same subject matter, being a motion which cannot practically be moved by an amendment to the motion under consideration; and

(b) shall provide to the Presiding Member the terms of the foreshadowed motion.

(2) If two or more members pursuant to subclause (1) foreshadow motions on the same subject, then the Presiding Member shall take note of the order in which the foreshadowed motions are raised and the terms of each foreshadowed motion.

(3) If the motion under consideration is lost, then the foreshadowed motions may be brought forward forthwith.

(4) The foreshadowed motions shall be considered by the Council in succession, until one of the motions is passed, whereupon there shall be no further consideration of any other foreshadowed motion on that subject.

9.16 Personal Explanation

(1) No member is to speak at any meeting of the Council or a Committee, except upon the matter before the Council or Committee, unless it is to make a personal explanation.

(2) A member wishing to make a personal explanation may do so at the conclusion of that speech.

(3) Any member or an officer who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood.

(4) When a member or an officer proceeds to explain, no reference is to be made to matters unnecessary for that purpose.

9.17 Ruling on Questions of Personal Explanation

The ruling of the Presiding Member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

9.18 Right of Reply

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the motion.

(2) The right of reply is to be confined to matters raised by previous speakers and no new matter is to be introduced or expansion on the substantive motion is to take place.

9.19 Right of Reply Provisions

(1) The right of reply is governed by the following provisions—

(a) If no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;

(b) If an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;

(c) The mover of any amendment does not have a right of reply; and

(d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 10—PROCEDURAL MOTIONS

10.1 Permissible Procedural Motions

(1) In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member (at any time) to move the following procedural motions—

- (a) the Council (or Committee) meeting now adjourn;
- (b) the debate be adjourned;
- (c) the motion now be put;
- (d) the motion not now be put;
- (e) the motion (or communication) lie on the table;
- (f) the meeting proceed to the next item of business;
- (g) that the ruling of the Presiding Member be disagreed with (motion of dissent); or
- (h) the Council (or Committee) meet behind closed doors as the matter to be discussed is of a confidential nature in respect of which the meeting may be closed to members of the public under the Act.

(2) Subject to subclause (1), when a recommendation of a Committee is being debated by the Council, the only motions which may be considered by the Council are that—

- (a) the recommendation be adopted;
- (b) the recommendation not be adopted;
- (c) the recommendation be referred back to the responsible Committee for further consideration; or
- (d) the recommendation be amended.

(3) A permissible procedural motion pursuant to subclause (1) can only be brought forward by a person who has not already spoken on the matter.

(4) A member may request that the names of some or all of those who voted in the negative be recorded in the minutes.

10.2 No Debate on Procedural Motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (e), (g) and (h) of clause 10.1(1) may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (c), (d) and (f) of clause 10.1(1) may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Procedural Motions—Closing Debate—Who May Move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Procedural Motions—Right of Reply on Substantive Motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

PART 11—EFFECT OF PROCEDURAL MOTIONS

11.1 Motion be Amended—Effect of Motion

- (1) An amendment to a motion must be relevant to that motion.
- (2) An amendment to a motion must be read or stated before being moved.
- (3) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved, before the original motion is put to the vote.
- (4) In speaking to an amendment, a member may give notice of his or her intention to move a further amendment or another motion.
- (5) Where an amendment is carried—
 - (a) the original motion as amended becomes the substantive motion;
 - (b) it must be relevant to the motion and not be of such a nature that the original motion loses its identity; and
 - (c) for all purposes subsequent debate, is only to be on the substantive motion.

11.2 Council (or Committee) Meeting to Now Adjourn—Effect of Motion

- (1) The motion “that the Council (or Committee) now adjourn”, if carried, shall result in the meeting being adjourned until it is re-opened at which time the meeting will continue from the point at which it was adjourned, unless the presiding member or a simple majority of members upon vote, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)—
 - (a) The debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) In the case of the Council meeting—
 - (i) The names of Elected Member who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) The provisions of clause 8.5 apply when the debate is resumed.

11.3 The Motion be Adjourned—Effect of Motion

- (1) The motion “that the motion be adjourned”, if carried, shall result in all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council—
 - (a) the names of Elected Member who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 8.5 apply when the debate is resumed.

11.4 The Motion be Now Put—Effect of Motion

- (1) The motion “that the motion be now put”, if carried during discussion of a substantive motion without amendment, shall result in the presiding member offering the right of reply and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, shall result in the presiding member putting the amendment to the vote without further debate.
- (3) This motion, if lost, shall result in the continuation of the debate.

11.5 Ruling of the Presiding Member Disagreed with—Effect of Motion

The motion “that the ruling of the Presiding Member be disagreed with”, if carried, shall result in the ruling of the presiding member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

11.6 The Motion (or Communication) Lie on the Table—Effect of Motion

- (1) If moved in respect of a motion or an amendment to a motion, this motion takes the form “that the motion lie on the table”.
- (2) If moved in respect of a letter, report or other document, its form is “that the communication lie on the table”.
- (3) A motion that “the motion lie on the table” or that “a communication lie on the table”—
 - (a) may be moved by a member to adjourn the debate if further information is needed from the Council’s records;
 - (b) cannot be moved by a member who has moved, seconded or spoken to the question then before the meeting;
 - (c) cannot be amended; and
 - (d) does not give the mover a right of reply.
- (4) If a motion that “the motion lie on the table” or “the communication lie on the table” is carried then—
 - (a) in respect of a document or a motion, further debate on the matter is adjourned until the meeting resolves to take the document or motion from the table; and
 - (b) in respect of an amendment, both the amendment and the substantive motion to which it relates are adjourned until the meeting resolves to take the motion from the table.
- (5) If a motion that “the motion be taken from the table” or “the communication be taken from the table” is carried then—
 - (a) in respect to a document or a motion, debate resumes until the matter is determined;
 - (b) in respect to an amendment, debate resumes on the amendment until the matter is determined.

11.7 The Meeting Proceed to the Next Item of Business—Effect of Motion

The motion “that the Council (or Committee) proceed to the next item of business”, if carried, shall cause the debate to cease immediately and for the Council (or Committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

11.8 The Council (or Committee) to Meet Behind Closed Doors—Effect of Motion

- (1) Subject to any decision of the Council or Committee, this motion, if carried, shall result in the general public and any officer the Council or Committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 8.5 limiting the number of speeches continues to apply unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the presiding member, unless the Council or Committee decides otherwise, is to cause the resolution of the Council or Committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

PART 12—REVOKING OR CHANGING DECISIONS

12.1 Motion—When Put

When the debate upon any motion is concluded and the right of reply has been exercised the Presiding Member shall immediately put the motion to the Council or the Committee, and, if so desired by any member, shall again state it.

12.2 Motion—Method of Putting

If a decision of the Council or a Committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

12.3 Revocation Motion at the Same Meeting—Procedures

- (1) If the CEO receives a notice of motion, which complies with the requirements of this local law, to revoke a decision made at a meeting before the close of that meeting, then the CEO is immediately to advise the Presiding Member of the notice of motion.
- (2) Where the Presiding Member is advised of a notice of motion under subclause (1), he or she at the first available opportunity and before the end of the meeting is to—
 - (a) advise the meeting of the notice;
 - (b) bring on the revocation motion;
 - (c) determine whether there is sufficient support (under Regulation 10) for the motion;
 - and
 - (d) deal with the motion, if there is sufficient support.

PART 13—IMPLEMENTING DECISIONS

13.1 Implementation of a Decision

- (1) Neither the CEO nor an officer or Elected Member shall take any step to implement or otherwise give effect to a resolution until 2pm on the following Council office working day after the close of the meeting at which the resolution was passed.
- (2) If a notice of motion to revoke or change a decision of the Council or a Committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that—
 - (a) If a notice of motion to revoke or change a decision of the Council or a Committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under the Regulations indicate their support for the notice of motion at that meeting; and
 - (b) If a notice of motion to revoke or change a decision of the Council or Committee is received after the closure of the meeting at which the decision was made implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under the Regulations.
- (3) Implementation of a decision is only to be withheld under subclause (2) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.
- (4) The Council or a Committee shall not vote on a motion to revoke or change a decision of the Council or Committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given—
 - (a) action has been taken to implement the decision; or
 - (b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put in to effect by the Council in writing to the applicant or the

applicant's agent by an officer of the Council authorised to do so; without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

PART 14—PRESERVING ORDER

14.1 The Presiding Member to Preserve Order

The Presiding Member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

14.2 Demand for Withdrawal

A member may be required by the Presiding Member, or by a decision of the Council or Committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an officer, and if the member declines or neglects to do so, the Presiding Member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

14.3 Points of Order—When to Raise—Procedure

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member, who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the presiding member listens to the point of order.

14.4 Points of Order—When Valid

Expressing a difference of opinion or the contradiction of a speaker shall not be recognised as a valid point of order.

The following will be recognised as the only valid points of order—

- (a) that the discussion is of a matter not before the Council or Committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, the relevant provisions of this local law or policy of the Council, provided that the member making the point of order states the written law or policy believed to be breached; and
- (d) that insinuations have been made as to the character, morality, honesty or motives of a member or an officer.

14.5 Points of Order—Ruling

The Presiding Member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

14.6 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the Presiding Member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

14.7 Points of Order Take Precedence

Notwithstanding anything contained in this local law to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

14.8 Precedence of Presiding Member

(1) When the Presiding Member rises during the progress of a debate, any member then speaking, or offering to speak, is to immediately sit down and every member of the Council or Committee present shall be silent so that the Presiding Member may be heard without interruption.

(2) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 8.3, but to preserve order.

14.9 Right of the Presiding Member to Adjourn Without Explanation to Regain Order

(1) If a meeting ceases to operate in an orderly manner, the Presiding Member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned.

If, at any one meeting, the Presiding Member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of a motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting—

- (a) the names of Elected Member who have spoken in the matter prior to the adjournment are to be recorded; and
- (b) the provisions of clause 8.5 apply when the debate is resumed.

PART 15—ADJOURNMENT OF MEETING

15.1 Meeting May be Adjourned

The Council or a Committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

15.2 Limit to Moving Adjournment

No member is to move or second more than one motion of adjournment during the same sitting of the Council or Committee.

15.3 Unopposed Business—Motion for Adjournment

On a motion for the adjournment of the Council or Committee, the Presiding Member, before putting the motion, may seek leave of the Council or Committee to proceed to the transaction of unopposed business.

15.4 Withdrawal of Motion for Adjournment

A motion or an amendment relating to the adjournment of the Council or a Committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

15.5 Time to Which Adjourned

The time to which a meeting is adjourned for want of a quorum, by the Presiding Member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

PART 16—COMMITTEES OF THE COUNCIL

16.1 Establishment and Appointment of Committees

A Committee is to be established on a motion setting out the proposed purpose and functions of the Committee and either—

- (a) the names of the Elected Members, officers and other persons to be appointed to the Committee; or
- (b) the number of Elected Members, officers and other persons to be appointed to the Committee and a provision that they be appointed by a separate motion.

16.2 Appointment of Deputy Committee Members

- (1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a committee member whenever that committee member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.
- (2) Where a committee member does not attend a meeting thereof a deputy of that committee member, selected according to seniority, is entitled to attend that meeting in place of the committee member and act for the committee member, and while so acting has all the powers of that committee member.
- (3) If a deputy has commenced to act in place of a committee member at a Committee meeting and the committee member attends the meeting, the committee member will not assume the seat and the deputy will continue to act as the committee member for the duration of that meeting
- (4) Once a committee meeting has commenced a deputy member cannot assume the seat of a committee member who leaves the meeting.
- (5) A deputy who is one of two or more deputies of a committee member is not entitled to attend a meeting of the Committee in place of that committee member if the meeting is attended by another deputy of that committee member who has precedence over that deputy in the order of seniority determined under subclause (1).
- (6) A person who is a committee member is not eligible to be appointed a deputy for another committee member.

16.3 Presentation of Committee Reports

When the report or recommendations of a Committee are placed before the Council, the adoption of recommendations of the Committee is to be moved by—

- (a) the Presiding Member of the Committee if the presiding member is an Elected Member and is in attendance;
- (b) an Elected Member who is a member of the Committee, if the Presiding Member of the Committee is not an elected member, or is absent; or
- (c) otherwise, by an Elected Member who is not a committee member.

16.4 Reports of Committees—Questions

When a recommendation of any Committee is submitted for adoption by the Council, any Elected Member may direct questions specifically relating to the recommendation through the Presiding Member to the presiding member, any committee member, or the CEO.

16.5 Permissible Motions on Recommendation From Committee

A recommendation made by or contained in the minutes of a Committee may be adopted by the Council without amendment or modification, failing which, it may be—

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the Committee for further consideration.

16.6 Standing Orders Apply to Committees

Where not otherwise specifically provided, this local law applies generally to the proceedings of Committees, except clause 8.1, in respect of the requirement to rise.

16.7 Observers at Committee Meetings

- (1) For the purposes of this part an observer is an Elected Member attending a committee meeting of which they are not a member and choosing to sit in their allocated seat in the meeting room.

(2) Observers may occupy their allocated seat in the meeting room. Should an observer choose to sit in their allocated seat in the meeting room they are subject to the obligations on all Elected Members under the *Local Government Act 1995* and all associated regulations including the *Local Government (Rules of Conduct) Regulations 2007*.

(3) Observers choosing to sit in their allocated seat in the meeting room may not participate in debate. Questions and discussion of committee members take priority over questions from observers.

PART 17—GENERAL ADMINISTRATIVE MATTERS

17.1 Suspension of Standing Orders

(1) The Council or a Committee may decide, by simple majority vote, to suspend temporarily one or more clause(s) of this local law.

(2) The mover of a motion to suspend temporarily any one or more clause(s) of this local law shall either—

(a) State the specific clause or clauses of this local law to be suspended; or

(b) State clearly and concisely the reason for or purpose of the proposed suspension in a motion prefaced by the words “I move that such clause(s) of the Shire of Mingenew Standing Orders be suspended as will allow...”.

(3) Only the operation of the clauses so nominated or otherwise affected by any resolution to suspend this local law shall be suspended.

17.2 Cases not Provided for in Standing Orders

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where this local law and the Act and Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion referred to in clause 14.6 is moved and carried.

17.3 Enforcement

(1) The provisions of this local law shall be enforced by the Presiding Member of any Council or Committee but only following the specific direction of the Council or Committee by resolution by a simple majority.

(2) A breach of a provision of this local law by an Elected Member is dealt with in the Act and *Local Government (Rules of Conduct) Regulations 2007*.

(3) A person who breaches a provision of this local law commits an offence.

Penalty—\$1,000.00 and a daily penalty of \$100.00.

PART 18—COMMON SEAL

18.1 The Council’s Common Seal

(1) The CEO is to have charge of the Common Seal of the Council, and is responsible for the safe custody and proper use of it.

(2) The Common Seal of the Council may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Shire President and the CEO or a senior officer authorised by him or her.

(3) The Common Seal of the Council is to be affixed to any local law which is made by the Council.

(4) The CEO is to record in a register each date on which the Common Seal of the Council was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the Common Seal of the Council or a replica thereof without authority commits an offence.

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

Cr Michelle BAGLEY
Shire President

Mr M WHITELY
Chief Executive Officer

Dated: ____ / ____ /2017

SHIRE OF MINGENEW



(DRAFT) ANIMALS, ENVIRONMENT & NUISANCE LOCAL LAW

JULY 2017

LOCAL GOVERNMENT ACT 1995

Shire of Mingenew

Animals, Environment and Nuisance Local Law 2017

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LOCAL GOVERNMENT ACT 1995

SHIRE OF MINGENEW

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2017

Under the powers conferred by subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mingenew resolved on the 19TH July 2017 to make the following local law.

Part 1 — Preliminary

1.1 Citation

This local law may be cited as the *Shire of Mingenew Animals, Environment and Nuisance Local Law 2017*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Interpretation

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

Act means the *Local Government Act 1995*, or other subsidiary legislation where identified such as the *Public Health Act 2016*, the *Health (Miscellaneous Provisions) Act 1911*, the *Health Services Act 2016*, the *Beekeepers Act 1963*, the *Dog Act 1976* and the *Cat Act 2011*;

affiliated person means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 1987*;

amusement means anything usually conducted for amusement at a fair, a carnival or a show, whether conducted at a fair, a carnival or a show or elsewhere;

approved animal means any farm animal which is the subject of a permit;

AS/NZS 3500 means the standard called "*Plumbing and Drainage*" published by the Standard Association of Australia;

authorised person means a person appointed by the local government, under section 9.10 of the Act to perform all or any of the functions conferred on an authorised person under this local law;

aviary bird means any bird, other than poultry or pigeons, kept, or usually kept in an aviary or cage;

birds includes poultry;

builder means the holder of a building permit issued in respect of building works on a building site or a person in control of a building site;

Building Code means the latest edition of the Building Code of Australia published by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with the Building Code;

building permit has the meaning given to it by the *Building Act 2011*;

building site means any lot for which a building permit is current;

Class 6 building means any Class 6 building as defined by the Building Code;

Class 9 building means any Class 9 building as defined by the Building Code;

Code of Practice – Pigeon Keeping means the document entitled A Code of Practice –May 1994 – Pigeon Keeping and Pigeon Racing published in May 1994 by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation (Incorporated), as amended from time to time;

cow includes an ox, calf or bull;

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

development approval means a development approval under a local planning scheme;

development site includes any lot or lots for which there is currently a development or subdivision approval, and any lot or lots upon which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place;

district means the district of the local government;

disused means, in relation to any thing whatsoever, that the thing:

- (a) is not in use for the purpose for which it was designed or appears to have been designed or intended; or
- (b) has been stored or left stationary on land in the district for more than 1 month;

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

EHO means an Environmental Health Officer appointed by the local government under the Act and includes any acting or Assistant Environmental Health Officer;

equipment means equipment, machinery or vehicles used for, or in connection with, the development of land;

farm animal includes sheep, cattle, goat, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig) or any other animal so classified by the local government;

food premises includes the meaning of “food” as given under section 9 of the *Food Act 2008* and the meaning of “food business”, as given under section 10 of the *Food Act 2008*;

horse means a stallion, mare, gelding, shetland pony, pony, colt or foal, and includes an ass, mule, donkey and any beast of whatever description used for burden or draught or for carrying persons;

land includes any building or structure on the land;

liquid waste means waste from any process or activity that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

livestock means any horse, cow, sheep, goat, swine, buffalo, deer, camel, llama or alpaca;

livestock vehicle means a vehicle that contains livestock or previously has been used for the carriage of livestock;

local government means the Shire of Mingenew;

local planning scheme has the meaning given to it by the *Planning and Development Act 2005*;

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

manure receptacle means a receptacle of sufficient capacity to receive all manure produced in one week on premises upon which a farm animal or farm animals are kept, constructed of smooth, durable, impervious materials, fitted with a fly proof, hinged cover and with no part of the floor lower than the adjoining ground;

miniature horse means a horse which meets the standard and height for a miniature horse as described by the Miniature Horse Association of Australia Inc;

miniature pig means a pig that does not exceed 650 millimetres in height as an adult and weighs less than 55 kilograms;

nuisance means —

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

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and includes a builder or contractor;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

pigeon includes homing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Environment and Conservation;

poultry includes fowls, roosters, ducks, peafowls, turkeys, geese, guinea fowls, pheasants and other birds commonly kept for the production of eggs or meat for domestic consumption;

refuse means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter;

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

residential building has the meaning given to it in the Residential Design Codes of Western Australia as amended;

residential zone includes any area zoned “Residential” and “Urban Development” under a local planning scheme;

rural zone means any area zoned “Rural” or “Rural Residential” under a local planning scheme;

sand means granules or particles of rock, earth, clay, loam, silt and any other granular, particulate or like material including dust and gravel;

stormwater means any naturally occurring water that results from rainfall on or around a site, or water flowing onto the site;

street means any highway or thoroughfare which the public is entitled to use, including the verge and other things including bridges and culverts appurtenant to it;

subdivision approval means a subdivision approval under the *Planning and Development Act 2005*;

townsite includes the townsites of Mingenew and Yandanooka which are —

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

truck means a motor vehicle having a tare weight in excess of 3,000 kilograms;

unreasonable noise has the meaning given to it by the *Environmental Protection Act 1986*; and

vermin includes rats, mice, flies, fleas, mites, lice, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions.

- (2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.
- (3) Where, in this local law, a duty, obligation or liability is imposed on an “owner or occupier” the duty shall be deemed to be imposed jointly and severally on each owner and occupier.
- (4) Where, under this local law, the local government is authorised to carry out actions, or cause to be undertaken works, as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3, subdivision 3 of the Act.

Part 2 — Keeping of animals

Division 1 — Animals

2.1 Interpretation

In this Division, unless the context otherwise requires —

animal includes cats, dogs, rabbits, ferrets and livestock as prescribed in section 1.4(1) above or the like;

catteries are premises registered for the breeding or caring of cats;

manure bin means a receptacle constructed of smooth, impervious material and in such a manner as to be easily cleaned, which has a tight fitting lid or cover to prevent the release of odours and prevent the entry of flies;

2.2 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal is kept shall —

- (a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health, or to attract rats or other vectors of disease;
- (b) when so directed by an EHO, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vectors of disease, by spraying with a residual insecticide or other effective means.

