LOCAL GOVERNMENT ACT 1995
City of Armadale
ENVIRONMENT, ANIMALS AND NUISANCE AMENDMENT LOCAL LAW 2012
Under the powers conferred by the Local Government Act 1995 and under all other powers enabling the local government, the Council of the City of Armadale resolved on 26 March 2012 to adopt the following local law.

1 Citation
This local law may be cited as the City of Armadale Environment, Animals and Nuisance Amendment Local Law 2012.

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

3 Principal local laws
In this local law, the City of Armadale Environment, Animals and Nuisance Local Laws 2002 published in the Government Gazette (Special) No. 36 of 1 March 2002 and amended in Government Gazette No. 190 of 22 October 2002, No. 174 of 4 November 2003, No. 22 of 1 February 2005, No. 66 of 11 April 2006, No. 54 of 04 April 2008 and No. 15 of 06 February 2009 are referred to as the principal local laws. The principal local laws are amended.

4 Clause 3 amended
In subclause (1)—
(a) delete “Town Planning and Development Act 1928” in the definitions for “City’s Town Planning Scheme”, “development approval” and “subdivision approval” and insert “Planning and Development Act 2005” instead;
(b) delete the definitions for “byre”, “Code of Practice-Pigeon Keeping”, “pigeons”, “residential zone”, “rural zone”, and “truck”; and
(c) insert the following definitions in alphabetical order—
“Code of Practice-Pigeon Keeping” means the Code of Practice for Pigeon Keeping and Racing in Western Australia, ISBN 7307 63307, published in March 2003, as amended from time to time, for purposes of a defence against cruelty with reference to section 25 of the Animal Welfare Act 2002;
“commercial vehicle” has the same meaning as in Schedule 1.1 of the City’s Town Planning Scheme No. 4;
“pigeons” include 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;
“residential zone” means and includes any area zoned “Residential”, “Rural Living” or “Special Residential” under the City’s Town Planning Scheme;
“rural zone” means and includes any area zoned “General Rural” under the City’s Town Planning Scheme;

5 Clause 4 amended
(a) Delete clause 4 heading “Objections and appeals” and insert “Objections and reviews” instead.
(b) Delete “regulations 33 and 34” and insert “regulation 34”.

6 Clause 30 amended
Delete “Town Planning and Development Act 1928” and insert “Planning and Development Act 2005” instead.

7 Clause 33 amended
In subclause 33(3), delete “byre” and insert “barn” in paragraphs (a) and (b).

8 Clause 37 deleted
Delete clause 37 and its heading and insert “[37. deleted]”.

9 Clause 38 amended
Delete clause 38 and its heading and insert—
**Prohibition of the keeping of cats in specified areas**
38. (1) Within the portion of that land described in the City’s Town Planning Scheme No. 4 as Development Area No. 11 north of Waterwheel Road and shown shaded in Schedule 9, no person shall keep any cat.
(2) Within the area described in the City's Town Planning Scheme No.4 as Development Area No. 10 and shown shaded in Schedule 11, no person shall keep any cat unless it is—
(a) desexed; and
(b) fitted with a collar to which are attached at least two bells and a tag bearing the name, address and telephone number of the animal's owner.

10 Clause 49 amended
In clause 49—
(a) In subclause (2)(b), delete “except as provided in this Clause” and replace with “except as provided in subclause (3), if the land area does not exceed 1,200 square metres.
(b) Delete subclause (3)(a) and insert “[(a) deleted]”.
(c) In subclause 3(b), delete “other”.
(d) Delete subclause (4) and insert “[(4) deleted]”.
(e) In subclause (5), delete “subclause 4 or any other”.
(f) Delete subclause (6) and insert “[(6) deleted]”.
(g) Delete subclause (7) and replace with—
(7) A person must not light a fire on land to burn, cause or allow to be burnt any—
(a) green or wet material;
(b) non timber based building materials;
(c) rubber or plastic, including plastic mulch, plant pots and packaging materials;
(d) furnishings and carpet;
(e) manufactured chemicals;
(f) petroleum or oil products;
(g) paint, including any container in which paint is kept;
(h) food waste;
(i) manure and straw; or
(j) other offensive, noxious or toxic matter that is likely to cause a nuisance or a public health risk to any other person.
(h) Delete subclauses (8) through to (14) and insert deletion notations respectively.

11 Part 4 Division 3 amended
Delete the Division 3 heading of Part 4 and replace with—
“Division 3 — Parking of commercial vehicles”

12 Clause 53 amended
Delete the clause 53 heading and insert "Livestock vehicles" instead.

13 Clause 55 amended
Delete clause 55 and its heading and insert—

Commercial vehicle noise from residential land
55. A person shall not—
(1) start or drive a commercial vehicle on any lot adjoining land zoned, approved or used for residential purposes in compliance with the requirements of the City's Town Planning Schemes; or
(2) have a refrigeration unit running while the commercial vehicle is parked;
between the hours of 10.00 p.m. on any day and 7.00 a.m. on the following day, or, where the following day is a Sunday or a public holiday, 9.00 a.m. on that day.

14 Schedules 8A, 8B, 8C, 10 and 12 amended
Delete the entire contents of Schedules 8A, 8B, 8C, 10 and 12 and insert the deletion notations respectively.

15 Schedule 14 amended
In the table in Schedule 14—
(a) delete clauses 49, 49(8) and 49(10) and their offence descriptions and modified penalty amounts; and
(b) insert new clause 49(7), its offence description and modified penalty amount in the appropriate numerical order—

| 49(7) | Lighting a fire to burn, cause or allow to be burnt | 250 |
any material that is likely to cause a nuisance or a public health risk to any other person

(c) Delete clause 55, its offence description and modified penalty amount and insert—

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<tr>
<td>55</td>
<td>Operating a commercial vehicle on any land adjoining land zoned, approved or used for residential purposes, or leaving the refrigeration unit of a parked commercial vehicle running during prohibited hours</td>
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</tbody>
</table>

Dated: 21 June 2012.

The Common Seal of the City of Armadale was affixed by authority of a resolution of the Council in the presence of—

HENRY ZELONES, Mayor.
RAY TAME, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

Shire of Broomehill-Tambellup

REMOVAL OF REFUSE, RUBBISH AND DISUSED MATERIALS LOCAL LAW 2012

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the local government of the Shire of Broomehill-Tambellup resolved on the 21st June 2012 to make the following local law.

1. Citation

This local law may be cited as the Shire of Broomehill-Tambellup Removal of Refuse, Rubbish and Disused Materials Local Law 2012.

2. Commencement

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

3. Interpretation

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

Act means the Local Government Act 1995;

district means the district of the Shire of Broomehill-Tambellup;

local government means the Shire of Broomehill-Tambellup;

refuse, rubbish or disused material includes—

(i) any material which is abandoned or unwanted by its owner or the person in possession of it;

(ii) any material which is not being used for its original intended purpose and which has been deposited or stored upon any property for no current purpose other than the deposit storage;

(iii) any motor vehicle, motor vehicle part or machinery which has been deposited or stored upon any property for the purpose of dismantling or breaking up;

(iv) any wood, timber, lumber; or cuttings, logs or remnants of trees; or chopped, split or chipped wood, deposited, stored, located or placed on property;

and any material may be refuse, rubbish or disused material notwithstanding that it may have a commercial value to its owner or the person in possession of it or the owner or occupier of any property upon which it is deposited or stored;

served has the same meaning as defined in section 75 and 76 of the Interpretation Act 1984.

(2) Where in this local law a duty of liability is imposed on an owner or occupier of land, the duty or liability is imposed jointly and severally on each of the owner or occupier.

4. Clearing of refuse, rubbish or disused material

(1) If there is—

(a) on any vacant property within the district, any refuse, rubbish or disused material or any overgrown vegetation, trees, scrub or undergrowth; or

(b) on any property within the district other than vacant property any refuse, rubbish or disused material or any overgrown vegetation, trees, scrub or undergrowth which, in the opinion of the local government—

(i) is likely to adversely affect the health, comfort or convenience of the inhabitants of that property or any adjoining property; or

(ii) results in that property having an appearance which does not conform with the general appearance of other property in the locality,

the local government may cause a notice under the hand of the Chief Executive Officer to be served on the owner or occupier of that property requiring that owner or occupier as the case may be to clear the property of the overgrown vegetation, trees, scrub or undergrowth or refuse, rubbish or disused material specified in the notice within the time specified in the notice.

(2) Any owner or occupier who is served with a notice under clause 3 of this local law and who fails to comply with the terms of the notice commits an offence.

Penalty—

(a) five thousand dollars ($5,000); and

(b) a daily penalty of five hundred dollars ($500).

(3) Where an owner or occupier who is served with a notice under clause 3 of this local law fails to comply with the terms of the notice, the local government is authorised—
(a) to clear or remove from the property the overgrown vegetation, trees, scrub or undergrowth or refuse, rubbish or disused material specified in the Notice, and dispose of the same, without payment of any compensation; and

(b) to recover in a court of competent jurisdiction the amount of the local government’s expenses in doing so from the owner or occupier who was served the notice.

Dated: 21st June 2012.

The Common Seal of the Shire of Broomehill-Tambellup was affixed by the authority of a resolution of the local government in the presence of—

B. G. WEBSTER, President.

J. M. TREZONA, Chief Executive Officer.
Under the powers conferred by the Local Government Act 1995, the Dog Act 1976 and all other powers conferred upon it, the Council of the Town of Cottesloe resolved on 25 June 2012 to make the following local law.

1. Citation
This local law may be cited as the Town of Cottesloe Dogs Amendment Local Law 2012.

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

3. Principal Local Law
In this local law, the Town of Cottesloe Dogs Local Law 2011 published in the Government Gazette on 26 July 2011 is referred to as the Principal Local Law. The Principal Local Law is amended.

4. Clause 1.4 amended
In Clause 1.4 insert the following in alphabetical order—

**Children’s playground** means an area set aside for use by children and noted by the presence of dedicated children’s playground equipment and the presence of either white sand or other form of soft fall surface;

5. Clause 4.1 amended
Clause 4.1 (1) is amended as follows—

(a) In paragraph (c) delete “2008,” and insert “2008;”;
(b) In paragraph (d) delete “pool,” and insert “pool;”; and
(c) In paragraph (f) delete “designated by sand/soft fall area or fence”.

6. Clause 4.2 amended
In clause 4.2—

(a) delete subclause (3);
(b) delete subclause (4); and
(c) delete subclause (5).

7. Schedule 1
Delete the following from Schedule 1

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<tr>
<td>4.2(5)</td>
<td>Fail to keep dog on leash in a public place $200</td>
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</table>

8. Clause 2.2
Delete “Chief Executive Officer” and insert “CEO”

9. Clause 2.3
Delete “Chief Executive Officer” and insert “CEO”

10. Clause 6.4
Delete “Chief Executive Officer” and insert “CEO”

11. Clause 6.5
Delete “Chief Executive Officer” and insert “CEO”

Dated this 27th day of June, 2012.
The Common Seal of the Town of Cottesloe is hereunto affixed by authority of a resolution of council in the presence of—

KEVIN J OSEPH MORGAN, Mayor.
CARL ASKEW, Chief Executive Officer.
LG301*

LOCAL GOVERNMENT ACT 1995
City of South Perth

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT
LOCAL LAW NO. 2 2012

Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the City of South Perth resolved on 27 March 2012 to make the following local law.

1. Citation
This is the City of South Perth Public Places and Local Government Property Amendment Local Law No. 2 2012.

2. Commencement
This local law comes into operation 14 days after its publication in the Government Gazette.

3. Principal local law amended

4. Clause 6.2(1)(g) amended
Delete clause 6.2(1)(g) and insert—
   (g) remove, damage or otherwise interfere with a street tree;

5. Clause 8.5(1) amended
In clause 8.5(1)—
   (a) in paragraph (h) after 'damage', delete 'and'; and
   (b) after paragraph (h) insert—
       (h)(a) where a licence is issued for the removal of, damage to or interference with a street tree, the payment of a fee for the removal, damage or interference; and

6. Clause 10.2 amended
In clause 10.2—
   (a) in paragraph (b) delete ‘or’;
   (b) in paragraph (c) delete the full stop and insert—
       ; or
   (c) after paragraph (c) insert—
       (d) pay for the loss suffered by the Local Government, including any diminution in value of the Local Government property or portion of the street, as a result of the unlawful removal, damage or interference.

