

SHIRE OF DUMBLEYUNG

ORDINARY MEETING OF COUNCIL MINUTES

21 APRIL 2022

DISCLAIMER

INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.

GAVIN TREASURE
CHIEF EXECUTIVE OFFICER



SHIRE OF DUMBLEYUNG



Minutes for the Ordinary Meeting of Council held in the Council Chambers, Dumbleyung on Thursday 21 April 2022 commencing at 3.31pm.

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1. OFFICIAL OPENING

The Presiding Member, Cr Julie Ramm opened the meeting at 3.31pm.

“The Shire of Dumbleyung acknowledges the Noongar people as traditional custodians of this land and their continuing connection to land and community. We pay our respect to them, to their culture and to their Elders past and present.”

2. ATTENDANCE, APOLOGIES AND APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

Cr Julie Ramm	Shire President
Cr Amy Knight	Deputy President
Cr Bevan Doney	
Cr Grant Lukins	
Cr Kevin Powell	
Cr Catherine Watkins	
Mr Gavin Treasure	Chief Executive Officer
Miss Danika Allday to 4.57pm	Director of Corporate Services
Mr Darryn Watkins to 4.57pm	Director of Infrastructure
Ms Zoey Eyre to 4.57pm	Governance & Compliance Officer

2.2 APOLOGIES

Cr Marilyn Hasleby

2.3 APPROVED LEAVE OF ABSENCE

Nil

2.4 VISITORS

Nil

3. PUBLIC QUESTION TIME

Council conducts open Council Meetings. Members of the public are asked that if they wish to address the Council that they state their name and put the purpose of their address as precisely as possible. A minimum of 15 minutes is allocated for public forum. The length of time an individual can speak will be determined at the President's discretion.

4. DECLARATIONS OF INTEREST BY MEMBERS

4.1 DECLARATIONS OF FINANCIAL INTEREST – LOCAL GOVERNMENT ACT SECTION 5.60A

Mr Darryn Watkins declared an Indirect Financial Interest in Item 10.7.14

4.2 DECLARATIONS OF PROXIMITY INTEREST – LOCAL GOVERNMENT ACT SECTION 5.6

Nil

4.3 DECLARATIONS OF IMPARTIALITY INTEREST – ADMINISTRATION REGULATION SECTION 34C

Nil

5. APPLICATIONS FOR APPROVED LEAVE OF ABSENCE

**COUNCIL RESOLUTION:
Motion 2022/031**

That Cr Lukins be approved for a Leave of Absence for the Ordinary Meeting of Council on 18 August 2022.

Moved Cr Watkins

Seconded Cr Knight

Carried 6/0

6. PETITIONS/DEPUTATIONS – PRESENTATIONS

Nil

7. CONFIRMATION OF MINUTES

7.1 MINUTES OF THE LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD ON 21 FEBRUARY 2022

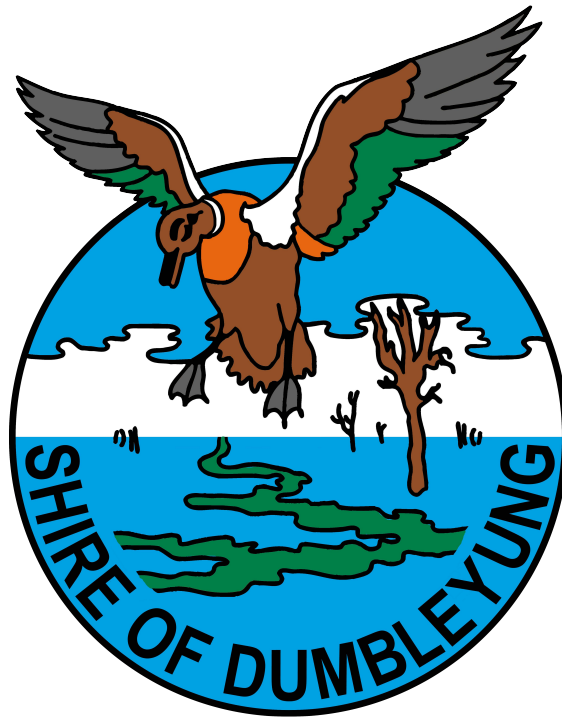
**OFFICER RECOMMENDATION/COUNCIL RESOLUTION:
Motion 2022/032**

That the Minutes of the Local Emergency Management Committee Meeting held on 21 February 2022 as attached be received.