2.3 Animal enclosures

- (1) A person shall not keep or cause, or permit to be kept, any animals on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals are kept shall, when directed by an EHO, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals.

2.4 Cats

- (1) Subject to subclauses (6) and (7), a person shall not, without an exemption in writing from the local government, keep more than 3 cats over the age of 3 months on premises on any land within the district.
- (2) An owner or occupier of premises may apply in writing to the local government for exemption from the requirements of subclause (1).
- (3) The local government shall not grant an exemption under subclause (2) unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.
- (4) An exemption granted under this clause shall specify —
 - (a) the owner or occupier to whom the exemption applies;
 - (b) the premises to which the exemption applies; and
 - (c) the maximum number of cats which may be kept on the premises.
- (5) A person who is granted an exemption under subclause (3) may be required by the local government to house, or keep cats in such manner as directed by an EHO.
- (6) A person may keep more than 3 cats on premises used for veterinary purposes or as a pet shop.
- (7) The occupier of any premises shall not keep a cattery on those premises, unless the cattery is registered with the local government and the occupier has complied with the following conditions —
 - (a) the occupier shall obtain approval from the local government to establish a cattery;
 - (b) upon receiving approval to establish a cattery, the occupier shall apply for registration of the cattery in the form approved by the local government;

- (c) the occupier shall have paid, to the local government, the annual registration fee as determined from time to time by the local government under section 6.16 to 6.19 of the Act;
 - (d) the occupier shall provide, for every cat, a properly constructed shelter with an enclosure, which shall comply with the following conditions —
 - (i) every shelter shall have a floor area of not less than 0.50 square metres for every cat over the age of 3 months old that may be kept therein; and
 - (ii) the area of the enclosure appurtenant to any shelter or group of shelters forming a cattery shall not be less than 3 times the area of the shelter or group of shelters to which it is appurtenant;
 - (e) every shelter or enclosure shall be at least 10 metres from the boundary of any land not in the same ownership or possession, or at least 10 metres from any dwelling, church, schoolroom, hall, factory, dairy or premises wherein food is manufactured, packed or prepared for human consumption; and
 - (f) all enclosures, yards, runs and shelters within which cats are kept shall be maintained at all times in a clean condition and free from vectors of disease and shall at any time be cleaned, disinfected or otherwise dealt with as an EHO may direct.
- (8) A certificate of registration of a cattery issued by the local government shall —
- (a) be in the form approved by local government; and
 - (b) expire on 30 June next after the date of its issue.

Division 2 — Keeping of birds

2.5 Keeping of poultry and pigeons in a residential zone

- (1) An owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises any poultry or pigeons —
 - (a) unless approved by the local government in accordance with clause 2.6; and
 - (b) otherwise than in accordance with subclause (2).
- (2) An owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises —
 - (a) more than 12 poultry; and
 - (b) more than 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons may be increased to 100.

2.6 Application for approval to keep poultry and pigeons in a residential zone

- (1) Subject to compliance with subclause 2.5(2), the local government may approve the keeping of poultry or pigeons in accordance with these local laws by an owner or occupier of premises within a residential zone subject to the following—
 - (a) the owner or occupier submitting an application to the local government, which application shall—
 - (i) specify the number of poultry or pigeons proposed to be kept; and
 - (ii) include a site plan showing lot size, location of enclosure, distance from boundaries and buildings and proximity to houses on adjoining land.
- (2) The local government may, at its discretion, conduct public consultation with all owners/occupiers whose property abuts the applicant's property prior to the application being determined.

- (3) The local government may approve, with or without conditions, or refuse to approve an application received under this clause.
- (4) Where an approval for the keeping of poultry or pigeons is issued subject to conditions, the holder of the approval shall comply or cause compliance with those conditions.

2.7 Conditions for keeping of poultry

A person who keeps poultry or permits poultry to be kept shall ensure that —

- (a) no poultry shall be kept less than 9 metres from any residential building;
- (b) no poultry is able to approach within 15 metres of a public street, public building, commercial premises or food premises;
- (c) all poultry is kept in a properly constructed and securely fastened structure;
- (d) the structure has an impervious floor laid with a fall to the front of at least 1 in 50;
- (e) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition; and
- (f) all poultry is kept continually confined.

2.8 Roosters, geese, turkeys and peafowl

Except on land in a rural or rural residential zone, or with the prior written permission of the local government, an owner or occupier of premises shall not keep any of the following —

- (a) roosters;
- (b) geese;
- (c) turkeys; or
- (d) peafowls.

2.9 Conditions for keeping of pigeons

- (1) A person who keeps pigeons, or permits pigeons to be kept, shall ensure that —
 - (a) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;
 - (b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;
 - (c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential building; and
 - (d) no opening to a pigeon loft, including openings for ventilation, is within 15 metres of a public street, public building, commercial premises or food premises.
- (2) An affiliated person who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice – Pigeon Keeping, subject to the provisions of this local law.

2.10 Termination of approval to keep poultry or pigeons

If an owner or occupier of premises to whom an approval to keep poultry or pigeons has been granted by the local government pursuant to subclause 2.6(3) —

- (a) breaches a condition of the approval;
- (b) breaches clause 2.7 or clause 2.9 of this local law; or

- (c) fails to comply with a written notice served by the local government in relation to the keeping of poultry or pigeons,

then the local government may cancel its approval upon written notice of such cancellation being given to the owner or occupier within 60 days of the breach or failure to comply as the case may be.

2.11 Restrictions on pigeon nesting and perching

The local government may order an owner or occupier of a house on or in which pigeons are, or are in the habit of nesting or perching, to take adequate steps to prevent them from continuing to do so.

2.12 Conditions of keeping aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that —

- (a) the aviary or cage in which the birds are kept is located at least 1 metre from any lot boundary and at least 5 metres from a residential building on any other lot;
- (b) there is a floor beneath the roofed area of the aviary or cage which is constructed of smooth, impervious material with a gradient of at least 1 in 50 to the front of the aviary or cage;
- (c) the aviary or cage is kept in clean condition and good repair at all times;
- (d) all feed for the birds other than that intended for immediate consumption is stored in vermin proof containers; and
- (e) effective measures are taken to prevent the attraction or harbourage of vermin.

2.13 Nuisance caused by birds

An owner or occupier of land shall not keep any bird or birds which —

- (a) are or create a nuisance; or
- (b) emit an unreasonable noise.

Division 3 — Keeping of bees

2.14 Permit required to keep bees

- (1) Subject to the provisions of this clause, a person shall not keep bees or allow bees to be kept on land except in accordance with a valid permit issued in relation to the land.
- (2) Subclause (1) does not apply where—
 - (a) the land is outside the townsites; and
 - (b) the bees are kept—
 - (i) at least 500 metres from a thoroughfare; or
 - (ii) less than 500 metres from a thoroughfare but the vegetation or a screen or other barrier on the land is such as to encourage the bees to fly at a height over the thoroughfare as will not create a nuisance to users of the thoroughfare.
- (3) Subclause (1) does not apply where an occupier of land keeps bees on the land—
 - (a) for a continuous period not exceeding 8 weeks; and
 - (b) for the purpose of pollinating a crop on the land.

- (4) An occupier referred to in subclause (3), in keeping bees under that subclause, shall provide a good and sufficient water supply on the land which is readily accessible by the bees.
- (5) Subclause (1) does not apply where a person keeps bees on Crown land.

2.15 Application for a permit

An applicant for a permit shall—

- (a) be a person registered as a beekeeper under section 8 of the *Beekeepers Act 1963*;
- (b) provide such details as may be required by the local government;
- (c) apply in the form approved by the local government; and
- (d) pay any application fee imposed and determined by the local government under sections 6.16 to 6.19 of the Act.

2.16 Determination of application

- (1) The local government may—
 - (a) refuse to determine an application for a permit which does not comply with clause 2.15;
 - (b) approve an application for a permit subject to the conditions referred to in clause 2.14 and to such other conditions as it considers appropriate; or
 - (c) refuse to approve an application for a permit.
- (2) Where an application for a permit is approved subject to conditions, the permit holder is to comply with those conditions or is to cause those conditions to be complied with.
- (3) Where the local government approves an application under subclause (1)(b), it is to issue to the applicant a permit in the form approved by the local government.
- (4) A permit is valid from the date of issue unless, and until, it is cancelled under this local law.

2.17 Conditions of approval

- (1) Without limiting the generality of paragraph 2.17(1)(b) an application for a permit may be approved by the local government subject to the following conditions—
 - (a) the provision of a good and sufficient water supply on the land which is readily accessible by the bees on the land;
 - (b) each bee hive shall be—
 - (i) kept at a distance specified by the local government from any thoroughfare, public place or boundary of the land; or
 - (ii) located near a screen or other barrier so as to prevent the bees flying low over a thoroughfare, public place or adjoining land;
 - (iii) no more than 2 bee hives are to be kept on land of less than 2,000 square metres in area; and
 - (iv) no more than 15 bee hives are to be kept on land between 2,000 square metres and 20,000 square metres in area.
- (2) In respect of a particular application for a permit, the local government may vary any of the conditions referred to in subclause (1).

2.18 Variation or cancellation of permit and conditions

- (1) The local government may vary the conditions of a permit after it has been issued.

- (2) The local government may cancel a permit on the request of a permit holder to do so.
- (3) Notwithstanding clause 2.22, a permit shall be cancelled on—
 - (a) the permit holder ceasing to be registered as a beekeeper under section 8 of the *Beekeepers Act 1963*; or
 - (b) the expiration of a continuous period of 12 months during which the permit holder has not kept any bees on the land to which the permit relates, without any action required on the part of the local government.

2.19 Permit holder to notify cessation of registration or keeping of bees

- (1) In this clause a **permit holder** includes the holder of a permit cancelled by subclause 2.18(3).
- (2) A permit holder is to notify the local government in writing as soon as practicable after—
 - (a) the permit holder ceases to be registered as a beekeeper under section 8 of the *Beekeepers Act 1963*; or
 - (b) a continuous period of 12 months has passed during which the permit holder has not kept any bees on the land described in her or his permit.
- (3) A permit holder shall, within 7 days of the local government giving the permit holder a written notice to do so, provide to the local government—
 - (a) written proof of her or his registration as a beekeeper under section 8 of the *Beekeepers Act 1963*;
 - (b) in respect of land identified by the local government in its notice, a signed statement as to whether or not he or she has kept bees on the land within the 12 months preceding the date of the notice; or
 - (c) both.

2.20 Permit not transferable

A permit is personal to the permit holder and applies only to the land described in the permit.

2.21 Nuisance

A person shall not keep, or allow to be kept, bees or beehives, or both, on land so as to create a nuisance.

2.22 Notice to remove bees

- (1) Whenever, in the opinion of the local government, a person has contravened any provision of the *Beekeepers Act 1963* or of this local law which relates to the keeping of bees or bee hives, the local government may give the permit holder, in relation to that land, or if there is no valid permit in relation to that land, an owner or occupier of the land, a written notice requiring her or him to remove any bees or bee hives, or both, from the land within the time specified in the notice.
- (2) Subject to Division 1 of Part 9 of the Act, on the giving of a notice referred to in subclause (1), any valid permit given by the local government relating to the keeping of bees or bee hives on that land is cancelled from the time specified in the notice, being not less than 7 days from the date it is given.
- (3) Where a person fails to comply with a notice given under subclause (1), the local government may dispose of the bees or the bee hives or both, in such manner as it sees fit and recover the costs of so doing from the permit holder, or an owner or occupier, as the case may be, as a debt due to it.

Division 4 — Keeping of farm animals

2.23 Permit required to keep farm animals

Subject to clause 2.28, an owner or occupier of townsite land shall not keep, or allow to be kept, any farm animal unless —

- (a) in accordance with a valid permit authorising the keeping of such a farm animal issued in relation to the land pursuant to clause 2.26; or
- (b) in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone.

2.24 Application for a permit to keep farm animals

An application for a permit required by clause 2.23 shall be in the form approved by the local government and shall include the following information —

- (a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the animal is to be kept and the distance of that location from any residential building on another lot, Class 6 building or Class 9 building, business premises or food premises;
- (b) a sketch plan, at a scale of 1:100, indicating the nature of the shelter or housing to be provided for the animal;
- (c) a detailed written plan for the management of manure which addresses —
 - (i) control of flies and other vermin;
 - (ii) disease prevention; and
 - (iii) prevention of nuisance odours; and
- (d) the appropriate application and permit fees as determined from time to time by the local government in accordance with sections 6.16 to 6.19 of the Act.

2.25 Determination of application to keep farm animals

- (1) Subject to clause 2.26, the local government may —
 - (a) refuse to determine an application for a permit which does not comply with clause 2.24;
 - (b) approve an application for a permit subject to such conditions as it considers appropriate; or
 - (c) refuse to approve an application for a permit.
- (2) Where an application for a permit is approved subject to conditions, the permit holder shall comply with those conditions or cause compliance with those conditions.
- (3) Where the local government approves an application under paragraph (1)(b), it is to issue to the applicant a permit in the form approved by the local government.
- (4) A permit is valid from the date of issue until 30 June the following year, unless it is cancelled prior to that date under this local law.

2.26 Conditions of approval to keep farm animals

- (1) A permit shall not be granted pursuant to clause 2.25 —
 - (a) unless the land for which the approval is sought is of such dimensions and configuration as will permit the subject animal to be confined in a minimum cleared area of 150 square metres and prevented from approaching within 15 metres of any

- residential building, Class 6 building or Class 9 building, business premises or food premises;
 - (b) in the case of a horse (other than a miniature horse) or cow, unless the land for which the approval is sought has a minimum area of 1 hectare;
 - (c) for the keeping of any pig (other than a miniature pig).
- (2) The local government shall take into account the opinions of occupiers of adjoining properties in determining whether to grant approval for the keeping of a farm animal.
- (3) Approval to keep a farm animal may be issued subject to conditions, including —
- (a) that a stable or shelter is provided for housing the approved animal;
 - (b) that a manure receptacle is provided in a position convenient to the shelter or place where the approved animal is kept, and that the receptacle is used for the receipt of all manure produced on the premises; or
 - (c) any other conditions that the local government considers necessary for the protection of the health and amenity of the neighbourhood;

and such conditions may be imposed at any time subsequent to the initial approval.

2.27 Variation or cancellation of permit to keep farm animals and conditions of permit

- (1) The local government may vary the conditions of a permit after it has been issued, and shall give notice of such variation to the permit holder.
- (2) The local government may cancel a permit in the event the permit holder —
- (a) fails to comply with any condition set under paragraph 2.25(1)(b);
 - (b) after being notified of a variation under subclause (1) fails to comply with the varied condition;
 - (c) breaches clause 2.28 or clause 2.31 of this local law; or
 - (d) fails to comply with a notice of breach issued under clause 6.1.
- (3) The local government may cancel a permit in the event the permit holder—
- (a) fails to comply with any condition of the permit;
 - (b) breaches clause 2.28 or clause 2.29 of this local law; or
 - (c) fails to comply with a notice of breach issued under clause 6.1.

2.28 Conditions for keeping farm animals

- (1) An owner or occupier of premises upon which a farm animal or farm animals are approved to be kept, shall —
- (a) maintain the place or places where the animals are kept in clean condition;
 - (b) ensure that any farm animal or farm animals kept on the premises does not cause or constitute a nuisance;
 - (c) maintain the premises free from flies or other vermin by spraying with residual insecticide or other effective means;
 - (d) if a manure receptacle is required to be used —
 - (i) cause all manure produced on the premises to be collected daily and placed in the receptacle;

- (ii) cause the receptacle to be emptied as often as is necessary to prevent it becoming offensive or a breeding place for flies or other vermin, but in any case at least once a week; and
 - (iii) keep the lid of the receptacle closed except when manure is being deposited or removed; and
 - (e) not permit any farm animal to approach within 15 metres of any residential building, food premises, Class 6 building or a Class 9 building, or a business or commercial premises.
- (2) An owner or occupier of premises in a rural zone shall not keep more than 1 pig other than on premises registered as a piggery pursuant to the provisions of the *Public Health Act 2016*, except with the express written approval of the local government.

2.29 Keeping a miniature horse

- (1) An owner or occupier of a premises may keep only a sterilised miniature horse on land of not less than 1,000 square metres in area provided it is registered with the local government and the annual registration fee approved from time to time by the local government in accordance with sections 6.16 to 6.19 of the Act is paid.
- (2) An owner or occupier of premises shall —
- (a) not keep more than one miniature horse on land zoned residential or special rural without the written approval of the local government or an authorised person; and
 - (b) not permit a miniature horse to come within 9 metres of any house.
- (3) The local government or an authorised person may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

2.30 Keeping a miniature pig

- (1) Except for a miniature pig, and subject to subclause (2) no person shall keep a pig or pigs, in any residential area or on any land zoned commercial or industrial under the town planning scheme.
- (2) Except for premises registered by the local government as an abattoir or a piggery under the provisions of the *Acts* as identified in clause 1.4 of this local law, and except in the case of a miniature pig, the keeping of pigs is forbidden.
- (3) The local government or an authorised person may prohibit the keeping of a miniature pig on any land, or state the conditions under which the miniature pig may be kept.
- (4) A person may keep 1 miniature pig in any residential or rural or special rural area provided it is registered with the local government and the annual registration fee approved from time to time by the local government in accordance with sections 6.16 to 6.19 of the Act is paid.
- (5) An owner or occupier of premises where a miniature pig is kept shall —
- (a) only keep a sterilised animal and retain written proof of its sterilisation;
 - (b) confine the animal on the property at all times;
 - (c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust, or odour; and
 - (d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tapeworm is current.

2.31 Requirements for farm animal shelters

- (1) Any stable, enclosure or shelter provided for the keeping of farm animals, whether or not a permit is required for the keeping of such farm animals pursuant to clause 2.24, shall —
 - (a) not be situated within 15 metres of any residential building, Class 6 building or Class 9 building, business premises or food premises;
 - (b) not be situated within 1 metre of any lot boundary;
 - (c) be constructed of materials approved by an authorised person;
 - (d) have on each side of the building between the wall and roof a clear opening of at least 150 millimetres in height, and of sufficient length, to provide adequate ventilation to the stable, enclosure or shelter;
 - (e) when required by the local government have a separate stall for each horse, cow or other approved animal, the shortest dimension of which shall be at least twice the length of the animal housed therein; and
 - (f) subject to subclause (2), have a floor, the upper surface of which shall —
 - (i) be raised at least 75 millimetres above the surface of the surrounding ground;
 - (ii) be constructed of cement, concrete or other similar impervious material; and
 - (iii) have a fall of 1 in 100 to a drain which shall empty into a trapped gully situated outside the stable or shelter.
- (2) A stable or shelter constructed with a sand floor may be approved by an authorised person subject to—
 - (a) the site being well drained, with the sand floor being at least 1.5 metres above the highest known ground water level;
 - (b) a 300 millimetre thick bed of crushed limestone being laid under the sand of the stable;
 - (c) the sand, whether natural or imported, being clean, coarse and free from dust;
 - (d) footings to the stable or shelter being a minimum of 450 millimetres below ground level; and
 - (e) the design of the stable allowing for the access of small earthmoving machinery, such as a skid steer loader, into each stall to maintain the correct floor height.
- (3) An owner or occupier of any land upon which a stable or shelter is located must ensure that the stable or shelter complies in all respects with the requirements of subclause (1), and, where the approval referred to in subclause (2) has been granted, with the requirements of subclause (2).

Division 5 — Livestock

2.32 Livestock not to stray

The owner or person in charge of livestock shall not permit that livestock to stray or to be at large in a townsite street, public road or place, or upon private property without the consent of the property owner.

2.33 Impounding of livestock

- (1) An authorised person or a member of the police force may impound livestock found straying in contravention of clause 2.32.
- (2) Livestock being impounded shall be placed in the pound or secured on private property with the consent of the owner.

2.34 Property to be fenced

- (1) The owner or occupier of property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock, to that portion where the livestock is kept.
- (2) The minimum fencing requirements to confine livestock in a rural or special rural area shall be a fence of post and wire construction.

Part 3 — Building, development and land care

Division 1 — Litter and refuse on building sites

3.1 Provision of refuse receptacles

The owner or occupier of a building or development site shall at all times provide and maintain a refuse receptacle, available for use on the site, which includes a suitable cover, to the satisfaction of an authorised person, of such design as will —

- (a) contain any refuse likely to be produced on the site; and
- (b) prevent refuse being blown from the receptacle by wind.

3.2 Control of refuse

- (1) From the time of commencement of works on a building site or development site until the time of completion of such work, the owner or occupier of the site shall —
 - (a) ensure all refuse on the site is placed and contained in the refuse receptacle and prevented from being blown from the site by wind;
 - (b) keep the site free from any refuse;
 - (c) maintain the street verge, and any other reserve, immediately adjacent to the site, free of refuse from the site; and
 - (d) ensure the refuse receptacle is emptied when full.
- (2) The owner or occupier of a building site or development site shall ensure that within 2 days of completion of works on the site, the site and the street verge immediately adjacent to it, is cleared of all refuse and all refuse receptacles are removed from the site.