Dated: 27 March 2012.

The Common Seal of the City of South Perth was affixed by authority of a resolution of the Council in the presence of—

SUE DOHERTY, Mayor.

CLIFF FREWING, Chief Executive Officer.

——————
LOCAL GOVERNMENT ACT 1995

TOWN OF COTTESLOE

STANDING ORDERS LOCAL LAW 2012
STANDING ORDERS LOCAL LAW 2012

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Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Cottesloe resolved on 28 May 2012 to make the following local law.

**PART 1—PRELIMINARY**

1.1 Title
This local law may be cited as the Town of Cottesloe Standing Orders Local Law 2012.

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

1.3 Purpose and Effect
(1) This local law provide rules and guidelines which apply to the conduct of meetings of the Council and its Committees and to meetings of electors.
(2) All meetings are to be conducted in accordance with the Act, the Regulations and this local law.
(3) This local law is intended to result in—
   (a) better decision making by the Council and Committees;
   (b) the orderly conduct of meetings dealing with Council business;
   (c) better understanding of the process of conducting meetings; and
   (d) the more efficient and effective use of time at meetings.

1.4 Interpretations
(1) The following interpretations should be used in this local law, unless the context otherwise requires—
   **Absolute majority** has the same meaning as given to it in the Act and means more than 50% of the current number of elected Council positions whether they are vacant or not regardless of the number actually present;
   **Act** means the Local Government Act 1995;
   **CEO** means the chief executive officer of the local government;
   **Committee** means any committee appointed in accordance with the provisions of the Act;
   **Council** means the elected Council of the local government;
   **Councillor** has the same meaning as is given to it in the Act;
   **Deputation** means a verbal submission at a Council or Committee meeting on an agenda item made by a person who has a direct interest in the agenda item;
   **Employee** means an employee of the local government;
   **Local Government** means the Town of Cottesloe;
   **Mayor** includes the Deputy Mayor in the absence of the Mayor, and any councillor chosen to preside at any meeting of the Council in the manner prescribed by the Act;
   **Meeting** includes any ordinary or special meeting of the Council or any other meeting held in accordance with the provisions of the Act;
   **Member** means the mayor, or a councillor of the local government and has the same meaning as given to it in the Act;
   **Officer** is an employed member of the staff of the local government;
   **Presiding Member** means—
   (a) in respect of Council the person presiding under section 5.6 of the Act; and
   (b) in respect of a Committee the person presiding under section 5.12, 5.13 and 5.14 of the Act;
   **Quorum** means a minimum of 50% of the total number of offices, whether vacant or not, of the Council or the Committee;
Regulations means the Local Government (Administration) Regulations 1996;
Rules of Conduct Regulations means the Local Government (Rules of Conduct) Regulations 2007;
Simple majority is more than 50% of the members present;
Special majority means that if there are more than 11 offices of member of the Council, the power can only be exercised by, or in accordance with, a decision of a 75% majority of the Council;
Substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

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

1.5 Repeal
The Town of Cottesloe Local Law No. 1 Standing Orders as published in the Government Gazette on 30 December 1997 and as amended and published on 24 December 1999 is hereby repealed.

PART 2—MEETINGS—NOTICE AND BUSINESS

2.1 Notice of Meetings
The requirements for notice of meetings are covered in the Act and Regulations.

2.2 Special Meetings
The process for calling a special meeting is covered in the Act and Regulations.

2.3 Business to be Specified on Notice Paper
No business shall be transacted at any meeting of the Council other than that specified in the notice without the approval of the Presiding Member or the approval of the majority of members present determined by vote.

2.4 Objectionable Business
If the Presiding Member at any meeting is of the opinion that any motion or business proposed is of an objectionable nature, the Presiding Member may, either before or after the matter is brought forward, declare that it shall not be considered.

PART 3—MEETINGS—QUORUM

3.1 Quorum at Meetings
The quorum for meetings is dealt with in the Act and Regulations.

3.2 Loss of Quorum During a Meeting
(1) If at any time during a meeting a quorum is not present, the Presiding Member upon becoming aware of that fact is to suspend the proceedings of the meeting for up to 15 minutes.
(2) If a quorum is not present at the expiration of the period in subclause (1), the Presiding Member may suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a future time and date.
(3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

3.3 Names to be Recorded
At any meeting—
(a) at which there is not a quorum of members present; or
(b) which is adjourned under clause 3.2;
the names of the members then present are to be recorded in the minutes of the meeting.

3.4 Procedure Where no Quorum to Begin a Meeting
The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

PART 4—MEETINGS—MINUTES

4.1 Minutes
The requirements for the recording and publishing of Minutes is dealt with in the Act.

4.2 Confirmation of Minutes
(1) Confirmation of minutes is dealt with in the Act.
(2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

PART 5—MEETINGS—ORDER OF BUSINESS

5.1 Ordinary Meeting—Order of Business
Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—
(1) Declaration of Meeting Opening/ Announcement of Visitors;
(2) Disclaimer;
5.2 Late Correspondence
In cases of extreme urgency or other special circumstance, late correspondence may, with the consent of the Presiding Member, or at the request of a majority of members present, be read and dealt with.

5.3 Urgent Business
(1) A member, at an ordinary meeting, may move a motion involving business that is not included in the agenda for that meeting if the Presiding Member has first consented to the business being raised because the Presiding Member considers that either—
   (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
   (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government.
(2) If a member objects to a motion moved under subclause (1), the motion is to be of no effect unless it is agreed to by an absolute majority.

PART 6—MEETINGS—PUBLIC PARTICIPATION AND CONDUCT
6.1 Prevention of Disturbance
(1) In this clause;
   Person means a person other than a member.
(2) A person addressing a meeting must extend due courtesy and respect to the meeting and the processes under which it operates and must comply with any direction from the Presiding Member.
(3) A person must not interrupt or interfere with the proceedings of any meeting of the Council or a Committee, whether by expressing approval or dissent, by conversing or by any other means.
(4) The Presiding Member may warn a person who fails to comply with this clause.
(5) If—
   (a) after being warned, the person again acts contrary to this clause, or to the direction; or
   (b) a person refuses or fails to comply with a direction by the Presiding Member,
   the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.
(6) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member, be removed from the meeting room and, if the Presiding Member orders, from the premises.

6.2 Meetings Generally Open to the Public
Meetings being generally open to the public is dealt with in the Act.

6.3 Meetings Not Open to the Public
The closure of a meeting or part of meeting to the public is dealt with in the Act.
6.4 Question Time for the Public
Question time for the public at meetings is dealt with in the Act.

6.5 Question Time for the Public at Certain Meetings
Question time for the public at certain meetings is dealt with in the Act and Regulations.

6.6 Minimum Question Time for the Public
Minimum question time for the public is dealt with in the Regulations.

6.7 Procedures for Question Time for the Public
Procedures for question time for the public is dealt with in the Regulations.

6.8 Other Procedures for Question Time for the Public
(1) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or a personal opinion.
(2) Unless determined otherwise under the Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows—
   (a) a member of the public who raises a question during question time is to state their name and address;
   (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
   (c) questions are to be answered by the member or employee nominated by the Presiding Member;
   (d) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
   (e) no discussion of a question or answer is to take place; and
   (f) when a question is taken on notice under subclause (d) a response is to be given to the member of the public in writing, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.
(3) The Presiding Member may reject any question that may be deemed offensive towards, or reflect adversely upon the character and/or any actions, of any member of the Council or an employee of the local government.
(4) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes of the meeting.
(5) There is to be no public question time in meetings of Committees other than a Committee to which the Council has delegated a power or duty, or which is open to the public.

6.9 Public Statement Time
(1) At each meeting, members of public may request the opportunity to make a statement on any item of business on the Agenda for that meeting.
(2) The Presiding Member, at their discretion, shall determine the order in which statements are made.
(3) Each statement shall be no longer than 3 minutes.
(4) The Presiding Member may require a statement to cease immediately if—
   (a) The statement is deemed offensive towards, or reflect adversely upon the character and/or any actions, of any member of the Council or an employee of the local government;
   (b) The statement exceeds the three minutes allowed; or
   (c) The Presiding Member deems that the statement does not relate to any item on the agenda.
(5) A maximum of 15 minutes shall be allocated to Public Statement Time. If at the completion of this time there are requests for further statements, the Presiding Member, at their discretion, may permit an extension of time.

6.10 Distinguished Visitors
If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

PART 7 — ROLE OF PRESIDING MEMBER

7.1 Directions by the Presiding Member
(1) At any meeting the Presiding Member shall have the right to direct attention to any matter of interest or relevance to the business of the meeting or propose a change to the order of business.
(2) Any member may move that a change in order of business proposed by the Presiding Member not be accepted and if carried by a majority of members present, the proposed change in order will not take place.
7.2 The Presiding Member to Take Part in Debates
Subject to the provisions of this local law, the Presiding Member may take part in a discussion upon any question before the meeting, provided that like other members in accordance with this local law, the Presiding Member may only speak once and provided that this is done before the right of reply is exercised.

7.3 Precedence of Presiding Member
When the Presiding Member speaks during the progress of a debate, any member then speaking, or offering to speak, shall immediately cease and every present shall preserve strict silence so that the Presiding Member may be heard without interruption. This clause shall not be used by the Presiding Member to exercise the right provided in clause 7.2, but shall only be used to preserve order.

7.4 Dissent with the Presiding Member’s Ruling
Except where expressly denied in this local law or the Act, a member may move a procedural motion to disagree with a ruling given by the Presiding Member. The Presiding Member must immediately call for a seconder and put the motion without debate.

PART 8—QUESTIONS
8.1 Questions of Which Due Notice Has to be Given
(1) Any councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the CEO at least 24 hours before publication of the business paper.
(2) All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

8.2 Questions Not to Involve Argument or Opinion
In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

PART 9—PETITIONS, PRESENTATIONS AND DEPUTATIONS
9.1 Petitions
(1) Petitions in relation to the following specific matters are dealt with in the Act and Regulations—
   (a) a proposal to change the method of filling the office of Mayor;
   (b) a proposal to create a new district or change the boundaries of the Town;
   (c) a request for a poll on a recommended amalgamation; or
   (d) a submission about changes to wards, the name of a district or ward or the number of Councillors for a district or ward.
(2) A petition on matters not mentioned in sub clause (1) or otherwise dealt with in the Act or Regulations, received by a member or the CEO is to be presented to the next ordinary Council meeting and is to—
   (a) be addressed to the Council;
   (b) be made by electors of the district;
   (c) state the request on each page of the petition;
   (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
   (e) contain a summary of the reasons for the request;
   (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
   (g) be respectful and temperate in its language.
(3) Any petition to be submitted to the local government shall be in writing or typewritten, and be authenticated by the signature of the member of the Council presenting it.

9.2 Presentation of Petitions
A member presenting a petition shall be limited to a statement of the parties from whom it comes, of the number of the signatures attached to it, the material issues contained in it, and to the reading of the prayer.

9.3 Responsibility of Member Presenting Petition
It shall be incumbent on a member presenting a petition to be familiar with the nature and contents of the petition, and to ascertain that it does not contain language disrespectful to the council.

9.4 Procedure of Petitions
The only question which shall be considered by the Council on the presentation of any petition shall be—
   (a) that the petition shall be accepted; or
   (b) that the petition not be accepted; or
   (c) that the petition be accepted and referred to a Committee for consideration and report; or
   (d) that the petition be accepted and be dealt with by the full Council.
9.5 Presentations
(1) For the purposes of this clause—

**Presentation** means the acceptance of a gift or an award by the Council on behalf of the Town or the community.

(2) A presentation may be made to the Council at a meeting only with the prior approval of the Presiding Member or CEO.

9.6 Deputations
(1) Any person or group wishing to be received as a deputation by the Council or a Committee is to either—

(a) apply, before the meeting, to the CEO for approval; or

(b) with the approval of the Presiding Member, at the meeting, address the Council

(2) If an application for a deputation is made to the CEO, the CEO may either—

(a) approve the request or invite the deputation to attend a meeting; or

(b) deny the request and deal with the matter administratively.