Moved Cr Watkins

Seconded Cr Doney

Carried 6/0



SHIRE OF DUMBLEYUNG

LOCAL EMERGENCY MANAGEMENT COMMITTEE

9.30AM – 21 FEBRUARY 2022

MINUTES

**** As the meeting held on 20 December 2021 resulted in no quorum being present, the formal meeting was adjourned. The following are discussion notes taken from those present. ****

LOCAL EMERGENCY MANAGEMENT COMMITTEE – 20 DECEMBER 2021

1. ATTENDANCE AND APOLOGIES

ATTENDANCE

Gavin Treasure	Chief Executive Officer
Damon Childs	DFES District Emergency Management Officer
Kristina Pappriell	LEMC Officer/Secretary
Carmen Bairstow	St John Ambulance

VIA ZOOM

Kim Gooding	Chief Bushfire Control Officer
Cr Julie Ramm	Shire President

APOLOGIES

Sgt John Allanson	Western Australia Police -Dumbleyung Station
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2.1 Business Arising & Updates from previous Minutes

2.1.1 CBH Dumbleyung Terminal Upgrade Update (Shire President & CEO).

- Council have approved development application, subject to conditions (road upgrade plans). CBH are working with consultants to develop road upgrade plans.
- Draft CBH initiated road engineering report received for Shire comment/input.
 - J.Ramm – Shire offered the assistance of Allister Butcher the current Works Engineering Consultant for the Shire of Dumbleyung, but the offer was declined by CBH.

2.1.2 New Kukerin Fire Brigade Shed Planning Update (Shire CEO).

- The relevant freehold valuation request for UCL Lot 186 on Deposited Plan 189868 (LR 3003-164) has been completed. The relevant valuation has been returned from valuation Generals office Landgate and is considered.
- \$ 16,500 (sixteen thousand, five hundred dollars) Including GST
- This does not include document preparation \$1356.00 or registration fees \$181.30 for lodgement at Landgate which are required.
- The request has now been made to State Lands to vest the land into Shire of Dumbleyung for fire services. St Johns are to liaise with the BFB for co- location, waiting to hear back.

2.1.3 129 Gate Road Railway Crossing Warning Signs Update (Shire Project Manager).

- D. Williams contacted Main Roads WA to seek a safety audit on the road section. Waiting on response.

2.1.4 Various Shire Dam Upgrades Update (Shire President & CEO).

- Shire has opted to refurbish the old Horse Paddock Dam located north east of Dumbleyung townsite, as a partnership project between Shire & DWER. Shire is tasked to established (construct) a sealed roaded catchment to the dam, DWER will seal and line the actual dam.
 - G.Treasure – Looking at land south of Shire but funding doesn't allow access to private property. May have to revert back to Horse Dam plans and update the catchment. DWER and Shire works include cleaning, lining, plugging leaks and catchment.
 - C.Bairstow – Expressed safety concerns regarding the strength of the dam, is the possibility of dam walls breaking?
 - G.Treasure – Responded that the structure is good, just needs repairs like plugging leaks.

2.1.5 Kukerin Stock Dam cover update.

- Due to inability of the contractor to supply and install the dam cover by the required timeframe, the Shire has had to terminate the contract.
- G.Treasure – Added that the project has been rescinded with deadlines ending. Looking at relocating the use of the grant funds for the establishment of wireless internet for Dumbleyung townsite.

3. REPORTS TO THE COMMITTEE

3.1 Chief Bush Fire Control Officer

- 3.1.1** K.Gooding – Thanks to the Shire community for attending two fires in the past week. Outstanding job for the firefighters and a personal thanks to the Shire of Dumbleyung's outside crew, especially Anthony Pearce for the quick respond to conducting firebreaks.
30 hectares was burned at Andrew Lees and 60 hectares at Chad Davidsons which is still being monitored. All round outstanding result.

3.2 Dumbleyung Volunteer Fire and Rescue Service

- 3.2.1** K.Papprill – The VFRS had 6 call-outs in December to date, unfortunate there was a turnout to a fatality and as procedure we are keeping an eye on our young members who turned out to the emergency. The 2021 Community Christmas Party went really well with a great turn out, despite the rainy weather earlier that day. January to November was relatively quiet, which isn't a bad thing, but we did however decrease by two of our members so recruitment will be a priority in the new year.

3.3 Dumbleyung/Kukerin St John Ambulance

- 3.3.1** C.Bairstow – St Johns are having difficulty with memberships also, only one volunteer in Kukerin and 6 in Dumbleyung which include 3 located in Wagin. New CP starts in February 2022 from Katanning but unfortunately theres not back-up. Still waiting on the arrival of a replacement Ambulance van, hasn't been given a time frame.
- 3.3.2** C.Bairstow – Is there any process in the Dumbleyung's airport light upgrades?
3.3.2.1 G.Treasure – The extension of the runway is included in the draft Shire Strategic Plan.
- 3.3.3** C.Bairstow – What are the processes for requiring a RFDS and Heli services call-out? Previously, when the call has been made for heli support, RFDS has been sent out in its stead.
3.3.3.1 D.Childs – will investigate.
3.3.3.2 J.Ramm – will the heli access affect the airstrip upgrade progress?