3.3 Unauthorised storage of materials

- (1) All construction materials must be located on the building site or development site under construction, unless written approval has been given by the local government to store materials on another property (including a road reserve).
- (2) An application for approval under subclause (1) must be —
 - (a) in writing; and
 - (b) accompanied by the written approval of the landowner of the land on which materials are proposed to be stored.

Division 2 — Prevention of dust and liquid waste

3.4 Prohibited activities

- (1) An owner and or occupier of land must take effective measures to —
 - (a) stabilise dust on the land;

- (b) contain all liquid waste on the land; and
 - (c) ensure no dust or liquid waste is released or escapes from the land, whether by means of wind, water or any other cause.
- (2) Where the local government forms the opinion that —
- (a) an owner or occupier has not complied with paragraph (1)(a) or paragraph (1)(b); or
 - (b) the dust or liquid waste has been released or escaped from the owner’s or occupier’s land, the local government may serve on the owner and or occupier of the land, a notice requiring the owner and or occupier to do one or more of the following –
 - (i) comply with subclause (1)(a) or (1)(b);
 - (ii) clean up and properly dispose of any released or escaped dust or liquid waste;
 - (iii) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
 - (iv) take effective measures to stop any further release or escape of dust or liquid waste;
 - (c) The requirements set out in a notice issued under paragraph (2)(a) must be complied with—
 - (i) within 48 hours of service of the notice where no other time is specified;
 - (ii) within such other period as is specified in the notice; or
 - (iii) immediately, if the notice so specifies.
- (3) Where the local government forms the opinion that dust or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government may serve a notice on —
- (a) any owner or occupier of the land; or
 - (b) any operator of equipment on the land,
- requiring that the activity or use of equipment on the land be ceased immediately, for such period as is specified in the notice.
- (4) Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried out from any land, the local government may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

3.5 Dust management

If an owner or occupier of land intends to undertake any work involving the clearing of land, from which any sand or dust is likely to be released whether by means of wind, water or any other cause, shall —

- (a) submit to an authorised person a Dust Management Plan in accordance with the Department of Environment and Conservation document “A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities” (March 2011), or any updated version of this document;
- (b) obtain written approval of the Dust Management Plan from an authorised person before commencement of any work.

Division 3 — Smoke

3.6 Burning of cleared vegetation prohibited

An owner or occupier of any building or development site shall ensure that no vegetation or other material cleared from the site is burnt on the site unless written authorization is provided by the local government.

Division 4 — Unsightly land and disused materials

3.7 Removal of refuse and disused materials

- (1) The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatever nature or kind which in the opinion of the local government or an authorised person is likely to give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.
- (2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time specified in the notice in accordance with the provisions of section 3.25 of the *Local Government Act 1995*.

3.8 Removal of unsightly overgrowth of vegetation

- (1) The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.
- (2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

3.9 Storage of vehicles, vessels and machinery

The owner or occupier of a lot shall not at the discretion of the local government —

- (a) store, or allow to remain in public view on any lot, more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;
- (b) store, or allow to remain in public view on any lot, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;
- (c) store, or allow to remain in public view on any lot, any vehicle, vessel or machinery parts (including tyres);
- (d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed —
 - (i) inside a building; or
 - (ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the street and from adjoining properties; or
- (e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

3.10 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first —

- (a) removing every door and lid and every lock, catch and hinge attached to a door or lid; or
- (b) rendering every door and lid incapable of being fastened; and
- (c) removing any refrigerants as per requirements of the *Environment Protection (Ozone Protection) Policy 2000*.

Division 5 — Hazardous materials

3.11 Hazardous trees

- (1) Where a tree on a lot endangers any person or thing on adjoining land, the local government may give a notice to the owner or the occupier of the lot to remove, cut, move or otherwise deal with that tree so as to make the tree safe.
- (2) Where a tree on a lot presents a serious and immediate danger to any person or thing, the local government may take any remedial action it considers appropriate in order to make the tree safe without having given the owner or occupier notice pursuant to subclause (1).
- (3) The local government reserves its right to recover any costs incurred by the local government for remedial action taken in terms of subclause (2).

Part 4 — Nuisances and dangerous things

Division 1 — Light

4.1 Use of exterior lights

An owner or occupier of land on which floodlights or other exterior lights are erected or used, shall not allow the floodlights or other exterior lights to shine directly onto any other premises.

4.2 Emission or reflection of light

An owner or occupier of land shall ensure that —

- (a) artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside that land to more than 50 lux; and
- (b) natural light is not reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare.

4.3 Notice may require specified action to prevent emission or reflection of light

- (1) Where —
 - (a) floodlights or other exterior lights shine directly onto any other premises;
 - (b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land to more than 50 lux; or
 - (c) natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare,
 the local government may by notice in writing direct the owner or occupier to take such actions as an authorised person considers necessary within the time specified in the notice.
- (2) The notice referred to in subclause (1) may direct that —
 - (a) floodlights or other exterior lights are used only during the hours specified in the notice;
 - (b) the direction in which the lights shine be altered as specified in the notice;

- (c) any reflective surfaces be painted or otherwise treated so as to abate the nuisance; or
- (d) any combination of these measures that the local government believes to be appropriate to the circumstances.

Division 2 — Smoke, fumes, odours and other emissions

4.4 Burning rubbish, refuse or other material

- (1) A person shall not set fire to rubbish, refuse or other materials.
- (2) Subclause (1) does not apply to rural or rural residential zoned lots with the exception of sub clause (3) below.
- (3) A person shall not set fire to rubbish, refuse or other materials on rural residential zoned property being less than 2,000 square metres unless —
 - (a) approval has first been obtained from the local government;
 - (b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;
 - (c) the material does not include any plastic, rubber, food scraps, green garden materials or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;
 - (d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and
 - (e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.
- (4) Subclauses (1) and (3) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.
- (5) Subclause (4) is subject to any fire danger rating as determined by the Bureau of Meteorology.

4.5 Escape of smoke, fumes, odours and other emissions

An owner or occupier of land or premises shall not cause or permit the escape of smoke, fumes or odours from the land or premises in such quantity or of such a nature as to cause or to be a nuisance to any person.

Division 3 — Trucks

4.6 Livestock vehicles

- (1) A person shall not park a vehicle containing livestock in a townsite for a period in excess of 30 minutes.
- (2) A person shall not park a vehicle which contains or has been used for the carriage of livestock so as to create or be a nuisance to any person, by reason of the odour emanating from the vehicle.
- (3) If a person parks a vehicle containing livestock in a townsite in accordance with subclause (1), then the person does not contravene subclause (2).

4.7 Truck noise from residential land

A person shall not start or drive a truck on land zoned, approved or used for residential purposes between the hours of 10.30 pm and 6.30 am on the following day without first obtaining the written consent of the local government.

Division 4 — Swimming pool backwash management

4.8 Disposal of swimming pool backwash

- (1) The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.
- (2) Subclause (1) shall not prevent the discharge of swimming pool backwash from a lot into a local government approved stormwater drain or road by a method approved by an authorised person.

Division 5 — Stormwater management

4.9 Containment of stormwater

- (1) Subject to subclause (2), the owner or occupier of a lot shall ensure that all stormwater received by any building, house, other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot and is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.
- (2) Subclause (1) shall not prevent the discharge of stormwater from a lot into a local government approved stormwater drain or road.

Division 6 — Amusement activities

4.10 Nuisance

A person shall not, without written authorisation from the local government, provide or conduct any amusement on land so as to create or be a nuisance to any owner or occupier of land in the district.

4.11 Abatement by authorised person

Subject to the Terms, and Divisions 2 and 3 of Part 2 of the Public Health Act 2016 an authorised person may enter on any land where an amusement is provided or conducted and may do any act or thing reasonably required to abate a nuisance referred to in clause 4.10.

Division 7 — Advertising, bill posting and junk mail

4.12 Placement of advertisement, bill posting or junk mail

- (1) A person shall not, without written authorisation from the local government, place or affix any letter, figure, device, poster, sign or advertisement on any buildings, fences or posts.
- (2) A person shall not place in or on any letter box, gate, fence or generally leave or distribute to any property in the district, any handbill, poster, pamphlet, flyer or other form of advertising or promotional material, where there is clearly displayed a sign or notice which states “no junk mail” or words of similar effect.

4.13 Exemptions

Clause 4.12 does not apply to —

- (a) delivery of articles by Australia Post;
- (b) documents issued under or for the purposes of an Act of Parliament;
- (c) an authorised person or member of the Police Force acting in the course of their duties;
- (d) electoral materials; or
- (e) legal process.

Division 8 — Bird nuisance

4.14 Restrictions on feeding of birds

- (1) A person shall not feed a bird —
 - (a) so as to cause a nuisance, or
 - (b) with a food or substance that is not a natural food of a bird.
- (2) Where an authorised person forms the opinion that a person has not complied with subclause (1) the authorised person may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

Part 5 — Objections and appeals

5.1 Objections and appeals

When the local government makes a decision under this local law as to whether it will —

- (a) grant a person a permit or authorisation;
- (b) vary or cancel a permit or authorisation; or
- (c) give a person a notice,

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

Part 6 — Enforcement

Division 1 — Notice of breach

6.1 Notice of breach

- (1) Where a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such breach.
- (2) A notice issued pursuant to subclause (1) shall —
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within a time period stipulated in the notice which shall be not less than 28 days from the giving of the notice.
- (3) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

6.2 Form of notices

Where this local law refers to the giving of a notice other than the giving of an infringement notice and no particular form is prescribed, it will be sufficient that the notice be in writing giving adequate details to enable the owner, occupier or other person to whom the notice is issued to know the offence committed and the measures required to be taken or conditions with which compliance is required, as the case may be.

6.3 When local government may undertake work required by notice

- (1) This clause applies only in respect of a notice issued under subclauses 3.7(2), 3.8(2), 3.11(1) and 4.3(1) of this local law.
- (2) Where a person fails to comply with a notice referred to in subclause (1) the local government may, subject to compliance with the requirements of subdivision 3 of Division 3 of Part 3 of the Act, do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.
- (3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

Division 2 — Offences and penalties

Subdivision 1 — General

6.4 Offences and penalties

- (1) A person who —
 - (a) fails to do anything required or directed to be done under this local law;
 - (b) fails to comply with the requirements of a notice issued under this local law by an authorised person; or
 - (c) does anything which under this local law that person is prohibited from doing;commits an offence.
- (2) Where, under this local law, an act is required to be done or forbidden to be done in relation to any land or premises, the owner or occupier of the land or premises has the duty of causing to be done the act so required to be done, or of preventing from being done the act forbidden to be done.
- (3) A person who commits an offence under this local law is liable to a maximum penalty of \$5,000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

Subdivision 2 — Infringement notices and modified penalties

6.5 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of the *Local Government Act 1995*.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) An authorised person should be satisfied that —
 - (a) commission of the prescribed offence is a relatively minor matter; and

- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable;

before giving an infringement notice to a person in respect of the commission of a prescribed offence.

6.6 Form of infringement notices

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 *Local Government Act 1995* is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the *Local Government Act 1995* is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice given under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.

Schedule 1 — Prescribed offences

[cl. 6.5]

Item No	Clause	Nature of Offence	Modified Penalty
1	2.2(a)	Failure to keep premise free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, attracts, vermin or insects	\$150
2	2.2(b)	Failure to keep premises clean and disinfected when directed by an EHO	\$150
3	2.2(c)	Failure to keep premises free of flies, or when directed by an EHO, spray premises with residual insecticide or use other means to kill or repel flies	\$150
4	2.3	Failure to maintain adequate enclosures	\$150
5	2.4(1)	Keeping more than 3 cats over the age of 3 months without exemption from the local government	\$150
6	2.4(7)	Establish or maintain a cattery on any lot within the district without approval	\$150
7	2.4(7)	Fail to maintain cattery in compliance with conditions of approval	\$150
8	2.5	Keep, or permit to be kept, any poultry, not in accordance with conditions of these local laws	\$150
9	2.8	Keep, or suffer to remain in a residential area, a rooster, turkey, goose or geese, or peafowl	\$150
10	2.9	Failing to keep cages, enclosures and lofts maintained to minimum standard specified in the Code of Practice	\$150
11	2.11	Failing to prevent pigeons nesting or perching	\$150
12	2.12	Failing to keep aviary birds in accordance with conditions of this local law	\$150
13	2.13	Keeping birds so as to create a nuisance	\$150
14	2.14(1)	Failure to obtain a permit to keep bees	\$150
15	2.14(3)	Failure to comply with any obligation when temporarily keeping bees	\$150
16	2.16	Failure to comply with a condition of a permit to keep bees	\$150
17	2.21	Creation of a nuisance from keeping of bees or beehives	\$150
18	2.22	Failure to comply with notice of local government	\$150
19	2.22	Failure to comply with a notice to remove bees or beehives for contravention of local law	\$150
20	2.23(a)	Keeping a farm animal without a valid permit	\$150
21	2.28	Failure to comply with the conditions for keeping farm animals	\$150
22	2.29	Keeping a miniature horse on land without approval	\$150
23	2.30	Keeping a miniature pig on land without approval	\$150
24	2.32(2)	Permitting livestock to stray, or be at large in a street, public place or private property without consent	\$150
25	2.34	Failing to keep property fenced in a manner capable of confining livestock	\$150
26	3.1	Failure to provide or maintain a refuse receptacle on a building or development site	\$250
27	3.2	Failure to control refuse on a building or development site	\$250
28	3.3	Unauthorised storage of materials	\$250
29	3.4	Release or escape of dust or liquid waste from land	\$250

30	3.5	Commencing works involving clearing of land without an approved Dust Management Plan	\$250
31	3.6	Burning of cleared vegetation or other material from a building or development site	\$250
32	3.9(a)	Storing, or allow to remain on land, more than one vehicle, vessel or machinery in a state of disrepair	\$250
33	3.9(b)	Storing, or allow to remain on land, any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	\$250
34	3.9(c)	Storing, or allow to remain on land, any vehicle, vessel or machinery parts (including tyres)	\$250
35	3.9(d)(i)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not inside a building	\$250
36	3.9(d)(ii)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not behind a sufficient fence or wall	\$250
37	3.9(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	\$250
38	3.10	Disposing of disused refrigerator or similar container with door/lid that can be fastened without removing the refrigerant, door, lid, lock, catch, hinge and rendering the door/lid incapable of being fastened.	\$250
39	4.1	Erection or use of lighting installations other than in accordance with this local law	\$250
40	4.2	Emitting light so as to create or cause a nuisance	\$250
41	4.5	Permitting the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	\$250
42	4.6(1)	Parking a livestock vehicle in an urban area or townsite in excess of 30 minutes	\$250
43	4.7(1)	Starting or driving a truck on residential land, or adjoining residential land, without consent of the local government	\$250
44	4.8(1)	Discharging swimming pool backwash onto adjacent land so as to cause a nuisance or cause damage	\$250
45	4.9(1)	Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained within the lot or discharged directly to a stormwater drain or road	\$250
46	4.10	Conducting an amusement so as to create a nuisance	\$250
47	4.12(1)	Unauthorised placement of advertisement, bill posting or junk mail	\$100
48	4.12(2)	Placement of advertisement, bill posting or junk mail where a "no junk mail", or equivalent, sign is displayed	\$100
49	4.14(1)(a)	Feeding a bird which causes a nuisance	\$250
50	4.14(1)(b)	Feeding a bird a food/substance that is not a natural food	\$250
51	6.4(1)(b)	Failure to comply with notice	\$250

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

Cr Michelle BAGLEY
Shire President

Mr M WHITELY
Chief Executive Officer

Dated ____/____/____

SHIRE OF MINGENEW



(DRAFT) CEMETERIES LOCAL LAW

JULY 2017

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MINGENEW

CEMETERIES LOCAL LAW 2017

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**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MINGENEW

CEMETERIES LOCAL LAW 2017

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mingenew resolved on **19 July 2017** to make the following local law.

Part 1 – Preliminary

1.1 Citation

This local law may be cited as the *Shire of Mingenew Cemeteries Local Law 2017*.

1.2 Application

This local law applies to the Mingenew Townsite Cemetery located in the district.

1.3 Commencement

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

1.4 Repeal

The *Shire of Mingenew Cemeteries Local Law 1978* published in the *Government Gazette* on 2 June 1978 is repealed.

1.5 Interpretation

In this local law, unless the context otherwise requires –

Act means the *Local Government Act 1995* and the *Cemeteries Act 1986*;

ashes means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

authorised officer means an employee of the Board appointed by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

Board means the district of the local government;

CEO means the Chief Executive Officer, for the time being, of the Board who is also Chief Executive Officer of the Shire of Mingenew;

district means the district of the local government;

funeral director means a person holding a current funeral director's licence;

local government means the district of the Shire of Mingenew;

mausoleum means a building or construction wholly above or partially above and below ground level, so constructed as to allow the deposition of dead bodies into a compartment in the wall or floor and being sealed from view;

monumental mason means a person holding a current monumental mason's licence;

personal representative means the administrator or executor of an estate of a deceased person;

set fee refers to fees and charges set by a resolution of the Board and published in the *Government Gazette*, under section 53 of the Act;

single funeral permit means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit; and

vault means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board.

1.6 Application as to assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

Part 2 – Administration

2.1 Powers and functions of Chief Executive Officer

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemetery.

Part 3 – Application for funerals

3.1 Application for burial

(1) A person may apply for approval to bury a dead body or dispose of ashes in the cemetery in the form determined by the Board from time to time.

(2) An application under subclause (1) is to be accompanied by the set fee.

3.2 Applications to be accompanied by certificates etc

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.3, in respect of the body.

3.3 Certificate of identification

(1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless –

(a) in the opinion of a funeral director, the dead body is not in a fit state to be viewed; or

(b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

(2) A funeral director shall complete a certificate in the form determined by the Board from time to time, where –

(a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or

(b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

3.4 Minimum notice required

All bookings to hold a funeral shall be made with the Board at least 24 hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

Part 4 - Funeral directors

4.1 Funeral director's licence expiry

A funeral director's licence shall expire on 30 June of each year.

4.2 Single funeral permits

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.3 Application refusal

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

Part 5 – Funerals

5.1 Requirements for funerals and coffins

A person shall not bring a dead body into the cemetery unless –

(a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;

(b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and

(c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

5.2 Funeral processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle entry restricted

(1) Subject to subclause (2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the cemetery.

(2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.

5.4 Vehicle access and speed limitations

(1) A person shall drive a vehicle on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within the cemetery, unless otherwise authorised by the CEO.

(2) A person driving a vehicle, within a cemetery, shall not exceed the speed limit of 25 km per hour, and shall comply with the signs and directions in the cemetery.

5.5 Offenders may be ordered to leave

(1) A person committing an offence under clause 5.4 may be ordered to leave the cemetery by the CEO or an authorised officer.

(2) A person who has been ordered to leave the cemetery by the CEO or an authorised officer is to leave immediately in a peaceful manner and not cause a disruption or be a nuisance to the funeral congregation or ceremony or procession.

5.6 Conduct of funeral by Board

When conducting a funeral under section 22 of the Act the Board may –

(a) require a written request for it to conduct a funeral to be lodged with it;

(b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;

(c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;

(d) specify an area in the cemetery where the dead body is to be buried or the ashes placed;

(e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law;

(f) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

5.7 Disposal of ashes

(1) The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon

payment of the set fee, the Board may grant permission for the ashes to be disposed of by one of the following methods –

Niche wall	Granite seat
Memorial wall	Family grave
Garden of remembrance	Book of remembrance
Ground niche	Scattering of ashes to the winds
Memorial rose, tree or shrub	Family shrub
Memorial desk	Memorial gardens
Other memorials approved by the Board	

(2) Subject to subclauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.

(3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided –

(a) the person requesting the placement of the ashes has the permission of the Board; and

(b) the ashes are placed within an area set aside for that purpose by the Board.

(4) An authorised officer may place the ashes of a deceased person within a grave in accordance with Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

5.8 Ashes held by the Board

(1) If at the expiration of 6 months from the date of cremation at a cemetery –

(a) the ashes of the deceased person have not been claimed; or

(b) no arrangements have been made for the placement of the ashes of a deceased person by the personal representative, then the Board may dispose of the ashes in the cemetery by any of the methods listed in clause 5.12.

(2) If prior to the expiration of 6 months from the date of cremation the personal representative of the deceased person requests the Board to store the ashes of the deceased person, and pays to the Board the set fee monthly in advance for such storage, the Board shall store the ashes in safe custody.

(3) Notwithstanding subclause (2), should the personal representative default in the payment of the fee referred to in subclause (2), the Board may dispose of the ashes in the cemetery by any of the methods listed in clause 5.7.

Part 6 – Burials

6.1 Depth of graves

(1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is –

- (a) subject to paragraph (b), less than 750mm, unless that person has the permission of an authorised officer; or
 - (b) in any circumstances less than 600mm.
- (2) The permission of the authorised officer in subclause (1)(a) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

6.2 Mausoleum, etc

- (1) A person other than the Board shall not construct a brick grave, crypt, vault or mausoleum within the cemetery.
- (2) A person may request the Board to construct a vault or mausoleum within the cemetery which vault or mausoleum shall at all times remain the property of the Board.
- (3) An application under subclause (2) shall be in writing and shall be accompanied by payment of the set fee.
- (4) A person shall not place a dead body in a mausoleum except –
 - (a) in a closed coffin; and
 - (b) in a soundly constructed chamber; and
 - (c) in accordance with subclause (5).
- (5) The number of burials in a chamber must not exceed the number for which the chamber was designed.