(3) Unless the Council resolves otherwise, a deputation invited to attend a Council meeting—

(a) is not to exceed 5 persons, only 2 of whom may address the Council, although others, may respond to specific questions from members; and

(b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council.

(4) For the purpose of determining who may address the Council on an issue, all those people either in favour of or opposed to an item for consideration are deemed to comprise a single deputation.

(5) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

9.7 Media
Media persons are to be permitted to attend meetings of the Council or Committees that are open to the public in such part of the Council Chamber or meeting room as may be set aside for their accommodation but must withdraw during any period when the meeting is closed to the public.

9.8 Recording of Meeting prohibited
(1) A person must not use any electronic, visual, or audio recording device or instrument to record the proceedings of the Council or Committee unless the Presiding Member has given permission to do so.

(2) If the Presiding Member gives permission under sub clause (1) he or she is to advise the meeting immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

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**PART 10 — NOTICES OF MOTION**

10.1 Notices of Motion — Ordinary and Extraordinary Business
Members may bring forward business in the form of a written motion, of which notice shall be given in writing to the CEO, up to 24 hours before the publication of the agenda.

10.2 Register of Notices
The CEO shall, immediately upon the receipt of any notice of motion, enter it in a register to be provided and kept for the purpose. This register shall be open to the inspection of every member of the council.

10.3 Closing of Notice Register
In order to give every facility for the due issuing of notices to members of the Council by the CEO, the notice register shall be closed at noon on the day preceding the day fixed for publication of the notice paper.

10.4 Relevance of Notice
Every notice of motion shall be relevant to some question affecting the administration or condition of the district.

10.5 Motion to Lapse
A motion shall lapse where the member who gave notice is not present, unless another member is willing to move the motion when it is called.

10.6 Order of Notice of Motion
All notices of motion shall be dated and numbered as received and shall be entered by the CEO upon the agenda in the order in which they are received, except by permission of the Presiding Member or the meeting, as outlined in accordance with clause 7.1 of this local law.

10.7 Unopposed Notices of Motion
The Presiding Member may call the notices of motion appearing on the business paper in the order in which they are written. In the event of there being no objection, the motions shall be put without discussion.
10.8 Order of Amendments to Notice of Motion
Where notice of an amendment to a notice of motion is received by the CEO, it shall be dealt with immediately after the notice of motion it proposes to amend, but before the right of reply is taken by the mover of the motion on notice.

10.9 Exclusion or Amendment of Notice
The CEO, after consultation with the Presiding Member, may exclude from the agenda any notice of motion which may be out of order. Alterations or amendments which will bring the notice of motion into due form may be made by the CEO, but no notice shall be deemed invalid on the basis of the policy involved being considered objectionable, or because it relates to a matter not within the scope of the ordinary work of the local government so long as, in the opinion of the Presiding Member or the CEO, the matter is one of public interest, utility or importance.

10.10 Limitations of Notices
No member shall have more than 3 notices of motion on the agenda at the same time unless express approval of the Presiding Member has been obtained.

10.11 Opposed Motions of Which Notice Has Been Given
After dealing with all unopposed motions, the Presiding Member shall call on the movers of opposed motions in their order on the agenda to speak.

10.12 Notices Abandoned
If a motion, notice of which is specified on the agenda, is not moved either by the member who has given the notice of motion, or by some other member, or if the motion is not seconded, it shall be considered as abandoned and shall not again be introduced without subsequent notice of motion being given to the CEO.

10.13 Repetition of Lost Motions
No motion which has the same specific intent to one which has been lost within the preceding 3 months shall be moved unless it is presented as a notice of motion and the notice is signed by one third of the offices of member of council, whether present or not.

PART 11—CONDUCT OF MEMBERS

11.1 Official Titles to be Used
Members shall address each other during meetings by their respective titles of Mayor or Councillor. Members of the council, in speaking of or addressing officers, shall designate them by their respective official titles.

11.2 Members to Occupy Own Seats
(1) At the first meeting after an election, the CEO shall allot by random draw, a position at the Council table to each councillor.
(2) Each councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.
(3) No member shall be deemed to be present unless occupying their allotted place within the Council chambers.

11.3 Leaving Meetings
Once a meeting has been formally opened by the Presiding Member, the Presiding Member will cause to have recorded in the minutes, any member entering, leaving or returning to the meeting.

11.4 Debate — Maintenance of Order — Imputations— Offensive Expressions
No member may impute motives or use offensive or objectionable expressions in reference to any member, officer of the council, or any other person.

11.5 Disclosure of Members’ Financial and Proximity Interests
The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

11.6 Meeting to be Informed of Financial and Proximity Interests
Procedures for informing the meeting of disclosures in clause 11.5 are dealt with in the Act.

11.7 Disclosing Member Not to Participate
The participation at meetings of a member that has disclosed an interest in clause 11.5 is dealt with in the Act.

11.8 When Disclosing Members Can Participate
The procedures for allowing participation in meetings of members disclosing an interest in clause 11.5 are dealt with in the Act.

11.9 Invitation to Return to Provide Information
(1) Where a member has disclosed an interest in clause 11.5, and has departed from the Council Chamber or meeting room, the meeting may invite the member to return to provide information in respect of the matter or in respect of the member’s interest in the matter.
(2) A member invited to return under subclause (1) must withdraw after providing the information.
11.10 Substitution of Deputy at Committee Meetings
Where a member discloses an interest on an item under clause 11.5 and withdraws from a meeting of a Committee, the Presiding Member may invite the disclosing member's deputy, if present, to participate as a member of the Committee in place of the disclosing member during the consideration of that item only.

11.11 Disclosure by Members who are Observers at Committee Meetings
The obligation to disclose an interest in clause 11.5 is to apply to all members present at Committee meetings including a member attending a Committee meeting in the capacity of an observer.

11.12 Disclosure of Impartiality Interests
The disclosure of impartiality interests at meetings by the Mayor and Councillors is dealt with in the Local Government (Rules of Conduct) Regulations 2007.

11.13 Other Persons to Disclose Impartiality Interests
(1) In this clause, a reference to—
   (a) person means an employee and a member of a Committee that is not either the Mayor or a Councillor; and
   (b) interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

(2) A person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest—
   (a) in a written notice given to the CEO before the meeting; or
   (b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if—
   (a) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
   (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2) (a), a person discloses an interest in a written notice given to the CEO before a meeting then—
   (a) before the meeting the CEO is to cause the notice to be given to the Presiding Member of the meeting; and
   (b) at the meeting the Presiding Member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.

(6) If—
   (a) under subclause (2)(b) or (4)(b) a person’s interest in a matter is disclosed at a meeting; or
   (b) under subclause (5)(b) notice of a person’s interest in a matter is brought to the attention of the persons present at a meeting,
the nature of the interest is to be recorded in the minutes of the meeting.

11.14 On-going Disclosure Required
The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter the subject of the interest arises.

11.15 Approval by Minister to be Recorded
If the Minister approves of the participation in a meeting of a disclosing member, the conditions of the approval are to be recorded in the minutes of the meeting and the register of financial interests.

PART 12—CONDUCT OF MEMBERS DURING DEBATE

12.1 Members to Address the Presiding Member
Every member of the Council wishing to speak shall indicate by show of hands or other method agreed upon by the Council. When invited by the Presiding Member to speak, members shall address the meeting through the Presiding Member.

12.2 Priority
In the event of 2 or more members wishing to speak at the same time, the Presiding Member shall decide which member is entitled to be heard. The decision shall not be open to discussion or dissent.

12.3 Relevance
Every member shall restrict their remarks to the motion or amendment under discussion, or to an explanation or point of order.

12.4 Limitation of Number of Speeches
No member shall address the meeting more than once on any motion or amendment except the mover of a substantive motion, in reply, or to a point of order, or in explanation.
12.5 Limitation of Duration of Speeches
All addresses shall be limited to a maximum of 3 minutes. Extension of time is permissible only with the agreement of the majority of members present.

12.6 Members Not to Speak After Conclusion of Debates
No member of the Council may speak to any question after it has been put by the Presiding Member.

12.7 Irrelevance, Repetition, Imputations, Offensive Expressions
(1) The Presiding Member may call the attention of the meeting to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member and may direct the member, if speaking to discontinue the speech, and the member shall then cease speaking.
(2) A member may call the attention of the Presiding Member to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member and may call upon the Presiding Member to direct the member to cease speaking and sit down.
(3) If after a member has drawn the attention of the Presiding Member according to subclause (2), a member continues without alteration, a member may move the procedural motion that the member no longer be heard.

12.8 Members Not to Interrupt
No member shall interrupt another member who is speaking unless it is;
(a) to raise a point of order; or
(b) to call attention to the absence of a quorum.

12.9 Re-Opening Discussion on Resolutions
No member shall re-open discussion on any resolution of the meeting, except for the purpose of moving that the resolution be revoked or changed.

12.10 Presiding Member’s Right 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 15 minutes without explanation, for the purpose of regaining order.
(2) The adjourning of a meeting to regain order cannot be challenged by any member of council.
(3) Upon resumption, debate will continue at the point at which the meeting was adjourned.
(4) If, at any one meeting, the Presiding Member has cause to adjourn the meeting on 2 occasions, the Presiding Member has the right to adjourn the meeting for a period of no longer than 7 days.

PART 13—PROCEDURES FOR DEBATE OF MOTIONS

13.1 Motions To be Read
Any member who intends to submit a substantive motion or amendment to a substantive motion shall read the text aloud before speaking to it.

13.2 To be Seconded
No motion or amendment to a substantive motion shall be in order, or be open to debate, until it has been seconded, or, where required under the Act or Regulations, supported by the required number of members of Council.

13.3 Only One Substantive Motion Considered
When a substantive motion is under debate at any meeting of the council, no further substantive motion shall be accepted.

13.4 Order of Call in Debate
The Presiding Member will call speakers to a substantive motion in the following order—
(a) the mover to state the motion;
(b) a seconder to the motion;
(c) the mover to speak to the motion;
(d) the seconder to speak to the motion;
(e) a speaker against the motion;
(f) a speaker for the motion;
(g) other speakers against and for the motion, alternating in view, if any;
(h) mover takes right of reply which closes debate.

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

13.6 Seconder Requesting Right to Speak
A seconder may request the right to speak at a later time in debate, however the moving of any procedural motion which will close debate, or any amendment to the substantive motion if carried will automatically deny the seconder the right to speak to the substantive motion.
13.7 Adoption of Recommendations “en bloc”
A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a Committee or several reports, without amendment or qualification after having first identified those recommendations. If any—
(a) which require adoption by an absolute or special majority vote;
(b) in which an interest has been disclosed;
(c) that has been subject of a petition or deputation;
(d) which any member has indicated the wish to debate; and
(e) in which any member has indicated the wish to ask a question or to raise a point of clarification,
and, each of those recommendations referred to in paragraphs (a), (b), (c), (d) and (e) must be considered separately.

PART 14—PROCEDURAL MOTIONS

14.1 Permissible Procedural Motions
In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions—
(a) that the Council proceed to the next business;
(b) that the question be adjourned;
(c) that the Council do now adjourn;
(d) that the question be now put;
(e) that the question be not now put;
(f) that the Council moves into a Committee of the whole;
(g) that the member be no longer heard;
(h) that the ruling of the Mayor (or Presiding Member) be disagreed with;
(i) that the motion lie on the table;
(j) that the Council meet behind closed doors;
(k) that the item be removed from the Committee report;

14.2 Procedural Motions Not Required in Writing
Procedural motions are not required to be presented in writing.

14.3 Procedural Motions—Recording in Minutes
The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting.

14.4 Procedural Motions—Majority Required
Any procedural motion shall be carried upon the majority of members present voting in the affirmative.

14.5 Procedural Motions—Closing Debate—Who May Move
No person who has moved, seconded, or spoken for or against the substantive motion, may move any procedural motion which, once moved, would deny others the right to speak or, if carried, would close the debate on the substantive motion or amendment.

14.6 Procedural Motions—Right of Reply
There shall be no right of reply on any procedural motion.

14.7 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 will not deny the right of reply to the mover of the substantive motion.