3.4 Department of Communities

Attachments:

- 3.4.1** Local Emergency Welfare Plan – Updated June 2021.
3.4.2 SWICC Consultation Draft COVID-19 Welfare Centre Guide.
3.4.3 Wheatbelt Direct Emergency Services Officer December 2021 Update.
3.4.4 Without Notice – Exercise.

3.5 Dumbleyung Police

- 3.5.1** Police Road Traffic campaign for Christmas & New Years.
3.5.2 Dumbleyung Police deployment to Bremer Bay for the New Years.
3.5.3 Stop sign crossing line at the intersection of Absolon st and Bahrs rd needs re-painting.

3.6 Dumbleyung Hospital

3.6.1 Nil

3.7 Kukerin Primary School

3.7.1 Nil

3.8 Dumbleyung Primary School

3.8.1 Nil

3.9 Department of Fire & Emergency Services

Attachments:

3.9.1 COVID-19 Vaccination evidence options for volunteers.

3.9.2 COVID-19 Booster Vaccination (Restrictions on Access) Directions No.2

3.9.3 D.Childs DFES report and updates.

3.10 Shire of Dumbleyung

3.10.1 Will seek advice from WALGA regarding the Local Government role with Covid-19 response and how to engage the community about Covid vaccination status.

3.10.2 Staff capacity is almost at 100%, with the new Director of Infrastructure starting mid-January 2022.

3.10.3 Shire has signed a grant agreement for appointing a Risk Management Officer for the Bushfire Plans to offset bushfire incidents. Three plans in collaboration with for 3 other surrounding shires.

4. GENERAL BUSINESS

4.1 COVID19 Updates/Changes

- 14 December 2021
 - Western Australia will embark on its Safe Transition Plan to safely ease its hard border controls in line with a 90 per cent vaccination rate from 12.01am on Saturday 5 February 2022.
 - Booster vaccinations are required five months after receiving the second vaccination.
 - G.Treasure – End of March start date for the WHS Legislation to commence.
- 20 December 2021
 - Applications for temporary COVID-19 vaccination exemption take 10 business days to process. You must submit your application by 20 December 2021 to receive a response prior to 31 December 2021.
For more information visit: <https://www.wa.gov.au/government/document-collections/covid-19-coronavirus-mandatory-vaccination>
- 31 December 2021
 - All volunteers need to have received their first vaccination by 31 December 2021.
- 31 January 2022
 - Deadline for COVID-19 vaccination second dose evidence.

4.2 Telstra services down when power outages occur in Shire

Attachments:

- 4.2.1 Contact History – 17/06/21 - 4hr batteries were replaced earlier than scheduled.
- 4.2.2 27/08/21 - If the batteries were to be replaced with a longer-term solution, additional works would be required and potentially the STAND program may assist. The STAND working group in WA have finalised a list of submissions for funding and **unfortunately the Dumbleyung site has not been included.**
- 4.2.3 D.Childs – will investigate Booster options and funding for STAND Program.

4.3 Purchase of land in Kukerin for establishing new Bushfire and St John Ambulance facility

- 4.1.1 The relevant freehold valuation request for UCL Lot 186 on Deposited Plan 189868 (LR 3003-164) has been completed.
The relevant valuation has been returned from valuation Generals office Landgate and is considered.
\$ 16,500 (sixteen thousand, five hundred dollars) Including GST, this does not include document preparation \$1356.00 or registration fees \$181.30 for lodgement at Landgate which are required.
- 4.1.2 G.Treasure – Department of Planning, Lands & Heritage waiting response from Department of Water and Emergency Regulation before proceeding.
- 4.1.3 The request has now been made to State Lands to vest the land into Shire of Dumbleyung for fire services. Waiting to hear back.
- 4.1.4 St Johns are to liaise with the BFB for co- location.
 - 4.1.4.1 C.Bairstow – St Johns are content in their current location but hoping the shed design can include space for a five-year plan to accommodate the St Johns Ambulance. Can the design include lockable shed and storage facilities for St Johns dangerous goods i.e medicines and needles?
 - 4.1.4.2 K.Gooding – The location was chosen for the purpose of including space for St Johns.