Part 7 – Memorials and other work

Division 1 – General

7.1 Application for monumental work

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of monumental work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished work

Should any work by masons or others be not completed before 6pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave, other than as a temporary marker and with the prior approval of the Board.

7.9 Plants and trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Australian War Graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves –

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.12 Placing of glass domes and vases

A person shall not place glass domes, vases or other grave ornaments –

- (a) outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act; or
- (b) on the lawn in an area set aside by the Board as a lawn or a memorial plaque section.

Division 2 – Lawn section

7.13 Specification of monuments

- (1) All monuments in the lawn section of a cemetery shall –

- (a) be made of natural stone; and
 - (b) be placed upon a base of natural stone; and
 - (c) comply with the following specifications –
 - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.05 m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150 mm nor more than 450 mm;
 - (iii) the width of the base of the monument shall not exceed 1.20 m;
 - (iv) the depth of the base of the monument shall not exceed 300 mm; and
 - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.
- (2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.
- (3) A person shall not display any trade names or marks upon any monument erected within the lawn section of the cemetery.

7.14 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

Division 3 – Memorial plaque section

7.15 Requirements of a memorial plaque

- (1) All memorial plaques placed in a memorial plaque section of the cemetery shall –
- (a) be made of admiralty bronze or any other material approved by the Board; and
 - (b) not be less than the dimensions 380 mm x 280 mm, nor more than 560 mm x 305 mm.
- (2) All memorial plaques made of admiralty bronze shall –
- (a) not exceed 20 mm in thickness; and
 - (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall –
- (a) not exceed 50 mm in thickness placed upon a base mounting approved by the Board; or
 - (b) not be less than 100 mm in thickness if it is not to be placed upon a base mounting.

Division 4 – Licensing of Monumental Masons

7.16 Monumental mason's licence

- (1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

7.17 Expiry date, non-transferability

A monumental mason's licence –

- (a) shall be valid from the date specified therein until 30 June next following; and
- (b) is not transferable.

7.18 Carrying out monumental work

A person shall not carry out monumental work within the cemetery unless that person –

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.16; or
- (b) is an employee of a person who holds such a licence; or
- (c) is authorised by the Board to do so.

7.19 Responsibilities of the holder of a monumental mason's licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

7.20 Cancellation of a monumental mason's licence

(1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds:

- (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works;
- (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
- (c) that the holder of the licence has purported to transfer the licence issued to that holder.

(2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

Part 8 – General

8.1 Animals

Subject to clause 8.2, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.

8.2 Damaging and removing of objects

Subject to clause 8.3, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.3 Withered flowers

A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.4 Littering and vandalism

A person shall not –

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

8.5 Advertising

- (1) A person shall not advertise or carry on any trade, business or profession within the cemetery without the prior written approval of the Board.
- (2) The Board may consider and grant approval subject to such conditions as the Board thinks fit.

8.7 Obeying signs and directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

8.8 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

Part 9 – Offences and modified penalties

9.1 General

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

9.2 Modified penalties

- (1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.
- (2) The modified penalty payable in respect of an offence specified in Schedule 1 is set out in the fourth column of Schedule 1.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Schedule 2.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in Schedule 3.

Schedule 1 – Modified penalties

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.4(1)	Not driving vehicle on vehicular access way or constructed roadways or within designated areas	\$50.00
2	5.4(2)	Exceeding speed limit	\$50.00
3	7.3	Non removal of rubbish and surplus materials	\$50.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
5	7.5	Unauthorised use of sand, earth or other material taken from the cemetery	\$50.00
6	8.1	Unauthorised bringing in of animal into cemetery or permitting animal to remain in cemetery	\$50.00
7	8.3	Damaging and removing of objects	\$50.00
8	8.5	Littering and vandalism	\$50.00
9	8.6	Unauthorised advertising, and/or trading	\$50.00
10	8.7	Disobeying sign or lawful direction	\$50.00

Schedule 2 – Infringement notice

[Clause 9.2(3)]

Infringement Notice

To: _____

(Name)

(Address)

It is alleged that at ____:____ hours on _____ day of _____ 20 _____

at _____

you committed the offence indicated below by an (x) in breach of clause of the *Shire of Mingenew Cemeteries Local Law 2017*.

(Authorised Person)

Offence

- Not driving vehicle on vehicular access way or designated areas
- Exceeding speed limit
- Not removing rubbish and surplus materials
- Unauthorised use of materials taken from the cemetery
- Leaving uncompleted works in an untidy or unsafe condition
- Unauthorised animal in cemetery
- Damaging and removing of objects
- Littering and vandalism
- Unauthorised advertising and/or trading
- Disobeying sign or lawful direction
- Other Offence: _____ \$ _____

You may dispose of this matter by payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Shire of Mingenew at 22 Victoria Street MINGENEW WA 6522 between the hours of 9am to 4.30pm, Monday to Friday. Please make cheques payable to Shire of Mingenew. Payments by mail should be addressed to –

The Chief Executive Officer

Shire of Dardanup

22 Victoria Street (PO Box 120) MINGENEW WA 6522

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

Schedule 3 – Infringement withdrawal notice

[Clause 9.2(4)]

Withdrawal of Infringement Notice

No. _____ Date ____/____/____

To: [1] _____

Infringement Notice No _____ dated ____/____/____ for the alleged offence of [2]

Penalty [3] \$ _____ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

(Authorised Person)

[1] Insert name and address of alleged offender.

[2] Insert short particulars of offence alleged.

[3] Insert amount of penalty prescribed.

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

Cr Michelle BAGLEY
Shire President

Mr M WHITELY
Chief Executive Officer

Dated ____/____/____

SHIRE OF MINGENEW



(DRAFT) EXTRACTIVE INDUSTRIES LOCAL LAW

JULY 2017

LOCAL GOVERNMENT ACT 1995

Shire of Mingenew

EXTRACTIVE INDUSTRIES LOCAL LAW 2017

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SCHEDULE 1

LOCAL GOVERNMENT ACT 1995

Shire of Mingenew

EXTRACTIVE INDUSTRIES 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 Mingenew resolved on **19 July 2017** to make the following local law.

PART 1—PRELIMINARY

1.1. Citation

This local law may be cited as the *Shire of Mingenew Extractive Industries Local Law 2017*.

1.2. Definitions

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995* and other prescribed legislation as identified in this local law;

Carry on an extractive industry means quarrying and excavating for stone, gravel, sand, and other material and means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

CEO means the Chief Executive Officer of the local government;

District means the district of the local government;

excavation includes quarry;

land, unless the context otherwise requires, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates;

licence means a licence issued under this local law;

licensee means the person named in the licence as the licensee;

local government means the Shire of Mingenew;

nuisance means—

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

Occupier has the meaning given to it in the Act;

Owner has the meaning given to it in the Act;

Person does not include the local government;

secured sum means the sum required to be paid or the amount of a bond, guarantee or other security under clause 5.1;

site means the land specified by the local government in a licence.

1.3. Application

(1) The provisions of this local law—

(a) subject to paragraphs (b), (c), (d) and (e);

(i) apply and have force and effect throughout the whole of the district; and

(ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;

(b) do not apply to the extraction of minerals under the *Mining Act 1978*;

(c) do not apply to the carrying on of an extractive industry on Crown land;

(d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land for use on that land; and

(e) do not affect the validity of any licence issued under the local law repealed by clause 1.4 of this local law if that licence is currently in force at the date of gazettal of this local law.

(2) In sub clause (1)(d) land includes adjoining lots or locations in the same occupation or ownership of the owner or occupier referred to in sub clause (1)(d).

1.4. Repeal

Not Applicable

PART 2—LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY

2.1. Extractive Industries Prohibited Without Licence

A person must not carry on an extractive industry—

(a) unless the person is the holder of a valid and current licence; and

(b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

Penalty \$5000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

2.2. Application for Licence

(1) Subject to sub clause (3), a person seeking the issue of a licence in respect of any land shall apply in the form determined by the local government from time to time and must forward the application duly completed and signed by each of the applicant, the owner of the land and any occupier of the land to the CEO together with—

(a) three copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing—

(i) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;

(ii) the land on which the excavation site is to be located;

(iii) the external surface dimensions of the land;

(iv) the location and depth of the existing and proposed excavation of the land;

(v) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;

- (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (viii) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
 - (ix) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
- (b) three copies of a works and excavation programme containing—
- (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
 - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
 - (iii) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
 - (iv) details of the depth and extent of the existing and proposed excavation of the site;
 - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
 - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
 - (vii) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
 - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
 - (ix) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
 - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
 - (xi) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
 - (xii) a description of the measures to be taken to comply with the *Environmental Protection (Noise) Regulations 1997*;

- (xiii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
 - (xiv) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and
 - (xv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;
 - (c) three copies of a rehabilitation and decommissioning programme indicating—
 - (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
 - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
 - (iii) how any face is to be made safe and batters sloped;
 - (iv) the method by which topsoil is to be replaced and revegetated;
 - (v) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
 - (vi) how rehabilitated areas are to be maintained; and
 - (vii) the programme for the removal of buildings, plant, waste and final site clean up;
 - (d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;
 - (e) a certificate from a licensed surveyor certifying the correctness of—
 - (i) the plan referred to in paragraph (b); and
 - (ii) the datum peg and related point referred to in paragraph (e);
 - (f) copies of all land use planning approvals required under any planning legislation;
 - (g) copies of any environmental approval required under any environmental legislation;
 - (h) copies of any geotechnical information relating to the excavation site;
 - (i) the consent in writing to the application from the owner of the excavation site;
 - (j) the licence application fee specified by the local government from time to time; and
 - (k) any other information that the local government may reasonably require.
- (2) All survey data supplied by an applicant for the purpose of sub clause (1) shall comply with Australian Height Datum and Australian Map Grid standards.
- (3) Where in relation to a proposed excavation—
- (a) the surface area is not to exceed 2000m²; and
 - (b) the extracted material is not to exceed 2000m³;
- the local government may exempt a person making application for a licence under sub clause (1) from supplying any of the data specified in paragraphs (c), (e) and (f) of sub clause (1).

PART 3—DETERMINATION OF APPLICATION

3.1. Determination of Application

- (1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.2, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.
- (2) The local government will notify in writing, unless previously undertaken during the planning application process, all—
 - (a) land owners and occupiers of all land adjoining upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence; and
 - (b) referral authorities having control or jurisdiction within an area determined by the local government as likely to be affected by the granting of a licence; and
 - (c) the general public by notice in a newspaper circulating in the local area;

advising of the application and specifying that they may, within twenty-one days from the date of the notice, object to or make representations in writing in respect of the issue of a licence by the local government.

(3) The local government may, in respect of an application for a licence—

(a) refuse the application; or

(b) approve the application—

(i) over the whole or part of the land in respect of which the application is made; and

(ii) on such terms and conditions, if any, as it sees fit.

(4) Where the local government approves an application for a licence, it shall—

(a) determine the licence period, not exceeding 21 years from the date of issue; and

(b) approve the issue of a licence in the form determined by the local government from time to time.

(5) Where the local government approves the issue of a licence, the CEO upon receipt by the local government of—

(a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 31 December, as determined by the local government from time to time;

(b) payment of the secured sum if any, imposed under clause 5.1;

(c) the documents, if any, executed to the satisfaction of the CEO, under clause 5.1; and

(d) a copy of the public liability insurance policy required under clause 7.1(1)

shall issue the licence to the applicant.

(6) Without limiting sub clause (3), the local government may impose conditions in respect of the following matters—

(a) the orientation of the excavation to reduce visibility from other land;

(b) the appropriate siting of access thoroughfares, buildings and plant;

(c) the stockpiling of material;

(d) the hours during which any excavation work may be carried out;

(e) the hours during which any processing plant associated with, or located on, the site may be operated;

(f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;

(g) the depths below which a person shall not excavate;

(h) distances from adjoining land or thoroughfares within which a person must not excavate;

(i) the safety of persons employed at or visiting the excavation site;

(j) the control of dust and wind-blown material;

(k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;

(l) the prevention of the spread of dieback or other disease;

(m) the drainage of the excavation site and the disposal of water;

(n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;

(o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;

(p) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;

(q) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in the upgrade, repair or damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;

- (r) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law; and
- (s) any other matter for properly regulating the carrying on of an extractive industry.

3.2 Payment of Annual Licence Fee

On or before 30 June each year, a licensee shall pay to the local government the annual licence fee determined by the local government from time to time for the purpose of annual inspection and monitoring of conditions.

PART 4—TRANSFER, CANCELLATION AND RENEWAL OF LICENCE

4.1. Transfer of Licence

- (1) An application for the transfer of a licence shall—
 - (a) be made in writing;
 - (b) be signed by the licensee and the proposed transferee of the licence;
 - (c) be accompanied by the current licence;
 - (d) be accompanied by the consent in writing to the transfer from the owner of the excavation site;
 - (e) include any information that the local government may reasonably require; and
 - (f) be forwarded to the CEO together with the fee determined by the local government from time to time.
- (2) Upon receipt of any application for the transfer of a licence, the local government may—
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for the transfer of a licence, the local government shall transfer the licence by an endorsement on the licence in the form determined by the local government from time to time, signed by the CEO.
- (4) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

4.2. Cancellation of Licence

- (1) The local government may cancel a licence where the licensee has—
 - (a) been convicted of an offence against—
 - (i) this local law; or
 - (ii) any other law relating to carrying on an extractive industry; or
 - (b) failed to comply with—
 - (i) any conditions of an excavation licence;
 - (ii) any provisions of this local law; or
 - (iii) any provisions of the Local Government's Local Planning Scheme; or
 - (c) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government; or
 - (d) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law; or
 - (e) failed to pay the annual licence fee under clause 3.2; or
 - (f) failed to have a current public liability insurance policy under clause 7.1(1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2).
- (2) Where the local government cancels a licence under this clause—
 - (a) the local government shall advise the licensee in writing of the cancellation;
 - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
 - (c) the local government shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

4.3. Renewal of Licence

- (1) A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and shall submit with the application for renewal—
- (a) the fee determined by the local government from time to time;
 - (b) a copy of the current licence;
 - (c) a plan showing the contours of the excavation carried out to the date of that application;
 - (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 2.2(1)(c)(d); and
 - (e) any other things referred to in clauses 2.2 and 3.1.
- (2) The local government may waive any of the requirements specified in clause 4.3 (1)(d) or (e). If—
- (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application, then the applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 2.2 and 3.1.
- (3) Upon receipt of an application for the renewal of a licence, the local government may—
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

PART 5—SECURED SUM AND APPLICATION THEREOF

5.1. Security for Restoration and Reinstatement

- (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the local government may require that—
- (a) as a condition of a licence; or
 - (b) before the issue of a licence,
- the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government from time to time.
- (2) A bond required under sub clause (1) is to be paid into a fund established by the local government for the purposes of this clause.

5.2. Use by the Local Government of Secured Sum

- (1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either—
- (a) within the time specified in those conditions; or
 - (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions,
- then; subject to the local government giving the licensee 14 days notice of its intention to do so—
- (c) the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone; and
 - (d) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause.
- (3) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 5.1.

PART 6—LIMITATIONS, OBLIGATIONS OF THE LICENSEE AND PROHIBITIONS

6.1. Limits on Excavation near Boundary

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within—

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 50 metres of any thoroughfare;
- (d) 50 metres of any watercourse; or
- (e) 500m of any adjoining residence

unless approved by Council and adjoining neighbours in writing.

Penalty \$2,000

6.2. Obligations of the Licensee

A licensee shall—

- (a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign—
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words “DANGER EXCAVATIONS KEEP OUT”;
- (c) except where the local government approves otherwise, drain and keep drained to the local government’s satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;
- (e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (f) otherwise comply with the conditions imposed by the local government in accordance with clause 3.1.

Penalty \$5,000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

6.3. Prohibitions

A licensee shall not—

- (a) remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any thoroughfare on land in respect of which a licence has been granted, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 3.1;
- (b) store, or permit to be stored, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Minerals and Energy; or
- (c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government.

Penalty \$5,000 for each offence, and if an offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

6.4. Blasting

(1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless—

- (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;

- (b) Except where approval is obtained under sub clause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;
 - (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code as amended from time to time, the *Mines Safety and Inspection Act 1994*, the *Environmental Protection Act 1986*, and all relevant local laws of the local government; and
 - (d) in compliance with any other conditions imposed by the local government concerning—
 - (i) the time and duration of blasting;
 - (ii) the purposes for which the blasting may be used; and
 - (iii) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.
- Penalty \$5,000 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.
- (2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or public holiday except with the prior approval of the local government.

PART 7—MISCELLANEOUS PROVISIONS

7.1. Public Liability

- (1) A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.
- (2) The licensee shall provide to the local government a copy of the policy taken out under sub clause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.

7.2. Mines Safety and Inspection Act and Environmental Protection Act

- (1) In any case where the *Mines Safety and Inspection Act 1994* or the *Environmental Protection Act 1986* applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall—
 - (a) comply with all applicable provisions of that Act or those Acts; and
 - (b) provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.
- (2) In this clause, the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986* include all subsidiary legislation made under those Acts.

7.3. Notice of Cessation of Operations

- (1) Where a licensee intends to cease carrying on an extractive industry—
 - (a) temporarily for a period in excess of 12 months; or
 - (b) permanently,the licensee shall, as well as complying with clause 7.4, give the local government written notice of the cessation not later than 1 month after those operations have ceased.
- (2) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.
- (3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

7.4. Works to be Carried Out on Cessation of Operations

Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 7.3—

(a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee; (b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is—

(i) sand, the sides are sloped to a batter of not more than 1:3 (vertical:horizontal); and

(ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;

(c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the local government;

(d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;

(e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;

(f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and

(g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

Penalty \$5,000 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

PART 8—OBJECTIONS AND APPEALS

8.1. Objections and Appeals

When the local government makes a decision as to whether it will—

(a) grant a person a licence under this local law; or

(b) renew, vary, or cancel a licence that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

PART 9—MODIFIED PENALTIES

9.1. Prescribed Offence

An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

9.2. Modified Penalty

The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

9.3. Forms

For the purposes of this local law—

(a) 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

(b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

SCHEDULE 1
PRESCRIBED OFFENCES (Refer clause 9.1)

Item No.	Clause	Nature of Offence	Modified Penalty
1	2.1 (a)	Carry on extractive industry without licence	\$350
2	2.1 (b)	Failure to comply with terms and conditions of licence imposed by the local government	\$350
3	6.1	Excavate without approval	\$200
4	6.2(a)	Failure to securely fence and/or keep gateways locked where required	\$350
5	6.2(b)	Warning signs not erected or maintained as required	\$350
6	6.2(c)	Excavation not drained as required	\$350
7	6.2(d)	Excavation site not restored and reinstated in accordance with terms and conditions	\$500
8	6.2(e)	All reasonable steps not taken to prevent the emission of dust, noise, vibration and other forms of nuisance	\$500
9	6.2(f)	Other conditions not complied with	\$500
10	6.3(a)	Remove trees or shrubs near boundary without approval	\$300
11	6.3(b)	Store without required approval explosives or explosive devices	\$350
12	6.3(c)	Fill or excavate in breach of licence	\$350
13	6.4 (1)(a)	Blasting without approval of the local government	\$200
14	6.4(1)(b)	Blasting outside times authorised	\$200
15	6.4(1)(d)	Blasting in breach of conditions imposed by the local government	\$200
16	6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	\$200

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

Cr Michelle BAGLEY
Shire President

Mr M WHITELY
Chief Executive Officer

Dated: ____ / ____ /2017

SHIRE OF MINGENEW



(DRAFT) FENCING LOCAL LAW

JULY 2017

LOCAL GOVERNMENT ACT 1995
Shire of Mingenew
LOCAL LAWS RELATING TO FENCING

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Local Government Act 1995

Shire of Mingenew

LOCAL LAW RELATING TO FENCING

Under the powers conferred by subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mingenew resolved on the 19TH July 2017 to make the following local law.

PART 1 - PRELIMINARY

1 Citation

This Local Law may be cited as the Shire of Mingenew Local Law Relating to Fencing.

2 Repeal

The Shire of Mingenew By-laws Relating to Fencing published in the *Government Gazette* of 12 June 1968 and the Local Law Relating to Fencing published in the *Government Gazette* of 17 February 1999 are repealed.

3 Application of Local Laws

These Local Laws apply throughout the district.