PART 15—EFFECT OF PROCEDURAL MOTIONS

15.1 That the Council Proceed to the Next Business—Effect of Motion
This motion, having been carried, will cause the debate to cease immediately and for the Council to move to the next item on the agenda of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

15.2 That the Question be Adjourned—Effect of Motion
This motion, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened.

15.3 That the Council do Now Adjourn—Effect of Motion
(1) This motion, having been carried, will cause the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the Presiding Member or the majority of members upon vote, determine otherwise.
(2) No member shall be allowed to move or second more than one motion of adjournment during the same sitting of the council.
15.4 That the Question be Now Put — Effect of Motion
(1) This motion, having been carried during discussion on a substantive motion without amendment, will cause the Presiding Member to offer the right of reply and then immediately put the question under consideration without further debate.
(2) This motion, having been carried during discussion on an amendment, will cause the Presiding Member to put the amendment to the vote without further debate.
(3) This motion, having been lost, will allow debate to continue.

15.5 That the Question be Not Now Put — Effect of Motion
(1) This motion, having been carried during discussion of either a substantive motion or an amendment, will cause the meeting to proceed to the next business with no decision required to be made. In this case, there is no requirement for the matter to be raised again, except that it can only be raised by way of another substantive motion for which due notice must be given.
(2) This motion, having been lost, will cause the Presiding Member to immediately put any amendment to the vote and then to offer the right of reply and put the substantive motion to the vote immediately.

15.6 That the Council Move into a Committee of The Whole — Effect of Motion
(1) This motion, having been carried, will allow free and open discussion on the matter before the meeting. The normal restrictions on the number of times each councillor may speak are suspended, provided that normal courtesy and order is maintained.
(2) Any decisions made during the time that the Council sits in committee of the whole must be formally agreed by a substantive motion when the Council moves out of committee of the whole.

15.7 That the Member Be No Longer Heard — Effect of Motion
This motion, having been carried, will cause the Presiding Member to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

15.8 That the Ruling of the Mayor be Disagreed With — Effect of Motion
(1) This motion, having been carried, will cause the ruling of the Presiding Member about which this motion was moved, to be reversed and for the meeting to proceed accordingly.
(2) Where the Presiding Member has given a ruling in strict accordance with the Act, this motion may not be moved.
(3) Where the Presiding Member has adjourned the meeting in accordance with clause 12.10 of this local law, this motion may not be moved.

15.9 That the Motion Lie on the Table — Effect of Motion
(1) This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.
(2) Any member may raise the motion from the table by giving appropriate notice of motion for any meeting in the future.
(3) When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to this local law.

15.10 That the Council Meets Behind Closed Doors — Effect of Motion
(1) The circumstances under which a meeting may move behind closed doors is dealt with in the Act.
(2) In accordance with the subclause (1), this motion, if carried, will cause the general public, media and any officers or employees the Council determines, to leave the room.

15.11 That the Item be Removed From the Report — Effect of the Motion
This motion, if carried, will have the effect of enabling the item in question to be dealt with as though it was a matter coming to Council with no recommendation.

PART 16 — DECISION-MAKING PROCEDURES
16.1 Voting and Decisions — Majority to Determine
The requirements for voting and decisions during meetings is dealt with in the Act.

16.2 Breaking Down of Complex Questions
The Presiding Member may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence.

16.3 Member May Require Questions to be Read
Any member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

16.4 Order of Amendments
Any number of amendments may be proposed to a motion, but whenever an amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.
16.5 Substantive Motion
If an amendment to a substantive motion is carried, the motion as amended shall then be submitted as the substantive motion, and shall become the question upon which any member may speak and any further amendment may be moved.

16.6 Repetition of Motions
No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same meeting, except by agreement of the majority of members present.

16.7 Consent of Seconder 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.

16.8 Withdrawal of Motion and Amendments
Council 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 shall continue.

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

16.10 Authority for Withdrawal
A motion or amendment to a motion shall not be withdrawn in the absence of any member of the Council who proposed it, except with their written authority.

16.11 Right of Reply
(1) The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other member shall speak on the question.
(2) The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

The right of reply shall be governed by the following provisions—
(a) If there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
(b) If there is an amendment, the mover of the substantive motion shall 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 substantive motion as amended is immediately put to the vote.

16.13 Motions and Amendments—to be in Writing
Every substantive motion or amendment, but not procedural motions, shall be written and shall be signed by the proposer and provided to the Presiding Member and the CEO immediately upon being seconded.

16.14 Amendments to be Relevant
Every amendment shall be relevant to the motion upon which it is moved, and be framed to show precisely which words need to be deleted, added or altered.

16.15 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.

16.16 Mover of Motion Not to Speak on Amendment
(1) On an amendment being moved, any member may speak to the amendment except the person who moved the substantive motion who is only entitled to a right of reply.
(2) If the person who moved the substantive motion does choose to speak to the amendment, their right of reply is forfeited.

16.17 Question—When Put
When the debate upon any question is concluded and the right of reply has been exercised the Presiding Member shall immediately put the question, and, if so desired by any member, shall again state it.

16.18 Question—Method of Putting
If a decision is not clear or in doubt, the Presiding Member shall put the question as often as necessary to determine the decision from a show of hands or other method agreed upon.
16.19 Recording of Votes
If a member specifically requests that there be recorded—
(a) his or her vote; or
(b) the vote of all members present;
on a matter voted on at a meeting of the Council or a Committee, then the votes will be recorded in
the minutes.

16.20 Revoking Decisions — When This Can Occur
Revoking decisions is dealt with in the Act and Regulations

PART 17 — POINTS OF ORDER

17.1 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
shall immediately cease speaking while the Presiding Member listens to the point of order.

17.2 Points of Order — Definitions
(1) Raising a difference of opinion or to contradict a speaker shall not be recognised as raising a point
of order.
(2) The following shall be recognised as valid points of order—
(a) that the discussion is of a question not before the Council;
(b) that offensive or insulting language is being used; or
(c) drawing attention to the violation of any local law or standing order of the council, providing
that the member raising to the point of order shall state the local law or standing order
believed to be breached.

17.3 Points Of Order — Ruling
(1) The Presiding Member shall give a decision on any point of order after the point has been raised
by either upholding or rejecting the point of order.
(2) The ruling of the Presiding Member upon any question of order shall be final, unless a majority of
the members support a motion of dissent with the ruling.

17.4 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 question.

PART 18 — ADJOURNMENT OF MEETING

18.1 Meeting May be Adjourned
If a procedural motion under clause 15.3 is carried, a meeting may be adjourned to a later hour of the
same day, or to any other time not more than seven days from the date of the adjournment.

18.2 Notice of Adjourned Meeting
When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to
each member in the manner provided in Part 2.

18.3 Business at Adjourned Meeting
No additional business shall be discussed at an adjourned meeting except that which was on the
original agenda for that meeting.

18.4 Unopposed Business — Motion for Adjournment of Council
On a motion for the adjournment of a meeting, the Presiding Member, before putting the motion, may
seek leave of the meeting to proceed to the transaction of unopposed business.

18.5 Withdrawal of Motion for Adjournment of Council
A motion or an amendment relating to the adjournment of a meeting may be withdrawn by the
mover, with the consent of the seconder, except that if any member objects to the withdrawal the
motion must continue to be debated.

PART 19 — PERSONAL EXPLANATION

19.1 Personal Explanation
(1) No member shall speak except upon the question before the meeting unless it is to make a
personal explanation.
(2) Any member who is permitted to speak under these circumstances must confine the observations
to a succinct statement relating to a specific part of the former speech which may have been
misunderstood.
(3) When a member rises to explain, no reference shall be made to matters unnecessary for that
purpose.
19.2 Personal Explanation — When Heard
A member of the Council wishing to make a personal explanation of matters referred to by another member then speaking shall be entitled to be heard immediately—
(a) if the member of the Council then speaking consents, at the time;
(b) if the member speaking does not consent, the explanation must be offered at the conclusion of that speech.

19.3 Ruling on Questions of Personal Explanation
The ruling of the Presiding Member on the admissibility of a personal explanation shall be final but subject to a motion of dissent.

PART 20 — COMMITTEES OF COUNCIL

20.1 Committees
The formation of and operation of Committees is dealt with in the Act

20.2 Standing Orders Apply to Committees
Unless otherwise specifically provided, the Standing Orders apply generally to the proceedings of Committees, except for—
(a) clause 11.2 (relating to seating);
(b) clause 12.4 (relating to the limit on the number of speeches).

20.3 Communications by Committees
A Committee must not communicate with any person or authority except through the Mayor.

PART 21 — ADMINISTRATIVE MATTERS

21.1 Copies of Acts and Standing Orders and Papers to Members of the Council
The CEO shall provide to each member of the Council as soon as convenient after being elected to office a copy of the Acts and local-laws regulating and governing the administration of the district.

21.2 Custody and Use of Common Seal
The use and custody of the Common Seal is dealt by the Act and Regulations

21.3 Custody of Corporate Property
All property whatsoever belonging to, or held in trust by the Council shall be in the custody of CEO, who shall be responsible to the Council therefore.

21.4 Suspension of Standing Orders
(1) The mover of a motion to suspend any standing order or orders shall state the clause or clauses of the standing order or orders to be suspended.
(2) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the Council must be seconded, but the motion need not be presented in writing.

21.5 Cases Not Provided for in Standing Orders
In cases of procedure where this local law, the Act and Regulations are silent, rulings shall be determined according to a recognised authoritative book on meeting procedure as determined by the Council from time to time. The mayor shall decide all other questions of order, procedure, debate or otherwise where the approved authority has no provision or insufficient provision.

21.6 Enforcement — Penalty for Breach of Standing Orders
A person who breaches a provision of this local law commits an offence. Penalty: $1,000, and a daily penalty of $500.

21.7 Who Can Prosecute
Who can prosecute is dealt with in the Act.

21.8 Duty of Chief Executive Officer
It is the duty of the CEO to draw the attention of the meeting to any breach or likely breach of this local law even if it requires interrupting any person speaking, including the Presiding Member.

Dated this 1st day of June 2012.

The Common Seal of the Town of Cottesloe is hereunto affixed by authority of a resolution of Council in the presence of—

KEVIN JOSEPH MORGAN, Mayor.
CARL ASKEW, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

TOWN OF COTTESLOE

BEACHES AND BEACH RESERVES LOCAL LAW 2012
LOCAL GOVERNMENT ACT 1995

TOWN OF COTTESLOE

BEACHES AND BEACH RESERVES LOCAL LAW 2012

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FORM 1
FORM 2
FORM 3
Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Town of Cottesloe resolved on 28 May 2012 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the Town of Cottesloe Beaches and Beach Reserves Local Law 2012.

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

1.3 Repeal
The Beaches and Beach Reserves Local Law No. 3 as published in the Government Gazette on 14 April 1999 is repealed.

1.4 Definitions
In this local law, unless the context otherwise requires, the following terms shall have the meanings defined below.