4.4 Call for Farm Details

- 4.4.1 Have received 6 responses (Kukerin, Nipperung, Dumbleyung, Nairibin & Dongolocking).
- 4.4.2 Online survey advertised in local newspapers, on social medias and links on websites.

4.5 Tasks to be Actioned List

- 4.5.1 J.Ramm – Meeting schedule is currently quarterly, can they be changed to six monthly? September and March if possible and then have smaller meetings when required throughout the year.

21 FEBRUARY 2022 – AGENDA

1. ATTENDANCE AND APOLOGIES

ATTENDANCE

Gavin Treasure - Chair	Shire of Dumbleyung - Chief Executive Officer
Kristina Papprell - Minute Taker	Shire of Dumbleyung - Creditors/LEMC Officer
Julie Ramm	Shire of Dumbleyung – President
Carem Bairstow	Dumbleyung St John Ambulance
Carol Da Ronch	Dumbleyung Police – Senior Constable
Kim Gooding	Chief Bushfire Control Officer

ZOOM

Adam Smith	DFES - District Emergency Management Officer
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APOLOGIES

Dave Williams	Shire of Dumbleyung - Projects Manager
Paul Blechynder	DFES - District Emergency Management Officer
John Allanson	Dumbleyung Police – Constable
Joanne Spadaccini	Department of Communities
Vicki Macdonald	Kukerin Primary School
Jennifer McCarthy	Dumbleyung Primary School

1.1 Meeting commenced at 9.48am

2. CONFIRMATION OF MINUTES

OFFICER RECOMMENDATION:

That the minutes of the Local Emergency Management Committee Meeting held on 23 September 2021, be confirmed as a true and accurate record.

Moved: Kim Gooding

Seconded: Carol Da Ronch

Carried: 5-0

2.1 Business Arising & Updates from previous Minutes

2.1.1 129 Gate Road Railway Crossing Warning Signs Update (Shire Project Manager).

- Mainroads has provided the following information. The Crossing was last assessed in 2016 and meets the standards of signage and safety for the RAV, Network of vehicle permitted to use the Road. The next audit is due within the next 6 months.

3. REPORTS TO THE COMMITTEE

3.1 Chief Bush Fire Control Officer

3.1.1 K.Gooding – Harvest bans and pole top fires put an early halt to harvesting.

- There was a low number of volunteer turn-outs due to the holidays and many being away but “big thank you” to Dayle Lloyd, Acting Captain, for managing the Incidents, especially without having Comms (Telstra down).

3.1.1.1 K.Gooding - Thanks to all the available Bushfire Volunteers who attended the Narrogin/Wickepin fire. A debrief was held on the Wednesday 24th January 2022, approx. 18,000 Ha burnt and now the recovery/clean-up can begin.

3.1.1.2 J.Ramm – big thanks also from the Shire and Councillors for all the volunteer efforts.

- 3.1.2** Meeting with DFES Grants contacts a few months ago resulted in a list of requests, just need to follow up.
- 3.1.3** Thanks to CEO Gavin Treasure for organising the Telstra meeting.
 - 3.1.3.1** Was there a result/solution that came out of the meeting?
 - 3.1.3.2** Would it help if the Shire supply's a generator for the tower in the interim? Possible ESL funding?
- 3.1.4** Kukerin Fire Shed – waiting on reply from DMIRS, can't proceed, keep pushing for answers.
- 3.1.5** Suggesting a new WhatsApp group, "Community Fire Awareness" as an alternative form of communication to the community other than the SMS Global. Will be discussed at the next bushfire Advisory Meeting.

3.2 Dumbleyung Volunteer Fire and Rescue Service

- 3.2.1** K.Papprill – Drill session held on Tuesday 15 February for Road Crash Rescue, team wanting to do more drills to keep skills up. Need to promote recruitment as volunteer numbers are low.
 - 3.2.1.1** C.Da Ronch – is there a process in place for members attending fatal incidents?
 - 3.2.1.2** K.Papprill – We follow-up on our members who attended, check in how they're been travelling but we also contact DFES to let them know who attended and ask if they can check-in on the member also.
- 3.2.2** K.Papprill – All our volunteers are now fully vaccinated.
 - 3.2.2.1** A.Smith – Initial responders are not required to be vaccinated, e.g. Farmer who reported the fire. But once the Incident is under the control of a Fire Control Officer and volunteers those initial responders must leave the site.
 - 3.2.2.1.1** J.Ramm – Who is responsible for checking who is and isn't vaccinated?
 - 3.2.2.1.1.1** A.Smith – This is very difficult to do – up to the Local Government to maintain checks , DFES to provide registered of current vaccinations statuses.
During an incident the Incident Control Officer should be doing cross-checks but its not practical. There is no clear-cut solution, currently just go with best intent (if you can't spare volunteers, don't send them away just because they're not vaccination).
 - 3.2.2.1.1.2** J.Ramm – On a Central Country Zone level, just be reasonable and practical.
 - 3.2.2.1.1.3** A.Smith – Use common sense.