4 Interpretation

In this Local Law, unless the context requires otherwise:

“**Act**” means the *Local Government Act 1995* and the *Dividing Fences Act 1961*;

“**AS**” means an Australian Standard published by the Standards Association of Australia;

“**boundary fence**” has the meaning given to it for the purposes of the Act;

“**Building Surveyor**” means a Building Surveyor of the local government;

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

“**Commercial Lot**” means a lot where a commercial use –

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

“**dangerous**” in relation to any fence means;

- (a) an electrified fence other than a fence in respect of which a licence under Part 6 of this Local Law has been issued and is current;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this Local Law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

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

“**dividing fence**” has the meaning given to it in and for the purposes of the Act;

“**electrified fence**” means a fence carrying or designed to carry an electric charge;

“**fence**” means any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

“**frontage**” means the boundary line between a lot and the thoroughfare upon which that lot abuts;

“height” in relation to a fence means the vertical distance between:

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

“Industrial Lot” means a lot where an industrial use -

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

“local government” means the Shire of Mingenew;

“lot” has the meaning given to it in and for the purposes of the *Town Planning and Development Act 1928*;

“notice of breach” means a notice referred to in clause 17(1);

“Residential Lot” means a lot where a residential use -

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

“retaining wall” means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

“Rural Lot” means a lot where a rural use -

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

“Schedule” means a Schedule to this Local Law;

“setback area” has the meaning given to it for the purposes of the local governments town planning scheme;

“Special Rural Lot” means a lot where a special rural use -

- (a) is or may be permitted under the local governments town planning scheme; and
- (b) is or will be the predominant use of the lot;

“sufficient fence” means a fence described in part 2 of these local laws; and

“town planning scheme” means a town planning scheme of the local government made under the *Town Planning and Development Act 1928*.

5 Licence Fees and Charges

All licence fees and charges applicable under this Local Law shall be as determined by the local government from time to time in accordance with section 6.16 of the *Local Government Act 1995*.

PART 2-SUFFICIENT FENCES

6 Sufficient Fences

Unless by agreement between the owners of adjoining properties, a person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.

(1) Subject to sub-clauses (3) and (4), a sufficient fence;

- (a) on a Residential Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the First Schedule;
- (b) on a Commercial Lot and on an Industrial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Second Schedule;
- (c) on a Rural Lot and on a Rural Residential Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Third Schedule.

(2) Where a fence is erected on or near the boundary between;

- (a) a Residential Lot and an Industrial Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First Schedule;

- (b) a Residential Lot and a Commercial Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Second Schedule;
- (c) a Residential Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Third Schedule;
- (d) a Residential Lot and a Rural Residential Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First or Third Schedule respectively, and;
- (e) a Rural Residential Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Third Schedule;
- (3) Unless the Building Surveyor specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (1) and (2) is a dividing fence constructed in accordance with the specifications and requirements of the Second Schedule.
- (4) Notwithstanding any other provisions in these Local Laws, a fence constructed of stone or concrete shall be a sufficient fence only if it is designed by a structural engineer where;
 - (a) it is greater than 1800mm in height; or
 - (b) the Building Surveyor so requires.
- (5) The fencing specifications listed in Schedules 1, 2 and 3, are intended to be used in assisting in determining a sufficient fence for the purposes of the Dividing Fences Act only. Conditions specific to a locality such as soil types, topography and wind loadings, should be considered when constructing a fence.

PART 3-GENERAL

7 Fences Within Front Setback Areas

- (1) A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1000mm in height, within the front set-back area of a Residential Lot within the district.
- (2) The Building Surveyor may approve the erection of a fence of a height greater than 1000mm in the front setback area of a Residential Lot only if the fence on each side of the driveway into the Lot across the front boundary is to be angled into the Lot for a distance of not less than 1500mm. along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.
- (3) The provision of sub-clause (2) shall not apply to a fence of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare.

8 Fences on a Rural Lot

A person shall not without the written consent of the Building Surveyor, erect a fence on a Rural Lot, within 7.5m of a thoroughfare of a height exceeding 1500mm.

9 Maintenance of Fences

An owner and occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated, or unsightly.

10 General Discretion of the Local Government

- (1) Notwithstanding clause 6, the local government may consent to the erection or repair of a fence which does not comply with the requirements of these Local Laws.
- (2) In determining whether to grant its consent to the erection or repair of any fence, the local government may consider, in addition to any other matter that it is authorized to consider, whether the erection or retention of the fence would have an adverse effect on;

- (a) the safe or convenient use of any land; or
- (b) the safety or convenience of any person.
- (3) Notwithstanding that these local laws specify a minimum standard for a sufficient fence for the purposes of the Dividing Fences Act, Council may adopt guidelines for alternative standards that it will approve. In setting these guidelines, Council shall have regard to acceptable materials and heights.

PART 4-FENCING MATERIALS

11 Fencing Materials

- (1) A person shall construct a fence on a Residential Lot, a Commercial Lot or an Industrial Lot from only brick, stone, concrete, wrought iron, tubular steel framed, link mesh, timber, plastic coated or galvanised link mesh, corrugated fibre reinforced cement sheeting, colour bonded metal or a material approved by the Building Surveyor.
- (2) Where the Building Surveyor approves the use of pre-used materials in the construction of a fence under sub clause (1), that approval shall be conditional on the applicant for approval painting or treating the pre-used material as directed by the Building Surveyor.

12 Barbed Wire and Broken Glass Fences

- (1) This clause does not apply to a fence constructed wholly or partly of razor wire.
- (2) An owner or occupier of a Residential Lot or a Commercial Lot shall not erect or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the Building Surveyor has been obtained.
- (3) An owner or occupier of an Industrial Lot shall not erect or affix on any fence bounding that Lot any barbed wire or other materials with spiked or jagged projections unless the wire or materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is set back 150mm. from the face of the fence and is not nearer than 2000mm from the ground level.
- (4) If the posts which carry the barbed wire or other materials referred to in sub clause (3) are angled towards the outside of the lot bounded by the fence the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.
- (5) An owner or occupier of a lot shall not affix or allow to remain as part of any fence or wall, whether internal or external, on that lot any broken glass.
- (6) An owner or occupier of a Rural Lot or a Rural Residential Lot shall not place or affix barbed wire upon a fence on that Lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the side of the fence posts furthest from the thoroughfare or other public place.

PART 5-ELECTRIFIED AND RAZOR WIRE FENCES

13 Requirements for a Licence

- (1) An owner or occupier of a lot, other than a Rural Lot, shall not;
 - (a) have and use an electrified fence on that lot without first obtaining a licence under sub clause (2); or
 - (b) construct a fence wholly or partly of razor wire on that lot without first obtaining a licence under sub clause (3).
- (2) A licence to have and use an electrified fence shall not be issued;
 - (a) in respect of a lot which is or which abuts a Residential Lot;
 - (b) unless the fence complies with AS/NZS 3016:1994; and
 - (c) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.
- (3) A licence to have a fence constructed wholly or partly of razor wire shall not be issued;

- (a) if the fence is within 3m of the boundary of the lot;
 - (b) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.
- (4) An application for a licence referred to in sub clauses (2) or (3) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.
- (5) An application for a licence referred to in sub clauses (2) or (3) may be;
- (a) approved by the local government;
 - (b) approved by the local government subject to such conditions as it thinks fit; or
 - (c) refused by the local government.

14 Transfer of a Licence

A licence referred to in clause 13 shall transfer with the land to any new occupier or owner of the lot.

15 Cancellation of a Licence

Subject to Division 1 Part 9 of the *Local Government Act 1995*, the local government may cancel a licence issued under this Part if-

- (a) the fence no longer satisfies the requirements specified in clause 13(2) or 13(3) as the case may be; or
- (b) the licence holder breaches any condition upon which the licence has been issued.

PART 6-NOTICES OF BREACH

16 Notices of Breach

- 1) Where a breach of any provision of this Local Law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner or occupier of that lot ('notice of breach').
- (2) Any such notice of breach shall;
- (a) specify the provision of these Local Laws which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state that the owner or occupier of the lot is required to remedy the breach within 28 days from the giving of the notice.
- (3) Should an owner or occupier fail to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.

PART 7-OFFENCES

17 Offences and Penalties

- (1) An owner or occupier who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.
- (2) A person who fails to comply with or who contravenes any provision of these Local Laws commits an offence and is liable to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

18 Modified Penalties

- (1) An offence against any provision of these Local Laws is a prescribed offence for the purposes of section 9.16 (1) of the *Local Government Act 1995*.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of this Local Law is \$100.

19 Form of Notices

For the purposes of this Local Law;

- (a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in or substantially in the form of Form 2 of Schedule 1 of the Local Government (Functions and General) Regulations 1996;
- (b) the form of the notice referred to in section 9.20 of the *Local Government Act 1995* is to be in or substantially in the form of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.

First Schedule

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

Each of the following is defined as a "sufficient fence" on a Residential Lot;

A. A picket timber fence which satisfies the following specifications:

- (a) corner posts to be 125mm x 125mm x 2400mm. and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
- (b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
- (c) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
- (d) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
- (e) rails to be 75mm. x 50mm with each rail spanning two bays of fencing double railed or bolted to each post with joints staggered;
- (f) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and affixed securely to each rail; and
- (g) the height of the fence to be 1800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 7.

B. A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting erected to manufacturer's specifications or which otherwise satisfies the following specifications;

- (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600mm (applicable to corrugated fibre reinforced pressed cement fencing only);
- (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
- (c) the sheets to be lapped and capped with extruded "snap fit" type capping in accordance with the manufacturers written instructions (applicable to corrugated fibre reinforced pressed cement fencing only); and
- (d) the height of the fence to be 1800mm except with respect to the front setback area for which there is no minimum height but which is subject to Clause 7.

C. A fence constructed of brick, stone or concrete, which satisfies the following specifications and AS3700 where applicable;

- (a) footings of minimum 225mm x 150mm concrete 15MPA or 300mm x 175mm brick laid in cement mortar;
- (c) fences to be offset a minimum of 200mm at maximum 3000mm centres or

- 225mm x 100mm engaged piers to be provided at maximum 3000mm centres;
- (c) expansion joints in accordance with the manufacturer's written instructions; and
- (d) the height of the fence to be 1800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 7.

D. A composite fence having a minimum overall height of 1800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 7, which satisfies the following specifications for the brick construction and complies with AS3700 Standards;

- (1) (a) brick piers of minimum 345mm x 345mm at 1800mm centres bonded to a minimum height base wall of 514mm;
- (b) each pier shall be reinforced with one R10 galvanised starting rod 1500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
- (c) the minimum ultimate strength of brickwork shall by 20MPA. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer; and
- (e) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres; or
- (2) (a) brick piers of a minimum 345mm x 345mm x 2700mm centres bonded to the base wall; and
- (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified;

Second Schedule

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A COMMERCIAL LOT AND AN INDUSTRIAL LOT

Each of the following is defined as a "sufficient fence" on a Commercial Lot and an Industrial Lot;

A. A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications:

- (a) corner posts to be minimum 75 mm nominal bore x 3.5mm and with footings of a 225mm diameter x 900mm;
- (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3.5mm centres and with footings of a 225mm diameter x 600mm;
- (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm x 600mm;
- (d) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
- (e) rail-less link, chain or steel mesh is to be to a height of 2000mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm in accordance with clause 12(3) of these Local Laws; and
- (f) Galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3.6m and shall be constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.

B. A fence of fibre reinforced cement sheet or steel sheeting constructed to the minimum specifications referred to in Item B of the First Schedule.

- C. A fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm.
- D. Fences of timber, brick, stone or concrete constructed to the minimum specifications referred to in the First Schedule.
-

Third Schedule

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RURAL LOT AND A RURAL RESIDENTIAL LOT

In the case of a non-electrified fence, a "sufficient fence" on a Rural Lot and a Rural Residential Lot is a fence of posts and wire construction, the minimum specifications for the following purposes which are;

A. A fence to contain cattle and horses, which satisfies the following specifications:

- (a) wire shall not be of a standard less than 2.5mm high tensile wire. A minimum of five wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
- (b) posts shall be of indigenous timber or other suitable material including:
 - timber impregnated with a termite or fungicidal preservative;
 - standard iron star pickets; or
 - concrete;cut not less than 1.8m long x 100mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be set minimum of 600mm in the ground and 1.2m above the ground spaced at 10m maximum centres; and
- (c) strainer posts shall not be less than 2.25m long and 150mm diameter at the small end (tubular steel to be 90mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1.0m in the ground and set at all corners, gateways and fence line angles.

B. A mesh fence to contain sheep and goats which satisfies the following specifications;

- (a) wire shall be hinge joint or ringlock with two plain high tensile wires of not less than 2.5mm located above the mesh and connected to posts in all cases. The mesh wire shall be clipped to the lower of the two plain wires at 3m centres;
- (b) posts shall be spaced at 6m maximum centres in accordance with the construction standards in A(b) above; and
- (c) strainer posts shall be in accordance with the construction standards in A(c) above.

C. An electrified fence having four wires only is a sufficient fence if constructed generally in accordance with A.

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

Cr Michelle BAGLEY
Shire President

—

Mr M WHITELY
Chief Executive Officer

Dated: / /2017

SHIRE OF MINGENEW



(DRAFT) HEALTH LOCAL LAW

JULY 2017

PUBLIC HEALTH ACT 2016

Shire of Mingenew

HEALTH LOCAL LAW 2017

ARRANGEMENT

PART 1—PRELIMINARY

Section

- 1.1 Citation
- 1.2 Repeal
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PART 2—SANITATION

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PUBLIC HEALTH ACT 2016

Shire of Mingenew

HEALTH LOCAL LAW 2017

Under the powers conferred by the *Public Health Act 2016* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mingenew resolved on **19 July 2017** to make the following local law.

PART 1—PRELIMINARY

Citation

1.1 This local law may be cited as “*The Shire of Mingenew Health Local Law 2017*”.

Repeal

The following local law is repealed:

The Refuse and Rubbish Local Law as related to the health of the district published in the *Government Gazette* on 17 August 1966.

Interpretation

1.3(1) In these Local-Laws, unless the context otherwise requires—

“**Act**” means the *Public Health Act 2016*, the *Health Act 2016*, the *Health (Miscellaneous Provisions) Act 1911* and *Local Government Act 1995* and other subsidiary legislation where identified;

“**adequate supply of water**” means a flow of water of not less than 0.076 litres per second;

“**approved**” means approved by the local government;

“**AS**” means Australian Standard published by the Standards Association of Australia;

“**AS 1530.2: 1993**” means the standard published by the Standards Association of Australia as AS 1530.2: 1993 and called “Methods for fire testing on buildings materials, components and structures – Tests for flammability of materials”.

“**AS/NZS 1530.3: 1999**” means the standard published by the Standards Association of Australia as AS/NZS 1530.3: 1999 and called “Methods for fire tests on building materials, components and structures – Simultaneous determination of ignitability, flame propagation, heat release and smoke release”.

“**AS 1668.2 – 2002**” means the standard published by the Standards Association of Australia as AS 1668.2 - 2002 and called “The use of ventilation and air-conditioning in buildings – Ventilation design for indoor air contaminant control”.

“**AS 2001.5.4 – 2005**” means the standards published by the Standards Association of Australia as AS 2001.5.4 – 2005 and called “Methods of tests for textiles – Dimensional change – Domestic washing and drying procedures for textile testing (ISO 6330:2000, MOD).”

“**AS/NZS 3666.2:2011**” means the standard published by Standards Australia as AS/NZS 3666.2:2011 and called “Air-handling and water systems of buildings — Microbial control — Operation and maintenance”;

“**AS/NZS ISO 7171.1: 2004**” means the standard published by the Standards Association of Australia as AS/NZS ISO 7171.1: 2004 and called “Acoustics – Rating of sound insulation in buildings and of building elements – Airborne sound insulation”

“**Building Code**” means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

“**Chief Executive Officer**” means the Chief Executive Officer of the Shire of Mingenew and includes the Acting Chief Executive Officer;

“**Chief Health Officer**” has the meaning prescribed under sections 4 and 6 of the Public Health Act 2016;

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

“**dwelling house**” means a place of residence or house containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

“**Environmental Health Officer**” means an Environmental Health Officer appointed by the local government under the Act and includes an Acting or Assistant Environmental Health Officer;

“**habitable room**” means a room used for normal domestic activities; and

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but
- (b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

“**hot water**” means a water at a temperature of at least 75 degrees Celsius;

“**local government**” means the Shire of Mingenew;

“**Medical Officer**” means a Medical Practitioner registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

“**Principal Environmental Health Officer**” means an Environmental Health Officer appointed by the local government to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;

“**public place**” includes every place to which the public ordinarily have access, whether by payment of a fee or not;

“**sanitary convenience**” includes urinals, water closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

“**sewage**” means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;

“**sewer**” includes sewers and drains of every description, except drains to which the word “drain” as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;

“**street**” includes any highway, any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“**toilet**” means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

“**water**” means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2004 and as amended from time to time; and

“**window**” means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these local laws, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.

(3) Where under these local laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2—SANITATION

Division 1—Sanitary Conveniences

Interpretation

2.1.1 In this Part, unless the context otherwise requires—

“**festival**” includes a fair, function or event;

“**organiser**” means a person—

- (a) to whom approval has been granted by the local government to conduct the festival; or
- (b) responsible for the conduct of the festival;

“**public sanitary convenience**” means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not; and

“**temporary sanitary convenience**” means a sanitary convenience, temporarily placed for use by—

- (a) patrons in conjunction with a festival; or
- (b) employees at construction sites or the like.

“**urinal**” may be—

- (i) an individual stall or wall-hung urinal; or
- (ii) each 600mm length of a continuous urinal trough; or
- (iii) a closet pan used in place of a urinal.

Dwelling House

2.1.2(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have adequate lighting.

Premises other than a Dwelling House

2.1.3(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—

- (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
- (b) the toilets required by this section are situated within 90m and are easily accessible to the persons for whom they are provided; and
- (c) the premises have hand wash basins—
 - (i) in accordance with the Building Code;
 - (ii) for the use of persons employed or engaged on the premises;
 - (iii) provided with an adequate supply of water supplied by taps located over each basin;
 - (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and
 - (v) situated with or adjacent to the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that—

- (a) clean toilet paper is available at all times in each cubicle;
- (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
- (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

Outdoor Festivals

2.1.4(1) The organiser of an outdoor festival at which not more than 5 000 people are expected to attend shall provide sufficient sanitary conveniences in accordance with the following table —

Patrons	Males	Females
Up to 1 000	2 WC 3 Urinal 1 Hand Wash Basin	5 WC 1 Hand Wash Basin
1 000–2 000	3 WC 6 Urinals 2 Hand Wash Basins	10 WC 2 Hand Wash Basins

2 000–3 000	4 WC 9 Urinals 3 Hand Wash Basins	15 WC 3 Hand Wash Basins
3 000–4 000	5 WC 12 Urinals 4 Hand Wash Basins	20 WC 4 Hand Wash Basins
4 000– 5 000	6 WC 15 Urinals 5 Hand Wash Basins	25 WC 5 Hand Wash Basins

- (i) where the duration of the event does not exceed 4 hours 70% of the table values is deemed sufficient (rounded to nearest whole facility).
 - (ii) where the duration of the event does not exceed 8 hours 80% of the table values is deemed sufficient (rounded to nearest whole facility).
 - (iii) where the duration of the event exceeds 8 hours 100% of the table value is to be used.
 - (iv) where alcohol is not available at the event (where it is not sold, not provided or not brought onto premises by patrons) the facilities may be reduced by up to 50% at the discretion of the Manager Environmental Health.
- (2) Toilets must be serviced throughout the event. When portable chemical type units or effluent holding tanks are used for events longer than 4 hours, they must be located so that they can be pumped out during the event.
- (3) At least 1 unisex toilet for use by the disabled is required for each venue.
- (4) The organiser of an outdoor festival, at which more than 5 000 people are expected to attend, shall provide temporary sanitary conveniences of a number as directed by the Manager Environmental Health.

Toilets

2.1.5 (1) Toilets on a premises shall be maintained in accordance with the following requirements —

- (a) the door to a toilet, other than an internal door, shall be properly screened to a continuous height of 1.8 metres from the floor; and
 - (b) a toilet or its entrance, which is visible from overlooking windows, shall be properly screened.
- (2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements —
- (a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from the floor to the ceiling and of sufficient density to have a sound transmission class of not less than 50 as required by AS/NZS ISO 717.1 :2004; and
 - (b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

Temporary Works

2.1.6 A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

Maintenance of Sanitary Conveniences and Fittings

2.1.7(1) The occupier of premises shall—

- (a) keep clean, in good condition and repair; and
 - (b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.
- (2) The owner of premises shall—

- (a) keep or cause to be kept in good repair; and
 - (b) maintain an adequate supply of water to,
- all sanitary conveniences including sanitary fittings in or on the premises.

Ventilation of Toilets

2.1.8(1) A toilet in any premises shall be ventilated in accordance with the *Sewage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code and shall be—

- (a) mechanically ventilated to the external air, through a fully enclosed duct at a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour; or
 - (b) naturally ventilated to the external air by the provision of—
 - (i) fixed and permanently ventilated windows or skylights;
 - (ii) fixed glazed louvered windows; or
 - (iii) wall or ceiling vents, ducted as direct to the outside air as is practical and boxed throughout, situated in both the room in which the toilet is located and any adjacent airlock.
- (2) A mechanical ventilation system provided under subsection (1)(a) shall—
- (a) be separate and distinct from any other system of mechanical ventilation in the building;
 - (b) be of an exhaust type;
 - I where it is provided for a building of more than 2 storeys, have a ventilating fan and power unit in duplicate; and
 - (d) be maintained in good working order and condition.
- (3) A natural ventilation system provided under subsection (1) (b) shall have—
- (a) a clear ventilation area of not less than 0.015 square metres per fixture; and
 - (b) a window of light transmitting area equivalent to not less than ten percent of the floor area.
- (4) A toilet with an entrance opening from—
- (a) a room used for the manufacture, storage or consumption of food;
 - (b) a room used for sleeping or other domestic activities; or
 - I a room used as a work place,

shall be mechanically ventilated as required by subsection (1) (a) and the entrance shall be fitted with a door having an efficient self-closing device.