- **Act** means the Local Government Act 1995;
- **animal** without limiting the generality of such term, includes horses, camels, cats, cattle, sheep, goats, swine, reptiles and birds but does not include dogs;
- **Authorised Person** means an employee of the Town of Cottesloe, a member of the Western Australian Police Service or other person where such other person is authorised in writing by the Town to exercise any function provided under these laws;
- **Bathing** means the act of entering into the sea and emerging there from and includes the use of bathing appliances;
- **Bathing Appliances** means a float of any material, including surf skis, surfboards, kickboards, malibu boards, paddle boards, bodyboards, boats or any other device whether motorised or not, used or capable of use for bathing or surf riding;
- **Bathing Area** means that part of the defined area which, from time to time, is set aside pursuant to clause 4.2(1) of this local law as a bathing area;
- **Boat** means any structure or vessel whether propelled manually or by wind or power or wave, used to float and travel upon or above the water;
- **Building** means a structure erected or placed on land and without limiting the generality of the same includes all plumbing, electrical installations, fittings, fixtures and all furniture or other contents of a building and all structures in the open air including notices, signs, seats, fences, walls, drains, showers, roads, footpaths, memorials and the like erected by or with the consent of Council;
- **Cottesloe Beach** means the area of beach from the northern face of the Cottesloe Beach Groyne to an imaginary line drawn west at right angles to the coast from the southern boundary of Napier Street road reserve;
- **Council** means the Council of the Town of Cottesloe;
- **Defined Area** means the places and the areas of the sea defined in clause 1.5 of this local law;
- **District** means the district of the Town of Cottesloe;
- **Eric Street Pool** means the area of beach between the imaginary lines drawn west at right angles to the coast from—
  1. the northern border of the Eileen Street road reserve; and
  2. the southern alignment of the Eric Street road reserve;
Fence means and artificially created barrier whether temporary or permanent including post and rails, chain, metal, wire or pipe;

Fishing means to use any line, lure, rod, pot or other method for the purposes of catching marine life;

Foreshore means the beach from the low water mark as measured at the ordinary spring tides to the commencement of the sand dune system;

function without limiting the generality of such term, includes a carnival, show, fete, concert, exhibition, gymkhana, sporting event, or a training or practice session in connection with a sport;

Indecent exposure means the revealing to view of those parts of the body, especially the genitals, which by law and convention should be covered by clothing under the given circumstances;

Life Saving Club means a Life Saving Club affiliated with Surf Life Saving Western Australia Inc;

Life Saving Appliance means any equipment or other appliance used in the provision of life saving services or for the training of Life Saving Club members or their duties;

Local Government means the Town of Cottesloe;

North Cottesloe Beach means the area of beach between an imaginary line drawn west at right angles to the coast from the northern border of the Eileen Street road reserve and the northern border of the Grant Street road reserve;

Nuisance means—
(a) any thing, condition, circumstance or state of affairs which is injurious or dangerous to the health of a reasonable person, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of a person;
(b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; and
(c) any thing a person does on public or private land which detracts from or interferes with the enjoyment or value of land owned by another person;

Public Place includes every place to which the public ordinarily has access, whether by payment of fee or not;

Regulations mean Local Government (Functions and General) Regulations 1996;

Reserves means Land Reserve Numbers 6896A, 13718, 13719, 16187, 16188, 16189, 28199 and 30807;

Sand Dune System means sand dunes and all areas between sand dunes;

Surfing means the use of any flotation device that is propelled by the motion of ocean waves at any point during its use, but does not include any device being used in surf lifesaving operations, training or competition;

Vehicle includes—
(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
(b) an animal being ridden or driven;

Vera View Beach means the area of beach between imaginary lines drawn west at right angles to the coast from the southern boundary of Lot 22 (No. 204 Marine Parade) and the southern boundary of Lot 45 (No 214 Marine Parade of Swan Location Sub-lot, Plan 691; and

Watercraft means any bathing appliance or boat as defined above.

1.5 Application
Unless the contrary is expressly provided, these local laws shall apply—
(a) to the sea adjoining the District for a distance of 200 metres seaward from the low water mark as measured at ordinary spring tides;
(b) to the area comprising the reserves to the extent the reserves are within the District; and
(c) to all land or any building vested in or under the care, control and management of the Town where such land or building is located within the reserves.

PART 2—ENVIRONMENTAL PROTECTION

2.1 Activities prohibited to preserve the environment
(1) Subject to the provisions of the Fish Resources Management Act 1994 and the Wildlife Conservation Act 1950, a person must not destroy, damage, injure, cause harm to, catch, snare, or take any animal or marine life ordinarily found within the defined area.
(2) This clause does not apply to recreational line fishing which is not otherwise prohibited under or by these local laws.
(3) A person shall not, without the permission of the local government—
(a) climb over, under, or through any fence or gate designed or installed for the purpose of prohibiting or restricting the entry of persons or vehicles;
PART 3—BEHAVIOUR ON BEACHES AND BEACH RESERVES

3.1 Quiet amenity
A person shall not, without the permission of the local government—
(a) play sport or games in such a way as to cause inconvenience or annoyance to other persons;
(b) create or take part in any nuisance or disturbance or behave in a disorderly or offensive manner;
(c) enter or remain on a Beach or Beach Reserve while under the influence of alcohol or a prohibited drug;
(d) throw or release any stone, arrow or other object used as a missile;
(e) carry or discharge any firearm, air-gun, or other missile discharging device, or throw or discharge any explosive device, firework, spear or missile;
(f) operate any device to produce a noise in such a manner as is, in the opinion of an authorised person, likely to cause a nuisance or annoyance to other people in the area;
(g) use or operate any siren, starting gun or other device which causes noise which in the opinion of an authorised person is likely to cause a nuisance or annoyance to any person in the vicinity;
(h) fly any mechanically operated model aeroplane or similar device;
(i) hire, or offer for hire, any vehicle, bicycle, watercraft, kite, or other item of equipment for sport, entertainment, or amusement;
(j) sell or offer for sale any goods of any description; or
(k) set aside, to the exclusion of others, an area for a function or event.

PART 4—PUBLIC SAFETY

4.1 Vehicles on beaches and beach reserves
(1) A person, other than an authorised person, shall not without the prior written permission of the local government—
(a) drive or ride a vehicle other than on those areas set aside as thoroughfares, driveways or vehicle parking areas; or
(b) park or stand any vehicle except on areas set aside as parking areas.

(2) The local government may grant permission to allow a vehicle to enter upon a public reserve for a specific reason and—
(a) may apply such conditions as it thinks fit to such permission; and
(b) a person shall not park, drive or stand that vehicle in breach of any such condition.

(3) For the purposes of this clause, a vehicle does not include—
(a) a wheel-chair or any device designed for use, by a physically impaired person, to allow access to and use of the reserve; or
(b) a pram, stroller or similar device.

4.2 Beach safety
(1) The local government may set aside specific areas where all or any of the following things are prohibited—
(a) entry by persons;
(b) bathing;
(c) the use of bathing appliances or any particular kind of bathing appliance;
(d) the entry and use of vehicles;
(e) the launching of boats and other watercraft;
(f) the playing of games;
(g) the selling or displaying for sale or hiring of goods and merchandise;
(h) fishing; or
(i) surfing.
(2) The local government may set aside specified areas for the purpose of subclause (1) for a particular period or until further notice by causing notices to that effect to be placed in the vicinity of the specified area.

(3) In an emergency, or if conditions warrant, an authorised person may set aside a specified area for the purposes of subclause (1)—
(a) with immediate effect;
(b) where any number or combination of the things listed in sub-clause (1) are prohibited; and
(c) which is noted by way of signs, flags and other markings, or by instruction by an authorised person.

4.3 Surfing
(1) In addition to clause 4.2, Surfing is not permitted at any time in the area—
(a) bounded by the north side of the Cottesloe Beach Groyne and an imaginary line between the western end of the groyne and a point on the shoreline one hundred metres north of the Cottesloe Beach Groyne; or
(b) Eric Street Pool and Vera View Beach.
(2) Subject to clause 4.2 and subclause (1) above, surfing is not permitted north of the Cottesloe Beach Groyne, except between 1 April and 30 September each year.

PART 5—APPROPRIATE BEHAVIOURS
5.1 All persons to remain clothed
(1) Any person using a beach for any activity in public view shall, in order to prevent indecent exposure, be properly and adequately clothed.
(2) A parent or other adult person who is responsible for the custody, care or control of a child shall ensure that the child is properly and adequately clothed in accordance with subclause (1).
(3) Where in the opinion of an authorised person, a person is in contravention of this clause, the authorised person may direct that person to comply with this clause and the person will comply with that direction immediately.

5.2 Use of change rooms and ablution facilities
(1) No person shall—
(a) loiter either inside or outside any toilet, change-room or building or portion of a building;
(b) enter or attempt to enter any toilet block or change-room facility intended for use by the opposite gender; or
(c) without the consent of the occupier, enter or attempt to enter any toilet or compartment that is already occupied.
(2) Any person, who acts in a way that causes an authorised officer to reasonably believe they are contravening subclause (1) may be directed by the authorised officer to leave the area and that person shall comply with that direction immediately.
(3) Paragraph (b) of subclause (1) does not apply to a child when accompanied by a parent, guardian or caregiver, where the child is—
(a) under the age of 8 years; or
(b) otherwise permitted by an authorized person to use the relevant entry.

PART 6—ANIMALS
6.1 Animals prohibited on beach
(1) No person shall ride, drive or bring an animal onto any part of the defined area that has not been set aside for that purpose, except with the written permission of the local government—
(2) The local government may set aside portions of the defined area as areas upon which a person may ride or drive an animal, or onto which a person may bring an animal.

PART 7—FISHING
7.1 Certain fishing activities prohibited
Within the defined area no person shall at any time—
(a) fish for sharks by any means;
(b) use blood as a lure for the purpose of attracting marine life;
(c) clean fish, or leave or deposit fish offal or bait and associated material, except in the bins provided for that purpose; or
(d) use or be in possession of a device such as a spear gun, gidgee, hawaiian sling or other like device.

PART 8—WATERCRAFT
8.1 Restrictions on the use of watercraft
Watercraft are prohibited within defined area with the following exceptions—
(a) surf life saving craft, used in their capacity as training and competition boats of a Life Saving Club, at both Cottesloe Beach and North Cottesloe Beach;
(b) surf life saving boats being used for water rescue by a Surf Life Saving Club or authorised person;
(c) subject to clause 4.2 surf skis may be used—
   (i) at Cottesloe Beach and North Cottesloe Beach only for the purposes of entering and leaving the beach to a distance of one hundred metres seaward from the low water mark as measured at ordinary spring tides; and
   (ii) At other beaches where safe to do so;
(d) sailing craft and sail boards south of the Cottesloe Groyne and north of the northern boundary of the North Cottesloe Surf Saving Club building; and
(e) any watercraft taking part in an event authorised by the local government in accordance with these local laws.

PART 9—APPLICATIONS FOR EVENTS AND ACTIVITIES

9.1 All applications shall be in writing
(1) Every application for permission in these local laws shall be in writing and shall specify—
   (a) the name, address and contact details of the applicant seeking permission to undertake an activity or activities;
   (b) the location at, on or from which the applicant proposes to conduct the activities;
   (c) details of the activities the applicant proposes to conduct;
   (d) the day or days on which, and times during which, the applicant proposes to conduct the activities.
(2) Clause 11.1 does not apply to a contravention of this clause.

9.2 Application approvals
(1) Where an application for permission is made to the local government under this local law, the local government may—
   (a) refuse the application; or
   (b) approve the application subject to any conditions as the local government sees fit.
(2) Where an application for permission is approved, the local government will convey this approval to the applicant by written notice and this notice shall specify any conditions to which the approval is subject.
(3) An applicant must comply with any conditions imposed under subclause (1).
(4) If an applicant breaches any condition imposed under this clause, the local government may by written notice revoke the approval to which the condition relates.
(5) Without limiting the generality of subclause (1), the local government may set fees as a condition for the granting of an approval under this clause.

PART 10—IMPOUNDING OF GOODS

10.1 Goods involved in the committing of an offence may be seized
The seizure of goods involved in an offence is covered by the Act and Regulations.