3.3 Dumbleyung/Kukerin St John Ambulance

- 3.3.1 Response to 3.3.3 December 20th 2021 Meeting** - D.Childs – The ERHS has a range of 200km, if they go further than they have to change choppers or refuel, Dumbleyung is 219km from Bunbury and 250km from Jandakot. The new contracted chopper in 2 years will have a range of 350km. The decision on what is sent is made by St Johns but is restricted with distance the chopper can travel.
 - 3.3.1.1** A.Smith – With the current resources it comes down to conditions at the pilots discretion. Patients can be transported to Wagin for pick-up as the Wagin airport has re-fuelling services available. RFDS is the preferred service to send out by DFSE because of the cost effectiveness but believe the helicopter services is preferred by St Johns volunteers.
- 3.3.2** C.Bairstow – St Johns now have a volunteer only WhatsApp group.
- 3.3.3** C.Bairstow – Struggling with low volunteer numbers also.
- 3.3.4** C.Bairstow – Lake Grace 1st Aid Course coming up, as well as due to hold the Bain Estate funded First Aid Course in Dumbleyung. New incentive programme is to have the course free for young attendees (Learners/P Plates drivers), could also assist with recruitment.
 - EMR (back-up driver) Course following the First Aid Course.

3.4 Department of Communities

3.5 Dumbleyung Police

3.5.1 C.Da Ronch – Traffic campaign at Bremmer Bay over Ney Years, not wanted to do that again next year.

3.5.2 C.Da Ronch – Was caught out during the power outage.

- Was not aware of the pole-top fires because of the down Telstra communications, wasn't until during a patrol that I got stopped by a member of the public and was told.
- The Dumbleyung Police Centre has no generator so all phones and radios were down, couldn't even turn off the alarms and had to leave to go work out of the Wagin office.
- Having no comms is very dangerous as police can't be contacted, only car radio comms was available. Because the power at the station was out and phoned lines down I couldn't even set up the landline to transfer calls to the mobile.
- Station needs external power services.

3.5.2.1 J.Ramm – Will bring the Telstra issue up at the next Council Meeting.

3.5.3 C.Da Ronch – Australia Day went well, only incident was regarding special guest Liam Ryan for not wearing a mask.

- If the police stations are low on staff, they can close the smaller stations and outreach to larger stations to cover longer areas.

3.6 Dumbleyung Hospital

3.7 Kukerin Primary School

3.8 Dumbleyung Primary School

3.8.1 We have updated our Incident Management Plan and will carry out drills soon.

3.8.2 We are updating our COVID-19 response plan and will communicate it to parents by next week.

3.9 Department of Fire & Emergency Services

3.9.1 Discussion Points for LEMC's considering COVID-19 Preparations.

3.9.2 Rural Fire Awareness training day.

3.9.3 Group Call Number updates.

3.9.4 Volunteer ID Cards.

3.9.5 Attachment – District Officer Damon Childs report.

3.9.6 Attachment – Areas Officer Paul Blechynder report.

3.9.7 A.Smith – A COVID-19 meeting was run but the Department of Health, all information is available for the public.

3.9.7.1 Have regular LEMC meetings with use of Teams following large incidents, use for debriefing all emergency services who attended.

3.9.7.2 Last of the recovery efforts for the Narrogin/Wickepin fires, pending debriefing.

3.10 Shire of Dumbleyung

3.10.1 G.Treasure – As part of COVID response for regional communities, local governments are to receive from WHACS free Pulse Oximeters for distribution, we are to advertise and keep a register of who they get issued to.

- 3.10.2** G.Treasure – OCM being held on Thursday 17th February 2022 resulted in Council approving the proposal of a dual CESM officer with Lake Grace on a 12-month trial. Surrounding shires with dual CESM arrangements end around the same date our 12-month trial ends with Lake Grace, so there's possibilities to for arrangement with other shires in the future.
 - 3.10.2.1** K.Gooding – Have already had assistance from Matt with the pole-top fires. He had good input and keen to support with training exercises.
 - 3.10.2.2** J.Ramm – would be good to have the support there for CBFCO and FCO's.
- 3.10.3** G.Treasure – New roles in the Shire of Dumbleyung staff:
 - 3.10.3.1** Risk Management Officer, Ty Cooke, the main task is the establishment of a Bushfire Risk Plan with two other shires, this is on a 12-month timeline to produce a final plan and applying for associated funding. He will be working remotely, based in Narrogin for the DFES support. This is a 30% state funded role with the remainder divided between the shires.
 - 3.10.3.2** Administration/Records Officer, Dylan Fryer, starts early March.
 - 3.10.3.3** G.Treasure – No new WALGA updates on volunteer engagement regarding COVID process/instructions on volunteer call-outs.