Public Sanitary Conveniences

2.1.9(1) A person shall not—

- (a) foul
- (b) damage or vandalise; or
 - I write on or otherwise deface,

a public convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person shall not live or sleep in the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

Lighting

2.1.10 The owner and occupier of a premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

Installation

2.1.11 Every sanitary convenience shall be installed in accordance with the requirements of the *Country Areas Water Supply Act 1947*, and the *Country Towns Sewerage Act 1948* and shall have an adequate supply of water.

Bathrooms

- 2.2.1(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—
- (a) is adequately lined with an impervious material and has an adequate ceiling;
 - (b) complies with the *Health Act (Laundries and Bathrooms) Regulations*; and
- 1 is equipped with—
- (i) a hand wash basin; and
 - (ii) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.

Laundries

- 2.2.2(1) A laundry must conform to the provisions of the Building Code
- (2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.
 - (3) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—
 - (a) not be more than 1220 millimetres wide; and
 - (b) have a door which when closed shall completely fill the opening.

Washing or Keeping of Clothes in Kitchens

- 2.2.3 A person shall not in any kitchen or other place where food is kept—
- (a) wash or permit to be washed any clothing or bedding; or
 - (b) keep or permit to be kept any soiled clothing or bedding.

Kitchens

- 2.2.4(1) In this section, “a cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—
- (a) an electric, gas, wood or other fuel burning stove;
 - (b) an oven with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with a minimum capacity of 0.03 cubic metres;
- and
- 1 a sink which shall—
 - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
 - (ii) have an adequate supply of hot and cold water.
- (3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility shall—
- (a) be installed in accordance with the requirements of the Energy Safety and the “Manufacturers’ Specifications”; and
 - (b) not be installed or used in any room other than a kitchen.
- (5) Mechanical extraction shall be provided in a kitchen and the exhaust air shall be—
- (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.
- (6) Mechanical ventilation shall be maintained in good working order and condition.

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Houses

Dwelling House Maintenance

3.1.1 The owner or occupier of a dwelling shall maintain the dwelling house and any appurtenant buildings in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- l replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;
- l maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so that they comply in all respects with the provisions of the Country Areas Water Supply Act 1947 and the Country Towns Sewerage Act 1948 and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of all relevant public authorities.

Guttering and Downpipes

3.1.2 Unless approved by the local government the owner of a house shall not use or occupy, or permit to be used or occupied, a house unless—

- (a) the house is provided with adequate guttering, downpipes and drains sufficient to receive normal intensities of rainwater flowing into them and for the rain water to be effectively disposed of to the satisfaction of an Environmental Health Officer;
- (b) the guttering and downpipes are fixed to the eaves of the house so that all normal intensities of rain water flowing from the roof shall be received by such guttering and downpipes;
- l all downpipes from guttering are connected so as to discharge into drains, which shall empty into a soak well, or other suitable storm water system or rainwater tanks;
- (d) each soak well is located at least 1.8 metres from any building and at least 1.8 metres from the boundary of the block; and
- l any rainwater from any downpipe is not discharged onto any unpaved surface of land within 1.8 metres of any house.

Maintenance of Guttering and Downpipes and Disposal of Rainwater

3.1.3 The owner or occupier of a house shall—

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean

- and free from obstructions; and
- (b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

*Division 2—Ventilation of
Houses*

Exemption for Short Term Hostels and Recreational Campsites

3.2.1 This Division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

Overcrowding

3.2.2 The owner or occupier of a house shall not permit—

- (a) a room in the house that is not a habitable room to be used for sleeping purposes; or
- (b) a habitable room in the house to be used for sleeping purposes unless—
 - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
 - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
- I any garage or shed to be used for sleeping purposes.

Calculated Sufficient Space

3.2.3 For the purpose of Section 3.2.2, in calculating the space required for each person—

- (a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
- (b) a deduction shall be made for the space occupied by furniture, fittings and projections of the walls into a room.

Ventilation

3.2.4(1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

- (2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—
 - (a) natural ventilation; or
 - (b) a mechanical ventilation or air-conditioning system complying with AS1668.2: 2002.
- (3) The owner of a house provided with mechanical ventilation or an air-conditioning system shall ensure that the system is—
 - (a) maintained in good working condition and in accordance with AS/NZS 3666.2: 2011; and
 - (b) in use at all times the building is occupied, if it is a building without approved natural ventilation.
- (4) If, in the opinion of an Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to—
 - (a) provide a different, or additional method of ventilation; or
 - (b) cease using the house until it is properly ventilated.
- (5) the owner shall comply with a notice under subsection (4).

Sub-Floor Ventilation

3.2.5 The owner or occupier of a house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clean of refuse, vegetation, building materials, dirt and the like.

*Division 3—Water
Supply*

Water Supply

3.3.1(1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the local government.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.

(3) The water supply to toilets, or for garden use may be from an alternative source, not necessarily drinking water.

Rain Water Tanks

3.3.2 The owner or occupier of a house where part of the water supply is drawn from a rain water tank shall—

- (a) maintain in a clean condition—
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;
- (c) annually clean any tank which is used to store water for human consumption;
- (d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, used to store water for human consumption.

Wells

3.3.3 The owner or occupier of any premises shall not use or permit for human consumption the use of the water from any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

Pollution

3.3.4 A person shall not deposit on any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

Division 4—Second hand Furniture, Bedding and Clothing

Prohibition of Sale

3.4.1 A person shall not offer for sale or sell any second hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

Prohibition of Possession

3.4.2 A dealer in second hand furniture, bedding or clothing shall not have on any premises used for the operation of the business any second hand furniture, bedding or clothing which is filthy or infested with vectors of disease.

*Division 5—
Morgues*

Application and Licensing of Morgues

3.5.1(1) All morgues, other than those of any public hospital or any local government or police morgue, shall be licensed annually in accordance with the requirements of this Division where and if applicable as follows;

(2) An application for a licence of a morgue shall be—

- (a) made by the applicant;

- (b) made in the form prescribed in schedule (7); and
 - (c) forwarded to the Chief Executive Officer with the fee as fixed by the local government from time to time under Section 344C of the *Heath (Miscellaneous Provisions) Act*.
- (3) The annual fee for a licence of a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is as fixed by the local government from time to time under Section 344C of the Act.
- (4) A licence shall—
- (a) be in the form prescribed in Schedule (8); and
 - (b) expire on 30 June next and after the date of its issue.
- (5) A licence shall not be granted in respect of any premises unless—
- (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
 - (b) the walls are constructed of stone or brickwork or other approved material;
 - I the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
 - (d) all floors are constructed of an approved impervious material, having a fall to an outlet discharging over a trapped gully; and
 - I the premises are adequately ventilated by direct communication with the outside air.

PART 4—WASTE FOOD AND REFUSE

Division 1—Liquid Refuse

Interpretation

4.1.1 In this division, unless the context otherwise requires—

- “**liquid refuse**” includes swimming pool discharges, all washings from windows, vehicles and car- pet cleaning, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes;
- “**liquid waste**” means bathroom, kitchen, scullery and laundry wastes, the contents of septic tanks, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage; and
- “**approved carrier**” means a carrier approved by the local government.

Deposit of Liquid Refuse

4.1.2 A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste—

- (a) on a street;
- (b) in a stormwater disposal system; or
- I on any land or place other than a place or depot duly authorised for that purpose.

Disposal of Liquid Waste

4.1.3(1) The owner or occupier of premises shall—

- (a) provide, one of the methods prescribed in this section, for the disposal of all liquid waste produced on the premises; and
 - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one of the following methods—
- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Executive Director, Public Health or the local government, and

- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Executive Director Public Health.

Approval for Septic Tank Pump outs and Removal of Liquid Waste

4.1.4 A person shall not—

- (a) unless he or she is an approved carrier;
- (b) without the written approval of the local government; and
- l except in accordance with any terms and conditions imposed by the local government or the Executive Director, Public Health in connection with the approval under paragraph (b), collect, remove or dispose of the contents of a septic tank, the pump outs from holding tanks or an apparatus for the treatment of sewage and other liquid wastes.

Application for Approval

4.1.5(1) A carrier may apply in writing to the local government for approval to collect, remove or dispose of the contents of a septic tank, the pump outs from holding tanks or an apparatus for the treatment of sewage.

(2) The local government may grant or refuse an application under this section subject to conditions relating to—

- (a) the time and method of collection, removal or disposal of the contents; or
- (b) the route to be followed by a vehicle used in collection, removal or disposal of the contents; or
- l the type of liquid waste that can be collected.

(3) Any conditions imposed by the local government under this section shall be—

- (a) specified in the written approval of the local government; and
- (b) in addition to any conditions imposed by the Executive Director of Public Health or conditions applying under any other law.

(4) The local government may from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom approval was given.

Provision of Quarterly Reports

4.1.6 The approved carrier may be required to provide Quarterly Reports to the local government containing accurate details of—

- (a) the date of servicing the liquid waste system;
- (b) the address or location of the involved property; and
- l the type of system serviced.

Division 2—Transport of Butchers' Waste

Interpretation

4.2.1 In this Division, unless the context otherwise requires—

“**butchers' waste**” includes animal skeletons and rib cages from a boning room and the inedible products of an abattoir.

Restriction of Vehicles

4.2.2 A person shall not use, for the transport of butchers' waste—

- (a) a vehicle or container not approved by the local government; or
- (b) a vehicle used for the transport of food or drugs; or
- l anything intended to be used for the packing or handling of food or drugs.

Transport of Butchers' Waste

4.2.3(1) A person shall not transport butchers' waste other than in—

- (a) a compartment complying with the following specifications—
 - (i) all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;
 - (ii) all joints to be sealed and made water-tight;
 - (iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading, and
 - (iv) the top to be completely covered by a tarpaulin or other impervious material approved by the local government, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
 - (b) a sealed container fitted with a lid which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this Section, are—
- (a) maintained in good order and condition; and
 - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or maybe offensive due to—
- (a) the sight of animal skeletons, bones, offal or waste matter;
 - (b) the odour of putrefaction, offal or waste matter; or
 - I the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

Interpretation

5.1.1 In this Division, unless the context otherwise requires—

“fertiliser” includes manure.

Footpaths etc. to be kept clean

5.1.2 An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clear of any rubbish, matter or other things coming from or belonging to the premises.

Public Vehicles to be kept clean

5.1.3 The owner or person in control of a public vehicle shall—

- (a) maintain the vehicle at all times—
 - (i) in a clean condition; and
 - (ii) free from vectors of disease; and
- (b) whenever directed to do so by the Environment Health Officer, thoroughly clean and disinfect the vehicle as directed.

Transportation, Use and Storage of Offal, Blood, or other Offensive Matter

5.1.4(1) A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.

(2) No person shall remove any offensive matter unless such offensive matter is carried in sealed containers to prevent the escape of any of the contents thereof, or the emission of any offensive odour there from.

(3) Every person using any sealed containers or vehicle for the removal of offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.

Use or Storage of Fertiliser

5.1.5 An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any

- (a) pig manure;
- (b) human faeces; or
- l urine.

Storage and Dispatch of Artificial Fertiliser

5.1.6 An owner or occupier of premises where fertiliser is stored in bulk for sale shall—

- (a) keep all artificial fertiliser in a building—
 - (i) of which all internal surfaces are constructed of durable and non-absorbent materials, finished internally with a smooth surface;
 - (ii) that protects it from the absorption of moisture; and
 - (iii) that is adequately ventilated;
- (b) take adequate measures to prevent the emission of dust or offensive effluvia from the building;
- and
- l ensure that all artificial fertiliser despatched from the premises is handled and loaded in such a manner as to prevent any nuisance arising during transit.

Storage of Fertiliser in a House

5.1.7 The owner or occupier of a house where fertiliser or compost is stored or used shall—

- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and
- l store only such amounts of fertiliser or compost—
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by an Environmental Health Officer.

Vehicles Used for Transporting of Animals and Birds

5.1.8 No person having the control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such vehicle to stand within a town site until the vehicle has been thoroughly cleaned.

Division 2—Keeping of Animals

Slaughter of Animals

5.2.1(1) Subject to subsection (2), a person shall not slaughter any animal within the district.

- (2) Subsection (1) does not apply to—
 - (a) euthanasia of animals by veterinarians or other duly authorised persons;
 - (b) slaughter of animals for the purposes of pet meat and game meat operations—
 - l slaughter of animals for human consumption in abattoirs approved by the local government; and
 - (d) farming or grazing property occupiers preparing meat for their own consumption.

Disposal of Dead Animals

5.2.2(1) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours, shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.

- (2) An owner or occupier of premises, other than a veterinary practice, on which there is a dead animal shall immediately remove the carcass for its disposal at an approved disposal site.
- (3) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall as soon as possible remove the carcass and arrange for its disposal at an approved disposal site.

*Division 3—
Feedlots*

Interpretation

5.3.1 For the purpose of this division—

“**feedlot**” means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain;

“**animal**” includes sheep, lambs, goats, deer, cattle and buffalo;

“**birds**” includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches.

Premises to be approved

5.3.2(1) No premises shall be used as a feedlot unless approved by the local government;

(2) Subject to subsection (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Table 1; and

(3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.

Table 1. Required Buffer Distances for Feedlots

Buffer	Distance
Town site boundaries	5000m
Isolated rural dwellings, dairies & industries...	1000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

Site Conditions

5.3.3(1) The owner or occupier of the approved feedlot shall ensure the premises—

(a) is sited on gently sloping land, no greater than 1:20 but not less than 1:100;

(b) is sited on soils composed of sandy loam soils with sufficient infiltration to avoid surface ponding and run-off;

l has a minimum groundwater clearance of 3 metres;

(d) drainage diverts all uncontaminated stormwater from the general waste stream;

l has solid and liquid waste disposal arrangements that are not offensive or injurious to health.

(2) The owner or occupier of the approved feedlot shall take effective measures to prevent the discharge of dust which may involve—

(a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or

(b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or

l provision of adequate windbreaks to effectively prevent the discharge of dust.

Division 4—Piggeries

Interpretation

5.4.1 For the purpose of this division—

“**intensive piggery**” means pigs are housed, fed and watered in breeding and growing pens in sheds;

“piggery” in relation to premises shall include any portion of premises to which the pigs have access.

Premises to be Approved

- 5.4.2(1) No premises shall be used as a piggery unless approved by the local government;
- (2) Subject to subsection (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3; and
- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

Table 2. Required Buffer Distances for Piggeries

Buffer	Distances
Town site boundaries	5,000m
Isolated rural dwellings, dairies & industries	1,000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

Site Conditions

5.4.3 The owner or occupier of premises shall take effective measures to prevent the discharge of dust which may involve—

- (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or
- (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
- l provision of adequate windbreaks to effectively prevent the discharge of dust.

Prevention of Nuisances

5.4.4 In order to prevent dust, offensive fumes and effluent becoming a nuisance to the health of the inhabitants of the district, an intensive piggery shall comply with the minimum separation distances listed in Table 3.

Table 3. Required Buffer Distances for Intensive Piggeries

	Town site Boundaries	Isolated rural dwellings, dairies, industries	Public roads, recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water-course s/rural water impoundments	Bores/wells/soaks Drinking water supply	Stock irrigation supply
Piggeries	5,000 m	300m	200m	50m	Not permitted	300m	300m	100 m

& facilities catering for more than 5000 pigs					d			
500-5000 pigs	3,500 m	300m	150m	50m	Not permitted	300m	300m	100 m
50-499 pigs	2,000 m	300m	100m	50m	Not permitted	300m	300m	100 m
Less than 50 pigs	500m	300m	50m	30m	Not permitted	200m	300m	100 m
Land used to dispose of raw or partly treated wastes	1,000 m	300m	100m	50m	Not Permitted	300m	300m	300 m
Land used to dispose of effectively treated wastes	200m	50m	20m	20m	Not permitted	100m	100m	100 m

PART 6—PEST CONTROL

Division 1—Flies

Interpretation

6.1.1 In this Division, unless the context otherwise requires—

“flies” means any of the two-winged insects constituting the order Diptera commonly known as flies.

Fly breeding matter not to be left on Premises unless covered or Treated

6.1.2 An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

Measures to be taken by an Occupier

6.1.3 An owner or occupier of premises shall ensure that—

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilisers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- (h) excrement from pets is collected and properly disposed of without delay.

Officer may give Notice directing Measures to be taken

6.1.4 Where in the opinion of an Environmental Health Officer, flies are prevalent or are breeding on any premises, the Environmental Health Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Environmental Health Officer are necessary to—

- (a) control the prevalence;
- (b) effect the eradication; or
- (c) effectively prevent the breeding of flies.

Local government may Execute Work and Recover Costs

6.1.5(1) Where—

- (a) a person is required under this Division or directed by a notice given under section 6.1.4, to execute any work; and
- (b) that person fails or neglects to comply with the requirement, the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these local laws.

(2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).

(3) The local government shall not be liable to pay compensation or damages of any kind to the owner or occupier of

premises in relation to any action taken by the local government under this Section, except to the extent the person has suffered unreasonable loss or damage because the action taken by the local government was negligent or in breach of its duty.

Division 2—Mosquitoes

Interpretation

6.2.1 In this Division, unless the context otherwise requires—

“**mosquitoes**” means any of the two-winged insects constituting the family Diptera Culicidae commonly known as mosquitoes.

Measures to be taken to prevent mosquitoes breeding

6.2.2(1) An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—

- (a) follow any direction of an Environmental Health Officer for the purpose of—
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication; or
 - (iii) effectively preventing the breeding of mosquitoes.
- (b) assist the Environmental Health Officer to locate any possible mosquito breeding sites that may be present in or about the premises.

(2) An owner or occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

- (a) frequently change the water; and
- (b) keep the water clean and free from vegetable matter and slime.

(3) An owner or occupier of premises, where a septic tank is installed, shall ensure the fixture is in a sound condition at all times, with the inclusion of mesh covering any educt vent to the system, with openings no larger than 1.2 millimetres. Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for breeding mosquitoes, the owner or occupier shall, when required by a notice issued by an EHO —

- (a) reactivate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or
- (b) chlorinate and adjust the pH of the pool to —
 - (i) 4 milligrams per litre free chlorine; and
 - (ii) pH within the range 7.2–7.6; or
- (c) empty or drain the pool; or
- (d) add a larvicide to the pool at the specified rate; or
- (e) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; and
- (f) maintain the pool water free of mosquito breeding.

- (a) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

The local government may Execute and Recover Costs

6.2.3(1) Where—

- (a) a person is required under this division or directed by a notice given under Section 6.2.2. to execute any work; and
 - (b) that person fails or neglects to comply with the requirement,
- the local government may execute the work and recover from that person the cost of executing the work,

in addition to any penalty for which that person may be liable.

(2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from that person.

(3) The local government shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government under subsection (1), except to the extent the person has suffered unreasonable loss or damage because the action taken by the local government was negligent or in breach of its duty.

Division 3—Rodents

Interpretation

6.3.1 In this Division, unless the context otherwise requires—

“**rodents**” means those animals belonging to the order Rodentia and includes rats, mice and rabbits but does not include animals kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

Measures to be taken to eradicate Rodents

6.3.2(1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

Food and Wastes to be kept in rodent proof Receptacles

6.3.3 A person shall not place or cause to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises—

- (a) any stored food, refuse or other waste matter which might attract rodents to the premises or which might afford harbourage for rodents; or
- (b) any stored food intended for birds or other animals, unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

Restrictions on the Keeping of Rodents

6.3.4 A person or body which keeps rodents shall—

- (a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and
- (b) if a rodent escapes, forthwith comply with the requirements of Section 6.3.2 and ensure that all reasonable steps are taken to destroy or recapture the rodent.

Food Premises etc. to be cleaned after Use

6.3.5 An owner or occupier of a food premises, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises has been used on that day or, if the use extends after midnight, then immediately after that use.

Division 4— Cockroaches

Interpretation

6.4.1 In this Division, unless the context otherwise requires—

“**cockroach**” means any of the various orthopterous insects commonly known as cockroaches.

Measures to be taken to eradicate Cockroaches

6.4.2(1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this Section.

Division 5—Argentine Ants

Interpretation

6.5.1 In this Division, unless the context otherwise requires—

“**Argentine Ant**” means an ant belonging to the species *Irdomyrmex humilis*.

Measures to be taken to keep premises free from Argentine Ants

6.5.2 An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall—

- (a) take all steps to locate any nests, if Argentine Ants are noticed in, on or about the premises;
- (b) properly treat all nests of Argentine Ants with an approved residual based insecticide; and
- I whenever required by an Environmental Health Officer—
 - (i) treat any area or infestation with an insecticide referred to in paragraph (b); and
 - (ii) removed any objects, including timber, firewood, compost or pot plants in accordance with a direction from the Environmental Health Officer.