PART 11—OFFENCES AND PENALTIES

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

11.2 Infringement notices
(1) An infringement notice in respect of an offence prescribed in these local laws—
   (a) may be given under s.9.13 of the Act and shall be in or to the effect of Form 1 Schedule 2; or
   (b) may be given under s.9.16 of the Act and shall be in or to the effect of Form 2 of Schedule 2.
(2) A notice sent under s.9.20 of the Act withdrawing an infringement notice shall be in or to the effect of Form 3 of Schedule 2.
### Schedule 1

#### MODIFIED PENALTIES

<table>
<thead>
<tr>
<th>Item</th>
<th>Clause</th>
<th>Nature of Offence</th>
<th>Modified Penalty</th>
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<tbody>
<tr>
<td>1</td>
<td>2.1(1)</td>
<td>Destroying or damaging animal or marine life</td>
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<tr>
<td>2</td>
<td>2.1(2)</td>
<td>Undertaking a prohibited activity without permission</td>
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<tr>
<td>3</td>
<td>3.1(a)</td>
<td>Playing sport which creates inconvenience</td>
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</tr>
<tr>
<td>4</td>
<td>3.1(b)</td>
<td>Creating a nuisance</td>
<td>$50</td>
</tr>
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<td>5</td>
<td>3.1(c)</td>
<td>Under the influence of alcohol or other drugs</td>
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<td>6</td>
<td>3.1(d)</td>
<td>Throw or release any missile</td>
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<td>7</td>
<td>3.1(e)</td>
<td>Carry or discharge any firearm</td>
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<td>8</td>
<td>3.1(f)</td>
<td>Operating musical instrument or electronic amplifying equipment so as to create a nuisance</td>
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<tr>
<td>9</td>
<td>3.1(g)</td>
<td>Unauthorised use of an alarm</td>
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<td>10</td>
<td>3.1(h)</td>
<td>Unauthorised use of prohibited device</td>
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<td>11</td>
<td>3.1(i)</td>
<td>Unauthorised launching of hang-gliders</td>
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<td>12</td>
<td>3.1(j)</td>
<td>Hire or offering to hire equipment</td>
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<td>13</td>
<td>3.1(k)</td>
<td>Sale or offering for sale any goods</td>
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<td>14</td>
<td>4.1</td>
<td>Unauthorised use of vehicle on reserve</td>
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<td>15</td>
<td>4.2</td>
<td>Undertaking an activity prohibited in that area</td>
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<td>16</td>
<td>4.3</td>
<td>Surfing in a prohibited area</td>
<td>$100</td>
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<td>17</td>
<td>5.1</td>
<td>Failing to remain properly and adequately clothed</td>
<td>$50</td>
</tr>
<tr>
<td>18</td>
<td>5.3(1)</td>
<td>Loitering either inside or outside toilet or ablution facility</td>
<td>$100</td>
</tr>
<tr>
<td>19</td>
<td>5.3(2)</td>
<td>Failing to move on when directed to do so</td>
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<td>20</td>
<td>6.1</td>
<td>Bringing an animal onto the beach where they are not authorised to do so</td>
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<tr>
<td>21</td>
<td>7.1</td>
<td>Undertaking prohibited fishing activities</td>
<td>$100</td>
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<td>22</td>
<td>8.1</td>
<td>Use of a watercraft in a prohibited area</td>
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<td>23</td>
<td>9.1(2)</td>
<td>Failure to abide by condition of use</td>
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</tbody>
</table>

### Schedule 2

#### FORMS

**FORM 1**

Town of Cottesloe
Beaches and Beach Reserves Local Law 2012
TOWN OF COTTELSOE

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

To: (1) __________________ 

of: (2) __________________ 

It is alleged that on (3) ____________________________ at (4) ___________________________________ 
at (5) ____________________________________ your vehicle (6) ___________________________________ 
was involved in the commission of the following offence—

____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________
____________________________________________________________________________________________

contrary to local law (7) ____________ of the Town of Cottesloe Beaches and Beach Reserve Local Law 2012.

You are required under s9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

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

(a) within 28 days after being served with this notice—

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

Name and title of person giving notice

___________________________________

Signature

(1) Name of the owner of (vehicle identification)
(2) Address of the owner
(3) Time at which the offence is allegedly committed
(4) Date on which the offence allegedly committed
(5) Place at which offence is allegedly committed
(6) Vehicle identification
(7) Specific clause of the local law

FORM 2

Town of Cottesloe
Beaches and Beach Reserve Local Law 2012
Local Government Act 1995 s9.16
INFRINGEMENT NOTICE

Serial No.___________
Date: ___ / ___ / ___

TOWN OF COTTESLOE

To: (1) ______________________________ of (2) ____________________________
it is alleged that on (3) ___ / ___ / ______ at (4) ____________________________ you committed the following offence—
(5) __________________________________________________________________________________________
_____________________________________________________________________________________________
_____________________________________________________________________________________________

contrary to local law (6) ________________ of the Town of Cottesloe Beaches and Beach Reserve Local
Law 2012.

The modified penalty for the offence is (7) $__________

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the
amount of the modified penalty must be paid either to an authorised person at the Town of Cottesloe,
109 Broome Street, Cottesloe, WA, 6011 or online at www.cottesloe.wa.gov.au within a period of 28
days after the giving of this notice.

Name and title of authorised person giving this notice

___________________________________

Signature

(1) name of the alleged offender
(2) address of the alleged offender
(3) date of the alleged offence
(4) time of alleged offence
(5) alleged offence
(6) name of local law (clause)
(7) modified penalty

|
FORM 3
Town of Cottesloe
Beaches and Beach Reserve Local Law 2012
Local Government Act 1995 s9.20
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No. ___________
Date: ___ / ___ / _____

To (1): ______________________
of (2): ______________________
Infringement Notice (3) _______________________________________________ dated (4) ___ / ___ / ______ has been withdrawn due to: (5)________________________________________________________________
____________________________________________________________________________________________

The modified penalty of (6) $________
* has been paid and a refund is enclosed
* has not been paid and should not be paid
* delete as appropriate

___________________________________
Name of authorised person giving this notice
___________________________________
Signature

(1) Name of the alleged offender to whom infringement notice was given
(2) Address of alleged offender
(3) Infringement notice number
(4) Date appearing on infringement notice
(5) Reason infringement notice has been withdrawn
(6) Modified penalty appearing on infringement notice

Dated this 1st day of June 2012.
The Common Seal of the Town of Cottesloe is hereunto affixed by authority of a resolution of council in the presence of—

KEVIN JOSEPH MORGAN, Mayor.
CARL ASKEW, Chief Executive Officer.
LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2011

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LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2011

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 City of Greater Geraldton resolved on 12 October 2011 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation
This local law may be cited as the City of Greater Geraldton Activities in Thoroughfares and Public Places and Trading Local Law 2011.

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 Repeal
(1) The following local laws are repealed—
   (a) the City of Geraldton Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law published in the Government Gazette of 2 August 2000;
   (b) the Shire of Greenough By-law Relating to Trading in Public Places published in the Government Gazette of 29 December 1989;
   (c) the Shire of Greenough Local Law Relating to Stallholders and the Stalls they Operate published in the Government Gazette of 6 June 2002; and

1.5 Interpretation
In this local law unless the context otherwise requires—
   Act means the Local Government Act 1995;
   applicant means a person who applies for a permit;
   authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;
   built-up area has the meaning given to it in the Road Traffic Code 2000;
   bulk rubbish container means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government’s regular domestic rubbish collection service;
   carriageway has the meaning given to it in the Road Traffic Code 2000;
   CEO means the Chief Executive Officer of the local government;
   commencement day means the day on which this local law comes into operation;
   Council means the council of the local government;
   crossing means a crossing giving access from a public thoroughfare to—
      (a) private land; or
      (b) a private thoroughfare serving private land;
   district means the district of the local government;
   footpath has the meaning given to it in the Road Traffic Code 2000;
**garden** means any part of a thoroughfare planted, developed or treated otherwise than as a lawn, with one or more plants;

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

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

**lawn** means any part of a thoroughfare which is planted only with grass or with a similar plant, but will include any other plant provided that it has been planted by the local government;

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

**local government** means the City of Greater Geraldton;

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

(a) which belongs to the local government;

(b) of which the local government is the management body under the Land Administration Act 1997; or

(c) which is an ‘otherwise unvested facility’ within section 3.53 of the Act;

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

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

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

**permit** means a permit issued under this local law;

**permit holder** means a person who holds a valid permit;

**person** does not include the local government;

**premises** for the purpose of both this clause and clause 6.1, means a building or similar structure, but does not include a car park or a similar place;

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

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

(b) local government property;

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

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

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

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

**townsite** means all townsites within the district 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;

**vehicle** includes—

(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

(b) an animal being ridden or driven, but excludes—

(a) a wheelchair or any device designed for use by a physically impaired person on a footpath;

(b) a pram, a stroller or a similar device; or

(c) a shopping trolley; and

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

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**PART 2—ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES**

**Division 1—General**

**2.1 General prohibitions**

A person shall not—

(a) plant any plant (except grasses or a similar plant) within 6 metres of an intersection;

(b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless—

(i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or

(ii) the person is acting under the authority of a written law;
(c) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2 metres of a carriageway;
(d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
(e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
(f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare; or
(g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades or similar device.

2.2 Activities allowed with a permit — general

(1) A person shall not, without a permit—
(a) dig or otherwise create a trench through or under a kerb or footpath;
(b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;
(c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
(d) cause any obstruction to a water channel or a water course in a thoroughfare;
(e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
(f) damage a thoroughfare;
(g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
(h) fell any tree onto a thoroughfare;
(i) unless installing, or in order to maintain, a permissible verge treatment—
1. lay pipes under or provide taps on any verge; or
2. place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
(j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
(k) on a public place use anything or do anything so as to create a nuisance;
(l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
(m) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

(1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—
(a) that permitted under the Liquor Control Act 1988 or under another written law; or
(b) the person is doing so in accordance with a permit.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2—Vehicle crossing
Subdivision 1—Temporary crossings

2.4 Permit required

(1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—
(a) a crossing does not exist; or
(b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.

(2) The person responsible for the works in subclause (1) is to be taken to be—
(a) if a building permit issued by a permit authority under the Building Act 2011 is in effect for the work, means the person named as the builder on the permit;
(b) if a demolition permit issued by a permit authority under the Building Act 2011 is in effect for the work, means the person named as the demolition contractor on the permit; or
(c) if neither a building permit nor a demolition permit is in effect for the work, means each owner of the land on which the work is done.
(3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

Subdivision 2—Redundant vehicle crossings

2.5 Removal of redundant crossing
(1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
(2) The local government may give written notice to the owner or occupier of a lot requiring her or him to—
   (a) remove any part of or all of a crossing which does not give access to the lot; and
   (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare which may be affected by the removal within the period of time stated in the notice.

Division 3—Verge treatments

Subdivision 1—Preliminary

2.6 Interpretation
In this Division, unless the context otherwise requires—

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

2.7 Application
This Division only applies to a townsite.

Subdivision 2—Permissible verge treatments

2.8 Permissible verge treatments
(1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.
(2) The permissible verge treatments are—
   (a) the planting and maintenance of a lawn;
   (b) the planting and maintenance of a garden provided that—
      (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and
      (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2 metres along that part of the verge immediately adjacent to the kerb;
   (c) the installation of an acceptable material; or
   (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

2.9 Only permissible verge treatments to be installed
(1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.
(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.10.

2.10 Obligations of owner or occupier
An owner or occupier who installs or maintains a permissible verge treatment shall—
   (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
   (b) not place any obstruction on or around the verge treatment; and
   (c) not disturb a footpath on the verge.

2.11 Notice to owner or occupier
The local government may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Division.
Subdivision 3—Existing verge treatments

2.12 Transitional provision
(1) In this clause—

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

(2) A verge treatment which—

(a) was installed prior to the commencement day; and

(b) on the commencement day is a type of verge treatment which was permitted under and
complied with the former provisions

is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the
same type and continues to comply with the former provisions.

Subdivision 4—Public works

2.13 Power to carry out public works on verge
Where the local government or an authority empowered to do so under a written law disturbs a verge,
the local government or the authority—

(a) is not liable to compensate any person for that disturbance;

(b) may backfill with sand, if necessary, any garden or lawn; and

(c) is not liable to replace or restore any—

(i) verge treatment and, in particular, any plant or any acceptable material or other hard
surface; or

(ii) sprinklers, pipes or other reticulation equipment.

Subdivision 1—Preliminary

2.14 Interpretation
In this Division, unless the context requires otherwise—

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

Subdivision 2—Assignment and marking of numbers

2.15 Assignment of numbers
The local government may assign a number to a lot in the district and may assign another number to
the lot instead of that previously assigned.

Subdivision 5—Fencing

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

(a) a public place, as that term is defined in clause 1.5; and

(b) local government property.

Subdivision 6—Signs erected by the local government

2.17 Signs
(1) A local government may erect a sign on a public place specifying any conditions of use which apply
to that place.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving
notice of the effect of a provision of this local law.

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

(a) the sign specifies a condition of use relating to the public place which gives notice of the effect
of a provision of this local law; and

(b) the condition of use specified is not inconsistent with any provision of this local law.
Division 7—Driving on a closed thoroughfare

2.19 No driving on closed thoroughfare
(1) A person shall not drive or take a vehicle on a closed thoroughfare unless—
(a) it is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
(b) the person has first obtained a permit.
(2) In this clause—
closed thoroughfare means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

3.1 Interpretation
In this Part, unless the context otherwise requires—
advertising sign means a sign used for the purpose of advertisement and includes an election sign;
direction sign means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;
election sign means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election;
portable direction sign means a portable free standing direction sign; and
portable sign means a portable free standing advertising sign.