4. GENERAL BUSINESS

4.2 Telstra services down when power outages occur in Shire

- 4.2.1** D.Childs – Will investigate Booster options and funding for STAND Program.
 - 4.2.1.1** Cell boosters may be able to be requested through ESL, I will look a bit further and get back to you.
- 4.2.2** G.Treasure - FSG looking at establishing new towers, to be co-State and Local Government funded programme. Running ETA now depending on supply restrictions.
- 4.2.3** G.Treasure – Options for local wireless arial network for the Dumbleyung and Kukerin townsites are being investigates, funding in process.
- 4.2.4** G.Treasure – The Telstra Meeting held on the Tuesday 15th February 2022 had really good attendees and engagement. Major point of conversation was regarding the recent pole-top fires resulting in a power outage that in turn lost Telstra connection and all communications. Telstra replied to email correspondence regarding a design for a hardened network to maintain Telstra tower battery capacity but has brought the discussion on who will fund the project. We are parenting up with Western Power and Telstra to discuss the design are waiting on the costings for the rural network.
 - 4.2.4.1** C.Da Ronch – Police had an incident regarding trespassers on private property the power outage. Due to no comms the property owners couldn't contact police and ended up confronting the trespassers themselves which luckily ended in a calm resolution but in any other situation it could have gone horribly wrong. People shouldn't be put in that situation and have means to contact emergency services.
 - 4.2.4.2** J.Ramm – Considered the meeting conversations talked-around issues and didn't offer any clear answers or solutions. Would like to arrange a meeting with Western Power to discuss what has changed in the maintenance of the poles as to find out why there has been so many pole-top fires.
 - 4.2.4.3** K.Papprill – The Shire admin has a register of complaints and concerns regarding the Telstra network, we have been telling the public to also contact Telstra directly to keep pressure on them.
 - 4.2.4.3.1** G.Treasure – end the register to Peter Rundle office to make them aware of the issues we are facing.
 - 4.2.4.4** J.Ramm – Advertise to the public, that also at the Wagin Woolarama community members can apply for a discount on external booster hardware.

4.3 Purchase of land in Kukerin for establishing new Bushfire and St John Ambulance facility

4.3.1 The Department of Planning, Lands and Heritage is currently awaiting comments from the Department of Mines, Industry, Regulations and Safety (DMIRS). It is anticipated that a comment will be provided within 60-90 days, however DMIRS have the ability withing 120 days as an administrative referral.

4.3.2 G.Treasure – Shire is advancing, waiting on engagement response.

4.4 Tasks to be Actioned

4.4.1 Local Emergency Management Committee Meeting Frequency

G. Treasure - The Shire of Dumbleyung would like the Dumbleyung LEMC Committee to consider the frequency of future meetings.

There is no statutory requirement as to how many meetings a LEMC Committee must hold, however SEMC Procedure 3.7 provides that LEMC's should meet quarterly or more frequently if required.

The Shire of Dumbleyung is recommending that a minimum of two meetings be held each year, one before bushfire season (circa September, preparedness) and one after (circa March, debrief).

Future meetings are then held on an 'as required' basis e.g. if Covid issues arise; noting also we didn't have a quorum attend the last Dumbleyung LEMC Meeting.

If Dumbleyung LEMC Committee is supportive of this position, an agenda item will be prepared to go to the next Dumbleyung Shire Council meeting to formalise the meeting frequency change and the Local Emergency Management Arrangements document updated accordingly.

OFFICER RECOMMENDATION:

That the frequency of LEMC meetings by held twice a year (March & September) noting that additional meetings can be held throughout the year on an as-required basis.

Moved Kim Gooding

Seconded Carmen Bairstow

Carried 5-0

4.4.2 External plugs for generators to be fitted at Nenke and Stubbs Park.

4.4.2.1 G.Treasure – Nenke Pavilion now has satellite, will pass on project to Darryn Watkins, Director of Infrastructure.

5. CLOSURE

There being no further business, the Chairperson closed the meeting at 11.12am.

The next meeting will be held on the Monday 19th September 2022.