Division 6—European Wasps

Interpretation

6.6.1 In this Division, unless the context otherwise requires—

“**European Wasp**” means a wasp *Vespula germanica*.

Measures to be taken to keep premises free from European Wasp Nests

6.6.2 An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall—

- (a) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and
- (b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

Division 7—Bee keeping

Interpretation

6.7.1 In this Division, unless the context otherwise requires—

“**bees**” means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee.

Restrictions on keeping of Bees in Hives

6.7.2(1) A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by the local government.

- (2) If, in the opinion of an Environmental Health Officer, the approved bee hives are causing a nuisance, the local government may direct any bees or approved bee hives to be removed.
- (3) A person shall comply with a direction within the time specified.

Division 8—Arthropod Vectors of Disease

Interpretation

6.8.1 In this Division, unless the context otherwise requires—

“**Arthropod vectors of disease**” includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
 - l crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var. corporis*); and
 - l head lice (*Pediculus humanus var capitis*).

Responsibility of the Owner or Occupier

6.8.2 The owner or occupier of premises shall—

- (a) keep the premises and any person residing in or on the premises, free from any arthropod vectors of disease; and
- (b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

Requirements for an owner or occupier to clean, disinfect and disinfest.

7.1.1(1) The local government or an Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—

- (a) the premises; or
- (b) such things in or on the premises as are specified in the notice, or both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier shall comply with a notice given under subsection (1).

Environmental Health Officer may disinfest or disinfest premises

7.1.2(1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfest and disinfest the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subsection (1).

(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this Section from the owner or occupier of the premises in or on which the work was carried out.

(4) The local government shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government under this Section, except to the extent the person has suffered unreasonable loss or damage because the action taken by the local government was negligent or in breach of its duty.

Insanitary houses, premises and things

7.1.3(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.

(2) Where an Environmental Health Officer considers that a house is insanitary, the officer may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to amend the house.

(3) Where an Environmental Health Officer considers that—

(a) a house or premises is not being maintained in a sanitary condition; or

(b) anything is in sanitary, the officer may, by notice in writing, direct, as the case may be—

(i) the owner or occupier of the house or premises to amend any insanitary condition; or

(ii) the owner or occupier of the thing to destroy or amend it, within the time and in the manner specified in the notice.

(b) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

Medical Officer may authorise disinfecting

7.1.5(1) Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.

(2) A person shall comply with any direction of the Medical Officer under this Section.

Persons in contact with an infectious disease sufferer

7.1.6 If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—

(a) shall obey such instructions or directions as the Local government or the Medical Officer may issue;

(b) may be removed, at the direction of the Local government or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading and if so removed, shall remain in that place until the Medical Officer otherwise directs.

Declaration of infected house or premises

7.1.7(1) To prevent or check the spread of infectious disease, the local government or the Medical Officer may from time to time declare any house or premises to be infected.

(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or an Environmental Health Officer.

Destruction of infected animals

7.1.8(1) An Environmental Health Officer, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and that all steps be taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

(a) in the manner and within the time specified in the notice; and

(b) by the person in whose possession, or upon whose premises, the animal is located.

(2) A person who has in his or her possession or upon premises occupied by him or her, an animal which is the subject of a notice under subsection (1) shall comply with the terms of the notice.

Disposal of a body

7.1.9(1) An occupier of premises in or on which is located the body of a person who has died of any infectious disease shall, subject to subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.

(2) A body shall not be removed from premises where death occurred except to a morgue.

The local government may carry out work and recover costs

7.1.10(1) Where—

- (a) a person is required under this Division or by a notice given under this Division, to carry out any work; and
- (b) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the local government in the execution of a power under this Section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1) (a).

(3) The local government shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government under this Section, except to the extent the person has suffered unreasonable loss or damage because the action taken by the local government was negligent or in breach of its duty.

Division 2—Disposal of used Condoms and Needles

Disposal of used condoms

7.2.1(1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—

- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
- (b) disposed of in such a manner as may be directed by the Local government.

(2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

Disposal of used needles

7.2.2 A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.

PART 8-LODGING HOUSES

Registration

Interpretation

8.1.1 In this Part, unless the context otherwise requires —

bed means a single sleeping berth only, and a double bed provided for the use of couples has the same floor space requirements as two single beds;

bunk means a sleeping berth comprising one of two beds arranged vertically;

dormitory means a building or room utilised for sleeping purposes at a short term hostel or a recreational campsite;

Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;

keeper means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

laundry unit means a group of facilities consisting of —

- i. a washing machine with a capacity of not less than 4 kilograms weight of dry clothing;
- ii. one wash trough of not less than 36 litres capacity, connected to both hot and cold water;
- iii. either an electric drying cabinet or not less than 30 metres of clothes line; and

- iv. a hot water system that —
is capable of delivering an adequate supply of water at a temperature of at least 75 degrees Celsius for each washing machine provided with the communal facilities; and has a delivery rate of not less than 0.076 litres per second to each washing machine;

lodger means a person who obtains, for hire or reward, board or lodging in a lodging house;

lodging house includes a recreational campsite, a serviced apartment, a short term hostel and any premises used for transient workforce accommodation;

manager means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

recreational campsite means a lodging house —

- i. recreational, sporting, religious, ethnic or educational pursuits; or
- ii. conferences or conventions; and
- iii. where the period of occupancy of any lodger is not more than 14 consecutive days,

and includes youth camps, youth education camps, church camps and riding schools but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

register of lodgers means the register kept in accordance with section 157 of the Act and this Part;

resident means a person other than a lodger, who resides in a lodging house;

serviced apartment means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

short term hostel means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and includes a youth hostel or a backpacker hostel;

vector of disease means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing the act to be done, or of preventing the act so forbidden from being done, as the case may be.

Lodging house not to be kept unless registered

8.1.2 A person shall not keep or cause or allow to be kept a lodging house unless —

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 8.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) when required by the local government either —
 - (i) the keeper; or
 - (ii) a manager who, with the written approval of an EHO, has been appointed by the keeper to have the care and management of the lodging house, resides or intends to reside continuously in the

lodging house whenever there is one or more lodgers in the lodging house.

Application for registration

(c) An application for registration of a lodging house shall be —

- a) in the form approved by the local government from time to time;
- b) duly completed and signed by the proposed keeper; and
- c) accompanied by —
 - (i) the approved fee as fixed from time to time by the local government under section 344C of the Act; and
 - (ii) detailed plans and specifications of the lodging house.

Approval of application

(d) The local government may approve, with or without conditions, an application by issuing to the applicant a certificate of registration in the form approved by the local government from time to time.

Renewal of registration

8.1.5 A person who keeps a lodging house which is registered under this Part shall —

- a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house in the form approved by the local government from time to time; and
- b) pay the approved fee as fixed from time to time by the local government under section 344C of the Act at the time of making each application for renewal.

Notification upon sale or transfer

8.1.6 If the owner of a lodging house sells or transfers, or agrees to sell or transfer, the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agree to give to the local government, in the form approved by the local government from time to time, written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

Revocation of registration

8.1.7(1) Subject to subclause (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.

(2) Without limiting the generality of subclause (1), the local government may revoke a registration upon any one or more of the following grounds —

- a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or remained in a clean and sanitary condition;
- b) that the keeper has —
 - i. been convicted of an offence against this local law in respect of the lodging house;
 - ii. not complied with a requirement of this Part; or
 - iii. not complied with a condition of registration;

- c) that the local government, having regard to a report from the Police, is satisfied that the keeper or manager is not a fit and proper person; and
- d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the local government, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this local law, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2 Construction and use requirements

General construction requirements

8.2.1 The construction of a lodging house shall comply with the Building Code and the Act.

Sanitary conveniences

8.2.2(1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—

- (a) toilets; and
- (b) bathrooms, each fitted with a hand wash basin and either a shower or a bath, in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (1).

(3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall—

- (a) be situated, separated and screened as to ensure privacy;
- (b) be apportioned to each sex;
 - I have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
- (d) be provided with adequate electric lighting.

(6) Paragraphs (b) and (c) of subsection (5) do not apply to a serviced apartment.

Laundry

8.2.3(1) A keeper shall —

- (a) subject to subsection (2) —
 - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and
 - (ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;
- (b) at all times maintain each laundry or laundry unit in a proper sanitary condition and in good repair;
- (c) provide an adequate supply of hot and cold water to each wash trough, sink, or washing machine; and

- (d) ensure that the floor area of each laundry or laundry unit is properly surfaced with an even fall to a floor waste.
- (e) An EHO may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

Kitchen

8.2.4 A keeper of a lodging house shall provide in that lodging house a kitchen —

- (f) which has a minimum floor area of —
 - (i) where lodgers prepare their own meals – 0.65 square metres per person; or
 - (ii) where meals are provided by the keeper or manager – 0.35 square metres per person; or
 - (iii) where a kitchen and dining room are combined – 1 square metre per person, but in any case not less than 16 square metres;
- (g) which has adequate —
 - (iv) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
 - (v) refrigerator space for storage of perishable goods; and
- (h) that complies with the requirements of Chapter 3 of the Australia New Zealand Food Standards Code.

Dining room

8.2.5 The keeper of a lodging house shall provide in that lodging house a dining room —

- a) located in close proximity to, or combined with, the kitchen;
- b) the floor area of which shall be 0.5 square metres per person or not less than 10 square metres whichever is the greater; and
- c) which shall be —
 - (vi) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (vii) provided with a suitable floor covering.

Lounge room

(i) The keeper of a lodging house shall provide in that lodging house, a lounge room —

- (a) with a floor area of —
 - (i) where the lounge is not combined with the dining room, not less than 0.6 square metres per person; or
 - (ii) where the lounge room is combined with a dining room, not less than 1.2 square metres per personbut in either case having a minimum of 13 square metres; and
- (b) which shall be —
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

Fire prevention and control

(j) (1) The keeper of a lodging house must —

- (a) in each passage in the lodging house provide an emergency light —
 - (i) in the position and pattern approved by an EHO; and
 - (ii) which must be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
- (c) ensure that each exit sign and fire-fighting appliance is clearly visible, accessible and maintained in good working order at all times; and
- (d) ensure all fire-fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

(2) The keeper of a lodging house must ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code.

(3) No Smoking' signs are to be displayed in all rooms for sleeping unless otherwise agreed with an EHO.

Obstruction of passages and stairways

8.2.8 A keeper shall not cause or allow furniture, fittings or other things to be placed either temporarily or permanently in or on —

- (a) a stairway, stair landing, fire-escape, window or common passageway; or
- (b) part of the lodging house in common use or intended or adapted for common use in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

Fitting of locks

8.2.9 A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device which prevents the door being opened from within a lodging house.

Restriction on use of rooms for sleeping

8.2.10 (1) Subject to subclause (3) and clause 8.3.10, a keeper shall not use or permit to be used as a sleeping apartment, a room in a lodging house —

- (a) which contains food;
- (b) which contains or is fitted with a cooking appliance or kitchen sink;
- (c) which is used as a kitchen, scullery, storeroom, dining room, general sitting room or lounge room, or for the preparation or storage of food;
- (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
- (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
- (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metres of unobstructed glass to every 1.0 square metre of floor area;
- (g) which is ventilated at a ratio of less than 0.5 square metres of unobstructed ventilating area to every 10 square metres of floor area;
- (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

- (i) which is not free from internal dampness;
- (j) of which any part of the floor is below the level of the adjoining ground; or
- (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an EHO.

(2) For the purposes of this clause, 2 children under the age of 10 years are counted as 1 lodger.

(3) Paragraphs (a), (b) and (c) of subclause (1) do not apply to a serviced apartment.

Sleeping accommodation—short term hostels and recreational campsites

8.2.11 (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than —

- (a) 4 square metres per person in each dormitory utilising beds; and
- (b) 2.5 square metres per person in each dormitory utilising bunks.

(2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short term hostel or recreational campsite shall provide —

- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; and
- (b) mechanical ventilation in lieu of fixed ventilation, subject to the approval of the local government.

(k) The keeper of any short term hostel or recreational campsite shall provide —

- (a) beds with a minimum size of —
 - (i) in short term hostels — 800 millimetres x 1.9 metres; and
 - (ii) in recreational campsites — 750 millimetres x 1.85 metres; and

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short term hostel or recreational campsite shall —

- (a) arrange at all times a distance of 750 millimetres between beds, and a distance of 900 millimetres between bunks;
- (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks, and shall ensure that the passageway is kept clear of obstruction at all times; and
- (c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short term hostel or recreational campsite shall ensure that —

- (a) materials used in dormitory areas comply with AS 1530.2—1993 and AS/NZS 1530.3:1999 as follows —
 - (i) Drapes, curtains, blinds and bedcovers —
 - a maximum Flammability Index of 6;
 - (ii) Upholstery & bedding —

- a maximum Spread of Flame Index of 6; and
 - a maximum Smoke Developed Index of 5;
- (iii) Floor coverings —
 - a maximum Spread of Flame Index of 7; and
 - a maximum Smoke Developed Index of 5;
- (b) Fire retardant coatings used to make a material comply with the indices set out in subclause (8)(a) must be —
 - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;
 - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4—2005, Procedure 7A, using ECE reference detergent; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;
- (c) emergency lighting is provided in accordance with the Building Code;
- (d) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place within a short term hostel or recreational campsite; and
- (e) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

Furnishing of rooms

8.2.12 (1) A keeper shall —

- (a) furnish each sleeping room with a sufficient number of beds and sufficient bedding of good quality;
- (b) ensure that each bed —
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, two sheets, a blanket or rug and, from 1 May to 30 September, not less than one additional blanket or rug; and
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

(2) A keeper shall not cause or allow any tiered beds or bunks to be used in a sleeping apartment.

(3) The sheets and blankets required to be provided by subclause (1) (b) (ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.

(4) In a short-term hostel or recreational campsite, the storage facilities required by subclause (1) (c) may be located in a separate secure storage room or locker room.

Ventilation

8.2.13 If, in the opinion of an EHO, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

Numbers to be placed on doors

8.2.14 (1) A keeper shall number each room available to a lodger or provide an alternative means of identification approved by an EHO.

(2) The number or alternate means of identification is to be legible and easily identified.

Division 3 Management and Care

Keeper or manager to reside in the lodging house

8.3.1 No keeper of a lodging house shall absent himself from such house, unless he leaves some reputable person in charge thereof.

Register of lodgers

8.3.2 (1) A keeper shall keep a register of lodgers in the form approved by the local government from time to time.

(2) The register of lodgers shall be —

- (a) kept in the lodging house; and
- (b) open to inspection at any time on demand by any member of the Police Force or by an EHO.

Keeper report

8.3.3 A keeper shall, whenever required by the local government, report to the local government, in the form approved by the local government from time to time, the name of each lodger who lodged in the lodging house during the preceding day or night.

Certificate in respect of sleeping accommodation

8.3.4 (1) An EHO may issue to a keeper, a certificate, in respect of each room, which shall be in the form approved by the local government from time to time.

(2) The certificate issued under subclause (1) shall specify the maximum number of persons permitted to occupy each room of a sleeping apartment at any one time.

(3) When required by an EHO, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which it refers.

(4) A person shall not cause or allow a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

Duplicate keys and inspection

8.3.5 Each keeper and manager of a lodging house shall —

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an EHO, open the door of any room for the purposes of inspection by the EHO.

Room occupancy

8.3.6 (1) A keeper shall not —

- (a) cause or allow more than the maximum number of persons permitted by the certificate of registration of the lodging house to be lodged at any one time in the lodging house;
- (b) cause or allow to be placed or kept in any sleeping apartment —
 - (i) a larger number of beds; or
 - (ii) larger quantity of bedding, than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
- (c) use, or cause, or allow to be used, for sleeping purposes, a room that —

- (i) has not been certified for that purpose; and
- (ii) the local government has forbidden to be used as a sleeping apartment.

(l) For the purpose of this clause, 2 children under 10 years of age shall be counted as 1 lodger.

Maintenance of a room by a lodger or resident

8.3.7 (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subclause (1), the keeper shall —

- (a) inspect each room the subject of the permission or agreement at least once a week; and
- (b) ensure that each room is being maintained in a clean condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

Cleaning and maintenance requirements

8.3.8 (1) In this clause —

bed linen includes sheets, pillow cases and mattress covers.

(m) A keeper of a lodging house shall —

- (a) maintain in a clean, sound and undamaged condition —
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
- (b) maintain in a clean condition and in good working order —
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
- (d) ensure that all floors are kept clean at all times;
- (e) ensure that —
 - (i) all bed linen, towels, and house linen in use are washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, or prior to the room being re-let, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
 - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;

- (f) when so directed by an EHO, ensure that —
 - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an EHO.

Responsibilities of lodgers and residents

8.3.9 A lodger or resident shall not —

- (a) use any room available to lodgers —
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials that are inflammable or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept —
 - (i) wash or permit the washing of clothing or bedding; or
 - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to clause 8.31 —
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, or furniture that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house —
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;

- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; or
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

Approval for storage of food

8.3.10 (1) An EHO may –

- (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
 - (b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.
- (n) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9—OFFENSIVE TRADES

Division 1—General

Interpretation

9.1.1 In this Part, unless the context otherwise requires—

“**occupier**” in relation to premises includes the person registered as the occupier of the premises specified in the Certificate of Registration;

“**offensive trade**” means any one or more of the trades, businesses or occupations usually carried on, in or connected with, the following works or establishments—

- (a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments;
- (b) laundries, dry cleaning premises and dye works; and
- l any trade as defined by Section 186 of the Act.

“**premises**” includes houses.

Consent to Establish an Offensive Trade

9.1.2 A person seeking the consent of the Local government under Section 187 of the Act to establish an offensive trade shall make application in the form prescribed in Schedule (9) and in accordance with the local government’s Town Planning Scheme.

False Statement

9.1.3 A person who makes a false statement in an application under Section 9.1.2 shall be guilty of an offence.

Registration of Premises

9.1.4 An application for the registration of premises pursuant to Section 191 of the Act shall be—

- (a) in the form prescribed in Schedule (10);
- (b) accompanied by the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976* as amended from time to time; and
- l lodged with the Chief Executive Officer.

Certificate of Registration

9.1.5 Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the form prescribed in Schedule (11).

Change of Occupier

9.1.6 Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

Alterations to Premises

9.1.7 While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration whatever to the premises.

Division 2—General Duties of an Occupier

Interpretation

9.2.1 In this Division, unless the context otherwise requires—

“**occupier**” means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

“**the premises**” means those premises in or upon which an offensive trade is carried on.

Cleanliness

9.2.2 The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

Rats and Other Vectors of Disease

9.2.3 The occupier shall—

- (a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
- (b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

Sanitary Conveniences and Hand Wash Basin

9.2.4 The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and hand wash basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

Painting of Walls etc.

9.2.5 The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Environmental Health Officer.

Effluvia, Vapours, Gases or Dust

9.2.6 The occupier shall provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

Offensive Material

9.2.7 The occupier shall—

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep air-tight covers on the receptacles, except when it is necessary to place something in or remove something from them;
 - I cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such other intervals as may be approved or directed by an Environmental Health Officer; and
 - I cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

Storage of Materials

9.2.8 The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by smell or otherwise and so as to prevent the creation of a nuisance.

Specified Offensive Trade

9.2.9(1) For the purposes of this Section, “specified offensive trade” means one or more of the offensive trades carried on, in or connected with the following works or premises—

- (a) fish processing premises, fish curing premises, and shellfish and crustacean processing establishments; and
- (b) laundries, dry cleaning premises and dye works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—

- (a) cause the floor of the premises to—
 - (i) be properly paved and drained with impervious material;
 - (ii) have a smooth surface; and
 - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated;
- (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres; and
 - I cause all liquid refuse to be—
 - (i) cooled to a temperature not exceeding 26 degrees Celsius and be in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Board By-Laws 1981* before being discharged into any drain outlet from any part of the premises; and
 - (ii) directed through such screening or purifying treatment as an Environmental Health Officer may from time to time direct.

Directions

9.2.10(1) An Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this Section.

Other Duties of Occupier

9.2.11 In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades conducted on the premises.

Division 3—Fish Premises

Interpretation

9.3.1 In this Division, unless the context otherwise requires—

“fish premises” may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment;

Duties of an Occupier

9.3.2 The occupier of a Fish premises shall—

- (a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;
- (b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and
- l cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

Disposal of Waste

9.3.3 The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—

- (a) placed in the receptacles referred to in 9.2.7 and disposed of in accordance with that Section; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

Fish Containers

9.3.4 The occupier of a fish premises shall not allow any container used for the transport of fish to—

- (a) remain on the premises longer than is necessary for it to be emptied; or
- (b) be kept so as to cause a nuisance or to attract flies.