Division 2—Permit

3.2 Advertising signs and portable direction signs
(1) A person shall not, without a permit—
(a) erect or place an advertising sign on a thoroughfare; or
(b) post any bill or paint, place or affix any advertisement on a thoroughfare.
(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500 millimetres in height nor 0.5 square metres in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.
(3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—
(a) on a footpath;
(b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5 metres;
(c) on or within 3 metres of a carriageway;
(d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
(e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit
In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to—
(a) any other written law regulating the erection or placement of signs within the district;
(b) the dimensions of the sign;
(c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
(d) whether or not the sign will create a hazard to persons using a thoroughfare, and
(e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

Division 3—Conditions on permit

3.4 Conditions on portable sign
If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—
(a) the portable sign shall—
(i) not exceed 1 metre in height;
(ii) not exceed an area of 1 square metre on any side;
(iii) relate only to the business activity described on the permit;
(iv) contain letters not less than 200 millimetres in height;
(v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
(vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
(vii) be secured in position in accordance with any requirements of the local government;
(viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
(ix) be maintained in good condition; and (b) no more than one portable sign shall be erected in relation to the one building or business.

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

PART 4—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Division 1—Animals and vehicles

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

4.2 Prohibitions relating to animals
(1) In subclause (2), owner in relation to an animal includes—
(a) an owner of it;
(b) a person in possession of it;
(c) a person who has control of it; and
(d) a person who ordinarily occupies the premises where the animal is permitted to stay.
(2) An owner of an animal shall not—
(a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
(b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
(c) train or race the animal on a thoroughfare.
(3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

Division 2—Shopping trolleys

4.3 Interpretation
In this Division—
retailer means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and
shopping trolley means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.
4.4 **Shopping trolley to be marked**
A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

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

4.6 **Retailer to remove abandoned trolley**
(1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, an authorised person may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.

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

4.7 **Retailer taken to own trolley**
In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

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**PART 5 —ROADSIDE CONSERVATION**

**Division 1—Preliminary**

5.1 **Interpretation**
In this Part—
- **MRWA** means Main Roads Western Australia;
- **protected flora** has the meaning given to it in section 6(1) of the Wildlife Conservation Act 1950;
- **rare flora** has the meaning given to it in section 23F of the Wildlife Conservation Act 1950;
- **Roadside Conservation Committee** means the Roadside Conservation Committee appointed by the Minister for the Environment; and
- **special environmental area** means an area designated as such under clause 5.7.

5.2 **Application**
This Part does not apply to a townsite.

**Division 2—Flora roads**

5.3 **Declaration of flora road**
The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

5.4 **Construction works on flora roads**
Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the ‘Handbook of Environmental Practice for Road Construction and Road Maintenance Works’ (April 2005) prepared by the Roadside Conservation Committee.

5.5 **Signposting of flora roads**
The local government may signpost flora roads with the standard MRWA flora road sign.

5.6 **Driving only on carriageway of flora roads**
(1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.

(2) Subclause (1) does not apply where—
   (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
   (b) there is no carriageway; or
   (c) an exemption from the application of subclause (1) has been obtained from the local government.

**Division 3—Special environmental areas**

5.7 **Designation of special environmental areas**
The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which—
   (a) has protected flora or rare flora; or
   (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.
5.8 Marking of special environmental areas
The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

Division 4—Planting in thoroughfares

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

5.10 Relevant considerations in determining application
In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to—
(a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
(b) the diversity of species and the prevalence of the species which are to be planted or sown.

Division 5—Clearance of vegetation

5.11 Permit to clear
A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1 metre of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

5.12 Application for permit
In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

Division 6—Fire management

5.13 Permit to burn thoroughfare
A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

5.14 Application for permit
In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 shall—
(a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
(b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

5.15 When application for permit can be approved
The local government may approve an application for a permit for the purpose of clause 5.13 only if the burning of the particular part of the thoroughfare will—
(a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
(b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

5.16 Prohibitions on burning
Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna.

Division 7—Firebreaks

5.17 Permit for firebreaks on thoroughfares
A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

5.18 When application for permit cannot be approved
(1) The local government is not to approve an application for a permit for the purpose of clause 5.17 where the thoroughfare is less than 20 metres wide.
(2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

Division 8—Commercial wildflower harvesting on thoroughfares

5.19 General prohibition on commercial wildflower harvesting
Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.
5.20 Permit for revegetation projects

(1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.

(2) The local government may approve an application for a permit under subclause (1) only where—
   (a) the seed is required for a revegetation project in any part of the district; and
   (b) the thoroughfare, or the relevant part of it, is not a special environmental area.

(3) If the local government approves an application for a permit for the purpose of subclause (1) it is to be taken, unless the local government specifically provides to the contrary on a permit, to be approved subject to the following conditions—
   (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
   (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

PART 6—TRADING IN THOROUGHFARES AND PUBLIC PLACES

Division 1—Stallholders and traders

Subdivision 1—Preliminary

6.1 Interpretation

In this Division, unless the context otherwise requires—

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

public place includes—
   (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
   (b) local government property,

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

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

stallholder means a person in charge of a stall;

stallholder’s permit means a permit issued to a stallholder;

trader means a person who carries on trading;

trader’s permit means a permit issued to a trader; and

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

but does not include—
   (d) the delivery of pre-ordered goods of services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services, whether or not payment for those goods or services is accepted on delivery;
   (e) the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services, when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;
   (f) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;
   (g) the selling or the offering for sale of goods and services, or the soliciting of orders for, goods and services from a person who sells those goods or services;
   (h) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
   (i) the selling or hiring or the offering for sale or hire of—
      (i) goods by a person who represents a manufacturer of the goods; or
      (ii) services by a person who represents a provider of the services which are only sold directly to consumers and not through a shop.
6.2 Stallholder’s permit
(1) A person shall not conduct a stall on a public place unless that person is—
(a) the holder of a valid stallholder’s permit; or
(b) an assistant specified in a valid stallholder’s permit.
(2) Every application for a stallholder’s permit shall—
(a) state the full name and address of the applicant;
(b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
(c) specify the proposed location of the stall;
(d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
(e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
(f) be accompanied by an accurate plan and description of the proposed stall.

6.3 Trader’s permit
(1) A person shall not carry on trading unless that person is—
(a) the holder of a valid trader’s permit; or
(b) an assistant specified in a valid trader’s permit.
(2) Every application for a trader’s permit shall—
(a) state the full name and address of the applicant;
(b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
(c) specify the location or locations in which the applicant proposes to trade;
(d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
(e) specify the proposed goods or services which will be traded; and
(f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

6.4 No permit required to sell newspaper
Notwithstanding any other provision of this local law, a person who sells or offers for sale a newspaper only, is not required to obtain a permit.

6.5 Relevant considerations in determining application for permit
(1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—
(a) any relevant policies of the local government;
(b) the desirability of the proposed activity;
(c) the location of the proposed activity;
(d) the principles set out in the Competition Principles Agreement; and
(e) such other matters as the local government may consider to be relevant in the circumstances of the case.
(2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds—
(a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
(b) that the applicant is not a desirable or suitable person to hold a permit;
(c) that—
(i) the applicant is an undischarged bankrupt or is in liquidation;
(ii) the applicant has entered into any composition or arrangement with creditors; or
(iii) a manager, an administrator, a trustee, a receiver or a receiver and manager has been appointed in relation to any part of the applicant’s undertakings or property; or
(d) such other grounds as the local government may consider to be relevant in the circumstances of the case.

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

(2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply
with this local law, the local government may at the request of that permit holder authorise another
person to be a nominee of the permit holder for a specified period, and this local law and the
conditions of the permit shall apply to the nominee as if he or she was the permit holder.

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

(1) In this clause—

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

commercial participant means any person who is involved in operating a stall or in conducting
any trading activity for personal gain or profit.

(2) The local government may waive any fee required to be paid by an applicant for a stallholder's
permit or a trader’s permit on making an application for or on the issue of a permit, or may return
any such fee which has been paid, if the stall is conducted or the trading is carried on—

(a) on a portion of a public place adjoining the normal place of business of the applicant; or

(b) by a charitable organisation that does not sublet space to, or involve commercial participants
   in, the conduct of a stall or trading, and any assistants that may be specified in the permit
   are members of that charitable organisation.

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

Subdivision 3—Conduct of stallholders and traders

6.8 Conduct of stallholders and traders

(1) A stallholder while conducting a stall or a trader while trading shall—

(a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary
structure, or if there is no stall, vehicle or temporary structure, carry the permit with her or
him while conducting a stall or trading;

(b) not display a permit unless it is a valid permit; and

(c) when selling goods by weight, carry and use for that purpose scales tested and certified in
accordance with the provisions of the Trade Measurement Act 2006.

(2) A stallholder or trader shall not—

(a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to
obstruct the movement of pedestrians or vehicles;

(b) act in an offensive manner;

(c) use or cause to be used any apparatus or device including any flap or shelf, whereby the
dimensions of a stall, vehicle or structure are increased beyond those specified in the permit;

or

(d) in the case of a trader, carry on trading from a public place, unless there is adequate parking
for customers’ vehicles reasonably close to the place of trading.
6.9 Interpretation

In this Division, unless the context otherwise requires—

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

permit means a permit issued for the purpose of clause 6.10;

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

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

Subdivision 2—Permits

6.10 Permit required to perform

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

6.11 Variation of permitted area and permitted time

(1) The local government may by notice in writing to a permit holder vary—

(a) the permitted area;

(b) the permitted time; or

(c) both the permitted area and the permitted time shown on a permit.

(2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

6.12 Duration of permit

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

6.13 Cancellation of permit

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

6.14 Obligations of permit holder

A permit holder shall not in a public place—

(a) perform wearing dirty, torn or ragged clothing;

(b) act in an offensive manner; or

(c) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier—

(i) other than in the permitted area; and

(ii) unless the musical instrument or device is specified in the permit.

Subdivision 3—Outdoor eating facilities on public places

6.15 Interpretation

In this Division—

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

food business has the same meaning as given in section 10 of the Food Act 2008;

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

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

6.16 Permit required to conduct facility

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

6.17 Matters to be considered in determining application

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

(a) the facility is conducted in conjunction with and as an extension of a food business which abuts on the facility, and whether the applicant is the person conducting such food business;

(b) any abutting food businesses are registered in accordance with the Food Act 2008, and whether the use of the premises to conduct a food business is permitted under the town planning scheme;

(c) users of the facility will have access to proper and sufficient sanitary and ablutionary conveniences;
(d) the facility would—
   (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
   (ii) impede pedestrian access; and
(e) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

6.18 Obligations of permit holder
(1) The permit holder for a facility shall—
   (a) ensure that the facility is conducted at all times in accordance with the provisions of this local law and the Food Act 2008;
   (b) ensure that the eating area is kept in a clean and tidy condition at all times;
   (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
   (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the facility; and
   (e) be solely responsible for all rates and taxes levied upon the land occupied by the facility.
(2) Whenever, in the opinion of the local government, any work is required to be carried out to a facility, the local government may give a notice to the permit holder for the facility to carry out that work within the time limited by the notice.
(3) In subclause (2), work includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a facility.

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

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

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

PART 7—PERMITS
Division 1—Applying for a permit

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

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

Division 2—Conditions

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

7.4 Imposing conditions under a policy
(1) In this clause—
   policy means a policy of the local government adopted by the Council containing conditions
subject to which an application for a permit may be approved under clause 7.2(1)(a).
(2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by
reference to a policy.
(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to
the application for a permit, with the form of permit referred to in clause 7.2(2).
(4) An application for a permit is to be taken not to have been approved subject to the conditions
contained in a policy until the local government gives the permit holder a copy of the policy or the
part of the policy which is relevant to the application.
(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken
to be information within section 5.94(u)(i) of the Act.

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

Division 3—General

7.6 Duration of permit
A permit is valid for 1 year from the date on which it is issued, unless it is—
(a) otherwise stated in this local law or in the permit; or
(b) cancelled under clause 7.10.