7.2 MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON THURSDAY 17 MARCH 2022

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/033

That the Minutes of the Ordinary Meeting of Council held on Thursday 17 March 2022 and circulated to all Councillors, be confirmed as a true and accurate record with the following amendment:

- 1. Item 15.1.1, the “Shire of Dumbleyung 2020/21 Annual Report” attachment – the paragraph in the President’s Report should read, ‘The State Government had also committed and completed a full clean out and refurbishment of Duggan Dam.’**

Moved Cr Watkins

Seconded Cr Knight

Carried 6/0

7.3 MINUTES OF THE ANNUAL ELECTORS GENERAL MEETING HELD ON 5 APRIL 2022

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/034

That the Minutes of the Annual Electors General Meeting held on 5 April 2022 as attached be received.

Moved Cr Watkins

Seconded Cr Powell

Carried 6/0



SHIRE OF DUMBLEYUNG

ELECTORS GENERAL MEETING MINUTES

5 APRIL 2022

1. OFFICIAL OPENING

The Shire President opened the meeting at 7.02pm.

“The Shire of Dumbleyung acknowledges the Noongar people as traditional custodians of this land and their continuing connection to land and community. We pay our respect to them, to their culture and to their Elders past and present.”

The Shire President publicly announced that the meeting will be audio recorded and asked all individuals present if they consented to the meeting being audio recorded for the purpose of the Shire carrying out its functions. All present agreed to the audio recording.

2. ATTENDANCE & APOLOGIES

2.1 ATTENDANCE

Cr Julie Ramm	Shire President
Cr Kevin Powell	
Cr Catherine Watkins	
Cr Grant Lukins	
Cr Marilyn Hasleby from 7.04pm	
Mr Darryn Watkins	Director of Infrastructure
Miss Danika Allday	Director of Corporate Services
Ms Zoey Eyre	Governance & Compliance Officer
Mr Malcolm Gooding	
Mrs Helen Gooding	
Mrs Claudia Hadlow	
Mrs Beth Bartram	

2.2 APOLOGIES

Cr Amy Knight	Deputy President
Cr Bevan Doney	
Gavin Treasure	Chief Executive Officer

Cr Hasleby entered the room at 7.04pm.

3. CONFIRMATION OF MINUTES

3.1. MINUTES OF THE ELECTORS GENERAL MEETING HELD ON 2 FEBRUARY 2021

OFFICER RECOMMENDATION/RESOLUTION:

That the Minutes of the Electors General Meeting held on 2 February 2021 be confirmed as a true and accurate record.

Moved Cr Watkins

Seconded Cr Hasleby

Carried

4. ITEMS FOR DISCUSSION

4.1 ANNUAL REPORT FOR THE 2020/2021 FINANCIAL YEAR

OFFICER RECOMMENDATION/RESOLUTION:

That the Annual Report for the 2020/2021 Financial Year be received.

Moved Cr Lukins

Seconded Cr Powell

Carried

4.2 GENERAL BUSINESS

Note: For an item to be considered by Council at the next Ordinary Meeting a decision by Council must be made at the Electors General Meeting. If at a meeting of the Council, a local government makes a decision in response to a decision made at an elector's meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Note: Questions taken on notice are highlighted in italics being responses recommended.

M Gooding – I have a question about the Bain Estate finances. Was there money taken out during the 2020/21 year or spent? The 2021 actual transferred to column is showing \$31,000 and transferred from is showing \$0.

Cr Ramm – We will take that question on notice and the Director of Corporate Services will provide further information on that question for you.

- 1. The Bain Estate fund did commit project funds in the 2020/21 year.*
- 2. The Bain Estate fund will be reconciled to reflect funds as committed and the correct EOY balance.*
- 3. All historic (previous) Bain Estate funded projects are profiled on the Shire website.*
- 4. The EOY Bain Estate balance can be found in the Shire of Dumbleyung Annual Report (on Shire website).*
- 5. This is considered sufficient to deliver reasonable information on projects and available funds (with accrued interest incorporated into the closing EOY balance).*

M Gooding – The reason I am asking that question also is that I am wondering if it has all been finalised?

Cr Ramm – Yes, we have had the last transfer in.

M Gooding – Is it in the hands of the Shire at this moment?

Cr Ramm – Yes.

M Gooding – How much was that last transfer?

D Allday – It was about \$860,000.

Cr Ramm – All the tax return are complete and finalised.

M Gooding – It has been about 10 years now since the Bain Estate started, would it be asking too much for community interest how much has been spent? What is the total amount? Who has it gone to? What the interest is?

Cr Ramm – There is information on the Shire website about who has been allocated funds every year.

M Gooding – But do you have a running total? It would be nice to see how much has gone out, how much interest has accrued etc.

Cr Ramm – The website does show who has been allocated funds, but it does not show a balance sheet or a reconciliation of funds.