Division 4—Laundries, Dry Cleaning Establishments and Dye Works

Interpretation

9.4.1 In this Division, unless the context otherwise requires—

“dry cleaning establishment”—

- (o) means premises where clothes or other articles are cleaned by use of solvents without using water; but
 - (ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

“dye works” means a place where articles are commercially dyed, but does not include dye works in which provision is made for the discharge of all liquid waste there from, into a public sewer;

“exempt laundromat” means a premises in which—

- (a) laundering is carried out by members of the public using, machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons;
- l provision is made for the discharge of all liquid waste there from into a public sewer;

“laundromat” means a public place with coin operated washing machines, spin dryers or dry cleaning machines; and

“laundry” means any places where articles are laundered for the purpose of trade but does not include an exempt laundromat.

Receiving Depot

9.4.2 An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the local government who may at any time by written notice withdraw such permission.

Reception Room

9.4.3(1) The occupier of a laundry or dry cleaning establishment or dye works shall—

- (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
- (b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this Section.

Walls and Floors

9.4.4 The occupier of a laundry, dry cleaning establishment or dye works shall cause—

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres with a smooth impervious surface;
 - (b) the floor to be constructed of concrete and finished with a smooth impervious surface; and
- I every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

Laundry Floor

9.4.5 The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, at least 910 millimetres in width and so constructed as to prevent any person from standing in water on the floor.

Escape of Dust

9.4.6 The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

Precautions Against Combustion

9.4.7 The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

Trolleys

9.4.8 The occupier of a dry cleaning establishment shall—

- (a) provide trolleys for the use of transporting dirty and clean linen; and
- (b) ensure that each trolley is—
 - (i) clearly designated to indicate the use for which it is intended;
 - (ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned;and
- (p) thoroughly cleaned and disinfected on a regular basis.

Sleeping on Premises

9.4.9 A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

PART 10—OFFENCES AND PENALTIES

Division 1—General

Offences and penalties

10.1.1 (1) A person who contravenes a provision of this local law commits an offence.

(2) A person who commits an offence under subclause (1) is liable to —

- (a) a penalty which is not more than \$2,500 and not less than—
 - (i) in the case of a first such offence, \$250;
 - (ii) in the case of a second such offence, \$500; and
 - (iii) in the case of a third and subsequent such offence, \$1250; and
- (c) if the offence is a continuing offence, a daily penalty, which is not more than \$250 and not less than \$125 for each day during which, the offence continues.

Schedule 1

Shire of Mingenew

PUBLIC HEALTH ACT 2016

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer, Shire of Mingenew

I/We,

(Full name of Applicant/s)

of.....

(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at

.....
.....

as a lodging house to be classified as—

- * a lodging house;
- * a short term hostel;
- * recreational campsite;
- * transient workforce accommodation; or
- * serviced apartments

(* Specify which is to apply)

and for my name to be entered in the Register as the keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE

Number of storeys.....

Rooms for private use

	Number	Area
Laundries/toilets/bathrooms
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other Rooms (specify)

Rooms for lodgers

	Number	Area
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (specify)

Sanitary Conveniences for male lodgers

	Number	
Toilets	
Urinals	
Baths	Showers
	
Hand wash basins	

Sanitary Conveniences for female lodgers

	Number	
Toilets	
Baths	Showers
	
Hand wash basins	

Laundry Facilities

	Number	
Wash troughs	Washing
machines	
Drying cabinets or clothes lines	

Additional Details

- (a) Lodgers' meals will be provided by the manager/keeper/lodgers.
- (b) The keeper will / will not reside continuously on the premises.
- (c) Name and occupation of proposed manager if keeper resides elsewhere
.....
- (d) There will befamily members residing on the premises with the keeper /manager.

Application fee of \$ is attached.

.....
(Signature of Applicant/s)

.....
(Date)

Shire of Mingenew
PUBLIC HEALTH ACT 2016
CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at

..... are registered as a Lodging House and classified as—

- * a lodging house;
- * a short term hostel;
- * a recreational campsite;
- * transient workforce accommodation; or
- * serviced apartments.

until 30 June, on the following conditions—

1. That, whose name is entered on the register of keepers of the Shire of Mingenew, continues to be the keeper of the lodging house;
2. That, appointed by the keeper to be the manager of the lodging house continues to be the manager of the lodging house;
3. That the Certificate of Registration is not cancelled or revoked;
4. That the maximum number of rooms to be used as sleeping apartments for lodgers is; and
5. That the maximum number of lodgers accommodated on the premises shall not exceed

This certificate of registration is issued subject to the *Public Health Act 2016* and the *Shire of Mingenew Health Local Law 2017* and is not transferable.

Dated

Fee Received: \$

.....
Environmental Health Officer
Shire of Mingenew

**PUBLIC HEALTH ACT 2016
NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE**

To: Chief Executive Officer, Shire of Mingenew

I/We,
(Full Name of Applicant/s)

of
.....
(Residential Address of Applicant/s)

Am / are the new owner/s of premises situated at
.....

which are registered in the name of
.....

for the carrying on of the lodging house business.

.....
(Signature of Applicant/s)

.....
(Date)

_____ -

Shire of Mingenew
PUBLIC HEALTH ACT 2016
REGISTER OF LODGERS

Location of Lodging House

.....
.....

Date of Arrival	Name	Previous Address	Signature	Room No.	Date of Departure
--------------------	------	------------------	-----------	----------	----------------------

.....
.....
.....
.....
.....
.....
.....

Shire of Mingenew
PUBLIC HEALTH ACT 2016
LIST OF LODGERS

TO: The Chief Executive Officer, Shire of Mingenew

The following is the name of every person who resided in the lodging house at

.....
.....

on the day of

(Signed)
(Keeper)

Date:

Shire of Mingenew
PUBLIC HEALTH ACT 2016
CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

To:

(Name of Keeper)

of

(Address of Keeper)

For the registered lodging house situated at

.....

.....

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

ROOM NUMBER:

MAXIMUM OCCUPANCY

.....

.....

.....

.....

.....

.....

Date:

.....

Environmental Health Officer

Shire of Mingenew

Schedule 7

Shire of Mingenew
PUBLIC HEALTH ACT 2016
APPLICATION FOR LICENCE OF A MORGUE

To: Chief Executive Officer, Shire of Mingenew

I
(Full name in block letters)

of
(Residential Address).

apply to licence the premises listed below as a Morgue.

Address of premises:

.....
.....

Name of premises:

.....
.....

Dated this day of

.....
(Signature of Applicant)

Shire of Mingenew
PUBLIC HEALTH ACT 2016
CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the

..... day of..... until 30th Day of June.....

Address of premises:

.....
.....

Name of Premises:

.....
.....

Dated this day of

.....
Environmental Health Officer
Shire of Mingenew

Shire of Mingenew
PUBLIC HEALTH ACT 2016
APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer, Shire of Mingenew

I/We,.....
(Full Name of Applicant/s)

of.....
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being
.....
(Description of Offensive Trade)

in or upon.....
(Location of the House or Premises)

Notice of my / our intention to make this application was advertised in
.....
(Name of Newspaper)

on
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

.....
(Signature of Applicant/s)

.....
(Date)

Shire of Mingenew
PUBLIC HEALTH ACT 2016
APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer, Shire of Mingenew

I/We,
(Full Name of Applicant/s)

of
.....
(Residential Address of Applicant/s)

apply for registration, for the year ended

of
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely

.....
.....

(Description of Offensive Trade)

under the business name of

The prescribed registration fee \$ is attached.

.....
(Signature of Applicant/s)

.....
(Date)

Shire of Mingenew
PUBLIC HEALTH ACT 2016
CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at

.....

of which..... is the occupier;

are registered for the carrying on of the trade of

.....

Trade Name

.....

This registration expires onday

Dated this..... day of

.....
Environmental Health Officer,
Shire of Mingenew.

The Common Seal of the Shire of Mingenew was affixed by authority of a resolution of the

Council in the presence of:

Cr Michelle BAGLEY
Shire President

Mr M WHITELY
Chief Executive Officer

Dated ____/____/____

SHIRE OF MINGENEW



(DRAFT) WASTE LOCAL LAW

JULY 2017

LOCAL GOVERNMENT ACT 1995

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

Shire of Mingenew

WASTE LOCAL LAW 2017

Under the powers conferred by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Mingenew resolved on the 19th of July 2017 to make the following local law.

PART 1 – PRELIMINARY

1.1. Citation

This local law may be cited as the *Shire of Mingenew Waste Local Law 2017*.

1.2. Definitions

In this local law unless the context otherwise requires:

“**Act**” means the *Local Government Act 1995*, the *Waste Avoidance and Resource Recovery Act 2007* or subsidiary legislation where identified.

“**collection day**” means the day of the week on which waste is collected and removed by the local government or its contractor;

“**collection time**” where used in connection with any premises, means the time of the day on which waste is collected and removed from the premises by the local government or its contractor;

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

“**local government**” means the Shire of Mingenew;

“**owner**”, in relation to premises comprised of or on land, has the meaning given in section 1.4 of the *Local Government Act 1995*;

“**occupier**” where used in relation to land, has the meaning given in section 1.4 of the *Local Government Act 1995*;

“**public place**” includes a street, way or place which the public are allowed to use, whether the street, way or place is or is not on private property;

“**receptacle**” where used in connection with any premises means—

(a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of either 120 litres or 240 litres;

(b) a polyethylene or steel container fitted with wheels and lockable lids and having a capacity of 1100 litres; or

(c) a container provided by the local government or its contractor for the deposit, collection or recycling of specific materials; and supplied to the premises by the local government or its contractor in an approved bin size;

“**refuse, rubbish or disused material**” includes any material which is abandoned or unwanted by its owner or the person in possession of it;

“**regulations**” means the *Waste Avoidance and Resource Recovery Regulations 2008*;

“**street**” has the same meaning as in the *Local Government Act 1995*;

“**street alignment**” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed;

“**waste**” includes matter —

(a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment;

(b) prescribed by the regulations to be waste;

“**waste facility**” means premises approved for the storage, treatment, processing, sorting, recycling or disposal of waste; and

“**waste service**” means —

(a) the collection, transport, storage, treatment, processing, sorting, recycling or disposal of waste; or

(b) the provision of receptacles for the temporary deposit of waste; or

(c) the provision and management of waste facilities, machinery for the disposal of waste and processes for dealing with waste.

PART 2 – WASTE SERVICES

2.1. Provision of Waste Service

The local government shall undertake or contract for the efficient execution of a waste service in those parts of the district to which this local law apply.

2.2. Obligations of the Owner or Occupier

- (1) Owners or occupiers shall —
 - (a) not remove waste from premises other than in accordance with the local law; and
 - (b) pay to the local government the annual waste collection rate imposed under section 66 of the Act , the receptacle charge imposed under section 67 of the Act or a fee set in accordance with section 68 of the Act and pursuant to section 6.16 of the *Local Government Act 1995*;
- (2) The local government may in writing authorise the occupier of premises within its district to remove or dispose of waste from or on the premises if –
 - (a) the waste on the premises is not available for removal at regular periods or is of such a nature or quantity as to be unsuitable for removal by the local government or its contractor; or
 - (b) there is installed on the premises efficient apparatus for the destruction of the waste and the apparatus is used to dispose of the waste on the premises without causing a nuisance or permitting the discharge of smoke into the atmosphere in such quantities or of such a nature as to cause annoyance to persons.
- (3) Where any waste is removed from the premises under a written authority of a local government, the person removing it shall dispose of it at a waste facility.

2.3. Use of Receptacles

- (1) The occupier of every premises shall -
 - (a) subject to paragraph (c), cause all refuse to be deposited in a receptacle;
 - (b) at all times keep the lid of the receptacle closed except when depositing refuse in or cleaning the receptacle;
 - (c) not deposit or permit to be deposited in a receptacle -
 - (i) more than 70 kg of refuse in the case of a receptacle with a capacity of 240 litres; or
 - (ii) more than 50 kg of refuse in the case of a receptacle with a capacity of 120 litres; and
 - (iii) any material being or consisting of -
 - (a) hot or burning ashes;
 - (b) oil, motor spirit or other flammable liquid;
 - (c) liquid, liquid paint, or other solvent;

- (d) bricks, concrete, earth or other like substances;
 - (e) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;
 - (f) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious and leak-proof container;
 - (g) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container; or
 - (h) cytotoxics, radioactive substances, vehicle batteries and dangerous chemicals;
- (iv) any object which is greater in length, width or breadth than the corresponding dimensions of the receptacle or which will not allow the lid to be tightly closed; or
 - (v) refuse which is or likely to become offensive or a nuisance or to give off any offensive or noxious odour or to attract flies or cause fly breeding unless it is first wrapped in absorbent or impervious material or placed in a sealed impervious container;
- (d) except for collection day, keep the receptacle on the premises located behind the building line, or other location approved by the local government;
 - (e) at all times keep the receptacle clean and whenever directed by the local government to do so, thoroughly cleanse and disinfect the receptacle and place and keep in the receptacle a deodorant material;
 - (f) notify the local government within seven days (7) after the event if the receptacle is lost, stolen, damaged or becomes defective;
 - (g) not mark or disfigure the receptacle in any manner other than by the placement of a street or unit number upon it in numerals no higher than 100mm; and
 - (h) not use the receptacle for any purpose other than the storage of refuse.
- (2) An owner or occupier of premises shall -
- (a) within the 12 hours prior to 0600 hours on collection day;
 - (i) place the receptacle on the verge between 1 to 3 metres from the kerb line, and so as not to cause an appreciable interference to public use of the road, footpath or other carriageway. The receptacle may otherwise be placed at a position specifically approved by the local government; or
 - (ii) where the receptacle is collected via a right-of-way or lane abutting the premises, place the receptacle adjacent to the boundary of the premises so abutting and in such a manner as to be serviceable from the right-of-way or lane; and
 - (b) within 12 hours of the contents of the receptacle having been removed, return the receptacle to its place of storage.

- (3) Where refuse emanating from premises is of a nature that the local government considers that it requires to be treated before being placed in a receptacle, the local government may give directions as to the manner in which it is to be so treated and the occupier of those premises shall comply with those directions.
- (4) Collection of refuse shall be once weekly unless otherwise determined by the local government.
- (5) In the case of multi-residential, commercial or industrial premises, where it is considered that individual receptacles for each premises would not be practical, the local government may exercise discretion as to the number of receptacles to be provided and to the number of collections carried out each week.
- (6) In the case of premises consisting of more than 3 dwellings or any premises used for commercial or industrial purposes or as a food premises, the Local government may authorise rubbish or refuse to be deposited in a container other than a receptacle.
- (7) The owner or occupier of premises who is authorised under this section to deposit rubbish or refuse in a container shall-
- (a) unless approved by the local government not deposit or permit to be deposited in the container anything specified in clause 2.3(1)(c)(iii)-(v);
 - (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
 - (c) whenever directed by the local government to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
 - (d) cause the container to be located on the premises in an enclosure constructed and located in accordance to Clause 2.7(3).
 - (e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection; and
 - (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.
- (8) An owner or occupier shall-
- (a) ensure that there are a sufficient number of receptacles provided to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;
 - (b) ensure that each receptacle on the premises-
 - (i) has a close fitting lid;
 - (ii) is constructed of non -absorbent and non-corrosive material; and
 - (iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;
 - (c) keep or cause to be kept each receptacle thoroughly clean and in good condition and repair;
 - (d) place any rubbish or refuse in, and only in, a receptacle marked for that purpose;
 - (e) keep the cover on each receptacle except when it is necessary to place something in, or remove something from, it; and
 - (f) ensure that the receptacles are emptied at least weekly or as directed by the local government.

2.4 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.3.(1)(a) or 2.3.(2).
- (2) The local government may grant or refuse, with or without conditions, an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause shall state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government.
- (4) The local government may rescind the exemption or from time to time vary conditions imposed by it under this clause by giving written notice of the variation to the person to whom the exemption was given.

2.5. Ownership of Receptacles

A receptacle supplied by the local government or its contractor remains the property of the local government or its contractor as the case may be.

2.6. Damage to Receptacles

A person other than the local government or its contractor, shall not-

- (a) damage, destroy or interfere with a receptacle supplied by the local government or its contractor; or
- (b) except as permitted by this Local law or as authorised by the local government, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.7. Suitable Enclosure

- (1) An owner or occupier of premises—
 - (a) consisting of more than three (3) dwellings; or
 - (b) used for commercial or industrial purposes, or a food premises;
 - (c) shall if required by the local government provide a suitable enclosure for the storage and cleaning of receptacles on the premises.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this clause shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this clause, a “suitable enclosure” means an enclosure—
 - (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than 3 metres by 3 metres;
 - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the local government;
 - (c) having walls not less than 1.8 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;

- (d) containing a smooth, non-slip and impervious floor—
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded to a grated outlet connected to the existing sewer disposal system connection on the property;
- (e) which is easily accessible to allow for the removal of the receptacles;
- (f) provided with a ramp into the enclosure having a gradient no steeper than 1:8 unless otherwise approved by the local government; and
- (g) provided with a tap connected to an adequate supply of water.

2.8. Building Construction

- (1) During all periods of construction on any building site, the builder shall—
 - (a) provide and maintain on such site a waste disposal bin, being either—
 - (i) a bin of not less than 4 cubic metres in capacity; or
 - (ii) a receptacle or other container approved by the local government;
 - (b) keep such site free of waste and offensive matter; and
 - (c) maintain the street verge immediately adjacent to such site free of waste or offensive matter.
- (2) On completion of construction, the builder shall immediately clear the site and the adjacent street verge of all waste, waste materials and offensive matter and all waste bins provided by the builder.
- (3) In sub-clauses (1) and (2), “waste” includes all discarded stones, brick, lime, timber, iron, tiles, bags, plastics and any broken, used or discarded matter.

2.9. Deposit of Waste

- (1) A person shall not deposit or cause or permit to be deposited any waste in or on any street or on any land other than a waste facility.
- (2) The driver of a vehicle, upon entering a waste facility, shall not deposit any waste until authorised to do so by the attendant or person in charge.
- (3) A person shall not deposit waste in or on a waste facility except—
 - (a) at such place on the site as may be directed by the person in charge of the facility; or
 - (b) if the person in charge is not in attendance at the facility, as may be directed by a notice erected on the site.

2.10. Removal of Waste from Premises or Receptacle

- (1) A person shall not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government.

- (2) A person shall not, without the approval of the local government or the owner of a receptacle, remove any waste from the receptacle or other container provided for the use of the general public in a public place.
- (3) Where the local government provides—
 - (a) a collection service for recyclable material, the occupier of premises shall comply with and observe the directions given by the local government in relation to that collection;
 - (b) a collection for bulk material, the occupier of premises shall comply with and observe the directions given by the local government in relation to that collection.
- (4) Where additional collection services are provided upon request by the occupier of premises, fees as set by the local government from time to time under sections 6.16 and 6.19 of the *Local Government Act 1995* shall be paid.

2.11. Burning Waste

- (1) A person shall not—
 - (a) without the approval of the local government; and
 - (b) except in accordance with the terms and conditions to which the approval is subject, set fire to, or cause to be set on fire, any waste either—
 - (i) in any incinerator; or
 - (ii) on the ground.
- (2) Subject to subclause (3), an approval of the local government is issued subject to the following conditions—
 - (a) the material to be burnt—
 - (i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and
 - (ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the local government's waste collection service;
 - (b) there is no other appropriate means of disposal;
 - (c) an incinerator must have a minimum of 205 litre capacity fitted with a cast iron top with a reverse vortex cone and connected to a 1.8 meter air adjustable flue terminating with a mesh spark arrestor; and
 - (d) an incinerator unit used for fire must be located—
 - (i) at least 3 metres from a fence, building or inflammable matter; and
 - (ii) in such a position so as not to create a nuisance or be offensive to other persons.
- (3) Subject to the provisions of the *Bush Fires Act 1954*, it is prohibited to clear by burning any fire breaks, vacant lots or other land of grass, straw, hay, undergrowth, herbage and other vegetation whether or dead and standing or not standing, without written approval of the local government.

2.12. Waste Removal Vehicles

A vehicle used by the local government, its contractor or any person for the collection and transport of waste shall—

- (a) be provided with a compartment in which all waste shall be deposited for removal, and of which the interior is constructed from or surfaced with impermeable material; and
- (b) have a cover over the compartment at all times when the vehicle is engaged in the transport of waste.

2.13. Method of Removal of Waste

A person engaged in the removal of waste from premises shall—

- (a) convey all waste from the receptacles of the occupier of the premises and deposit the waste in the portion of the collection vehicle intended to hold the waste; and
- (b) replace the receptacle at the point designated by the local government and in accordance with contractual obligations.

2.14. Removal from Waste Facility

- (1) A person shall not remove any waste from a waste facility without the written approval of the local government.
- (2) A person who obtains approval from the local government shall comply with any conditions imposed by the local government and set out in the approval.

PART 3 – OFFENCES AND PENALTIES

3.1. Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) 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.

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

Cr Michelle BAGLEY
Shire President

Mr M WHITELY
Chief Executive Officer

Dated: ____ / ____ /2017

9.4 TOWN PLANNING

9.5 BUILDING

Nil

10.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

11.1 ELECTED MEMBERS

11.2 STAFF

12.0 CONFIDENTIAL ITEMS

Nil

13.0 TIME AND DATE OF NEXT MEETING

Next Ordinary Council Meeting to be held on Wednesday 23 August 2017 commencing at 4.30pm.

14.0 CLOSURE