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

7.8 Transfer of permit
(1) An application for the transfer of a valid permit is to—
(a) be made in writing;
(b) be signed by the permit holder and the proposed transferee of the permit;
(c) provide such information as the local government may require to enable the application to be determined; and
(d) be forwarded to the CEO together with any fee imposed, and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—
   (a) an endorsement on the permit signed by the CEO; or
   (b) issuing to the transferee a permit in the form determined by the local government.

(4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

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

7.10 Cancellation of permit
(1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a—
   (a) condition of the permit; or
   (b) provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder—
   (a) shall return the permit as soon as practicable to the local government; and
   (b) is to be taken to have forfeited any fees paid in respect of the permit.

PART 8—OBJECTIONS AND APPEALS

8.1 Application of Part 9 Division 1 of Act
When the local government makes a decision—
   (a) under clause 7.2(1); or
   (b) as to whether it will renew, vary or cancel a permit,
the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

PART 9—MISCELLANEOUS NOTICES

9.1 Notice to redirect or repair sprinkler
Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

9.2 Hazardous plants
(1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to remove or alter the direction of the sprinkler or other watering equipment.

(2) Subclause (1) does not apply where the plant was planted by the local government.

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

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

PART 10—ENFORCEMENT

10.1 Offence to fail to comply with notice
Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.
10.2 Local government may undertake requirements of notice
Where a person fails to comply with a notice referred to in clause 10.1, the local government may do
the thing specified in the notice and recover from that person, as a debt, the costs incurred in so
doing.

Division 2—Offences and penalties
Subdivision 1—General

10.3 Offences
(1) Any person who fails to do anything required or directed to be done under this local law, or who
does anything which under this local law that person is prohibited from doing, commits an offence.
(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not
exceeding $5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding
$500 for each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

10.4 Prescribed offences
(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of
section 9.16(1) of the Act.
(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause
in Schedule 1.
(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the
commission of a prescribed offence, 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.

10.5 Forms
Unless otherwise specified, for the purposes of this local law—
(a) where a vehicle is involved in the commission of an offence, the form of the notice referred to
in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
(b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in
Schedule 1 of the Regulations; and
(c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of
the Regulations.

Schedule 1
PRESCRIBED OFFENCES

<table>
<thead>
<tr>
<th>Clause</th>
<th>Description</th>
<th>Modified Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1(a)</td>
<td>Plant any plant (except grasses or a similar plant) within 6 metres of intersection</td>
<td>$150</td>
</tr>
<tr>
<td>2.1(b)</td>
<td>Damaging lawn or garden</td>
<td>$150</td>
</tr>
<tr>
<td>2.1(c)</td>
<td>Plant (except grass) on thoroughfare within 2 metres of carriageway</td>
<td>$150</td>
</tr>
<tr>
<td>2.1(d)</td>
<td>Placing hazardous substance on footpath</td>
<td>$150</td>
</tr>
<tr>
<td>2.1(e)</td>
<td>Damaging or interfering with signpost or structure on thoroughfare</td>
<td>$450</td>
</tr>
<tr>
<td>2.1(f)</td>
<td>Playing games so as to impede vehicles or persons on thoroughfare</td>
<td>$150</td>
</tr>
<tr>
<td>2.1(g)</td>
<td>Riding of skateboard or similar device within mall or verandah of shopping centre</td>
<td>$150</td>
</tr>
<tr>
<td>2.2(1)(a)</td>
<td>Digging a trench through a kerb or footpath without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>2.2(1)(b)</td>
<td>Throwing or placing anything on a verge without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>2.2(1)(c)</td>
<td>Causing obstruction to vehicle or person on thoroughfare without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>2.2(1)(d)</td>
<td>Causing obstruction to water channel on thoroughfare without a permit</td>
<td>$300</td>
</tr>
<tr>
<td>2.2(1)(e)</td>
<td>Placing or draining offensive fluid on thoroughfare without a permit</td>
<td>$300</td>
</tr>
<tr>
<td>2.2(1)(g)</td>
<td>Lighting a fire on a thoroughfare without a permit</td>
<td>$450</td>
</tr>
<tr>
<td>Clause</td>
<td>Description</td>
<td>Modified Penalty</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>2.2(1)(h)</td>
<td>Felling tree onto thoroughfare without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>2.2(1)(i)</td>
<td>Installing pipes or stone on thoroughfare without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>2.2(1)(j)</td>
<td>Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit</td>
<td>$450</td>
</tr>
<tr>
<td>2.2(1)(k)</td>
<td>Creating a nuisance on a public place without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>2.2(1)(l)</td>
<td>Placing a bulk rubbish container on a thoroughfare without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>2.2(1)(m)</td>
<td>Interfering with anything on a thoroughfare without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>2.3(1)</td>
<td>Consumption or possession of liquor on thoroughfare</td>
<td>$150</td>
</tr>
<tr>
<td>2.4(1)</td>
<td>Failure to obtain permit for temporary crossing</td>
<td>$300</td>
</tr>
<tr>
<td>2.5(2)</td>
<td>Failure to comply with notice to remove crossing and reinstate kerb</td>
<td>$450</td>
</tr>
<tr>
<td>2.9(1)</td>
<td>Installation of verge treatment other than permissible verge treatment</td>
<td>$300</td>
</tr>
<tr>
<td>2.10</td>
<td>Failure to maintain permissible verge treatment or placement of obstruction on verge</td>
<td>$150</td>
</tr>
<tr>
<td>2.11</td>
<td>Failure to comply with notice to rectify default</td>
<td>$150</td>
</tr>
<tr>
<td>2.17(2)</td>
<td>Failure to comply with sign on public place</td>
<td>$150</td>
</tr>
<tr>
<td>2.19(1)</td>
<td>Driving or taking a vehicle on a closed thoroughfare</td>
<td>$450</td>
</tr>
<tr>
<td>3.2(1)</td>
<td>Placing advertising sign or affixing any advertisement on a thoroughfare without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>3.2(3)</td>
<td>Erecting or placing of advertising sign in a prohibited area</td>
<td>$150</td>
</tr>
<tr>
<td>4.1(1)</td>
<td>Animal or vehicle obstructing a public place or local government property</td>
<td>$150</td>
</tr>
<tr>
<td>4.2(2)(a)</td>
<td>Animal on thoroughfare when not led, ridden or driven</td>
<td>$150</td>
</tr>
<tr>
<td>4.2(2)(b)</td>
<td>Animal on public place with infectious disease</td>
<td>$150</td>
</tr>
<tr>
<td>4.2(2)(c)</td>
<td>Training or racing animal on thoroughfare in built-up area</td>
<td>$150</td>
</tr>
<tr>
<td>4.2(3)</td>
<td>Horse led, ridden or driven on thoroughfare in built-up area</td>
<td>$150</td>
</tr>
<tr>
<td>4.5</td>
<td>Person leaving shopping trolley in public place other than trolley bay</td>
<td>$150</td>
</tr>
<tr>
<td>4.6(2)</td>
<td>Failure to remove shopping trolley upon being advised of location</td>
<td>$150</td>
</tr>
<tr>
<td>5.6(1)</td>
<td>Driving a vehicle on other than the carriageway of a flora road</td>
<td>$300</td>
</tr>
<tr>
<td>5.9</td>
<td>Planting in thoroughfare without a permit</td>
<td>$300</td>
</tr>
<tr>
<td>5.11</td>
<td>Failure to obtain permit to clear a thoroughfare</td>
<td>$500</td>
</tr>
<tr>
<td>5.13</td>
<td>Burning of thoroughfare without a permit</td>
<td>$500</td>
</tr>
<tr>
<td>5.17</td>
<td>Construction of firebreak on thoroughfare without a permit</td>
<td>$500</td>
</tr>
<tr>
<td>5.19</td>
<td>Commercial harvesting of native flora on thoroughfare</td>
<td>$500</td>
</tr>
<tr>
<td>5.20(1)</td>
<td>Collecting seed from native flora on thoroughfare without a permit</td>
<td>$450</td>
</tr>
<tr>
<td>6.2(1)</td>
<td>Conducting of stall in public place without a permit</td>
<td>$450</td>
</tr>
<tr>
<td>6.3(1)</td>
<td>Trading without a permit</td>
<td>$450</td>
</tr>
<tr>
<td>6.8(1)(a)</td>
<td>Failure of stallholder or trader to display or carry permit</td>
<td>$150</td>
</tr>
<tr>
<td>6.8(1)(b)</td>
<td>Stallholder or trader not displaying valid permit</td>
<td>$150</td>
</tr>
<tr>
<td>6.8(1)(c)</td>
<td>Stallholder or trader not carrying certified scales when selling goods by weight</td>
<td>$150</td>
</tr>
<tr>
<td>6.8(2)</td>
<td>Stallholder or trader engaged in prohibited conduct</td>
<td>$150</td>
</tr>
<tr>
<td>6.10</td>
<td>Performing in a public place without a permit</td>
<td>$150</td>
</tr>
<tr>
<td>6.11(2)</td>
<td>Failure of performer to move onto another area when directed</td>
<td>$150</td>
</tr>
<tr>
<td>6.14</td>
<td>Failure of performer to comply with obligations</td>
<td>$150</td>
</tr>
<tr>
<td>6.16</td>
<td>Establishment or conduct of outdoor eating facility without a permit</td>
<td>$450</td>
</tr>
<tr>
<td>6.18</td>
<td>Failure of permit holder of outdoor eating facility to comply with obligations</td>
<td>$150</td>
</tr>
<tr>
<td>Clause</td>
<td>Description</td>
<td>Modified Penalty</td>
</tr>
<tr>
<td>----------</td>
<td>------------------------------------------------------------------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>6.20(1)</td>
<td>Use of equipment of outdoor eating facility without purchase of food or drink from facility</td>
<td>$100</td>
</tr>
<tr>
<td>6.20(2)</td>
<td>Failure to leave outdoor eating facility when requested to do so by permit holder</td>
<td>$100</td>
</tr>
<tr>
<td>7.5</td>
<td>Failure to comply with a condition of a permit</td>
<td>$150</td>
</tr>
<tr>
<td>7.9</td>
<td>Failure to produce permit on request of authorised person</td>
<td>$150</td>
</tr>
<tr>
<td>10.1</td>
<td>Failure to comply with notice given under local law</td>
<td>$150</td>
</tr>
</tbody>
</table>

Dated: 9 November 2011.

The Common Seal of the City of Greater Geraldton was affixed by authority of a resolution of the Council in the presence of—

IAN CARPENTER, Mayor.

ANTHONY BRUN, Chief Executive Officer.
LG301*

LOCAL GOVERNMENT ACT 1995
Shire of Augusta-Margaret River
STANDING ORDERS AMENDMENT LOCAL LAW 2012

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Augusta-Margaret River resolved on 27 June 2012 to make the following local law.

1. Citation
This local law may be cited as the Shire of Augusta-Margaret River Standing Orders Amendment Local Law 2012.

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

3. Principal Local Law amended
The Shire of Augusta-Margaret River Standing Orders Local Law 2011, as published in the Government Gazette on 28 July 2011, is referred to as the Principal Local Law. The Principal Local Law is amended.

4. Clause 2.1 amended
In clause 2.1(2) delete “on a bi-monthly basis” and insert “twice a month”.

5. Clause 4.3 amended
Clause 4.3(1) is amended as follows—
(a) in paragraph (c) delete “members” and insert “approved members”;
(b) redesignate paragraphs (f) to (p) as paragraphs (g) to (q) and;
(c) after paragraph (e) insert—
(f) applications for members’ leave of absence;

6. Clause 4.10 amended
In clause 4.10(1) delete “Chief Executive Officer” and insert “CEO”.

7. Clause 7.12 amended
Clause 7.12 is amended as follows—
(a) in subclause (2) delete “Subject to subclause (3), a member” and insert “A member”; and
(b) delete subclause (3).

8. Clause 8.4 amended
In clause 8.4 delete “that meeting” and insert “the debate of the item”.

9. Clause 14.6 amended
In clause 14.6 delete “Chief Executive Officer” and insert “CEO”.

Dated the 2nd day of July 2012.

The Common Seal of the Shire of Augusta-Margaret River was affixed by authority of resolution of the Council in the presence of—

Cr RAY COLYER, Shire President.
GARY EVERSHED, Chief Executive Officer.