M Gooding – But the Shire would have one, wouldn't they?

Cr Ramm – Yes, information is shown on the monthly reports that go to Council.

M Gooding – Yes but I am looking for historically how much has been spent, who it has gone to, how much interest it has accrued etc since it has started.

Cr Ramm – Our Director of Corporate Service, Danika, will be able to provide you with that information.

M Gooding – In your Annual Report you mentioned stuff that has been done. What does the Shire refer to as the Duggan Dam? On your report it states, "The State Government had also committed and completed a full clean out and refurbishment of Tarin Rock Dam." Is this the correct dam or should it be the Duggan Dam?

Cr Ramm – I will check and if that information is wrong, we will amend it and let you know.

The paragraph in the President's Report in the 2020/21 Annual Report should read, "The State Government had also committed and completed a full clean out and refurbishment of Duggan Dam." When the March 2022 Minutes, which include the adoption of the 2020/21 Annual Report are taken to the April 2022 Ordinary Council Meeting, they will be confirmed as a true and accurate record with the amendment to that paragraph.

M Gooding – Also under your report it talks about the dam cover at the Kukerin Stock Dam which has fallen over I hear. How come all that happened?

Cr Ramm – The Annual Report is for the financial year 2021/21 so at the time that information was correct, and it was still going ahead. What has happened now, has occurred in this financial year so it is only now during this financial year that the information has changed.

M Gooding – So are you going to explain why we spent \$23,000 and got nothing?

Cr Ramm – That was dealt with and minuted at the February 2022 Council Meeting and there is not a lot more I can say further to what was in those Minutes. There has been an agreement signed with the supplier and it has gone through legal avenues. We are tied in what we can comment on and all I can say is we had no opportunity to get our deposit back. It was considered spent on research and getting a trial of the fabric/netting done and dealings with China and India through the supplier. We did get legal advice and we have entered into a legal agreement so there is nothing more I am able to say on that matter.

M Gooding – Did Nyabing pay theirs?

Cr Ramm – Yes.

M Gooding – So they got done over too?

Cr Ramm – We both lost our deposits. We have had discussions with the Director of Infrastructure since, and to clarify going forward, should we enter into these types of agreements again in procurement if there is a way we can protect ourselves further. He is of the opinion that there may be a better way going forward that we may be able to deal with these sorts of circumstances.

D Watkins – There are general conditions of contract that can be applied to any transaction which then are enforceable. As the Shire President stated, there is not much we can say on the matter as we did seek legal advice and we cannot comment any further.

M Gooding – So it is still in the legal system?

Cr Ramm – There is a confidentiality clause.

M Gooding – So that was grant money that the Shire had received so it wasn't actually ratepayers' money?

Cr Ramm – Yes that is right. We did go to the funding body to ask if they would consider waiving it.

D Allday – We have had a response and they will still cover it.

Cr Ramm – We were concerned initially that because the project wasn't going to go ahead that we could actually be out of pocket, but they did agree that they would allow it out of the grant funding.

M Gooding – The other one is under the CEO's Report, the FSG Digital Farm Program, is that still going ahead? There has been no more information and we have heard nothing further.

Cr Ramm – The sites have been approved.

M Gooding – After the meeting at Moulyinning, that is the last I have heard of it.

Cr Ramm – The money has been allocated and we have a deferment as originally it had to be completed by June 2022. The project now has to be completed by March 2023 and acquitted by June 2023. FSG have had issues getting materials and labour as everyone else is at the moment due to COVID, there is a lot of trouble trying to get supplies of anything. The deferment will buy that time to get FSG to roll out the project and they are confident that they can get it done by March 2023.

M Gooding – So where has that appeared for the general public because I have not seen it anywhere? So is it still going ahead?

Cr Ramm – Nothing has changed with the project at this stage. COVID has affected a lot of people and businesses. Yes, it still going ahead we are now just waiting.

M Gooding – Hills Road, nothing has happened?

Cr Ramm – We have had no further updates or heard anything yet.

M Gooding – I have more questions outside of this Annual Report and its financial year. Are we allowed to discuss them because it is the only opportunity we get for current issues or whatever?

Cr Ramm – You are more than welcome to come to any Council Meeting. If there are any concerns about something that is on an Agenda you can come to the Council Meeting, they are open to the public. Office staff are always available if you have any other questions about anything that is current. You are always more than welcome to call or go and see them if you have any queries about anything or you can approach a Councillor at any time.

M Gooding – I just think it is very current at the moment about the meeting you had with Telstra. I think that should be community advertised. Also, I think that the meeting that the Shire had with Western Power too. It is such a red-hot topic, and I am quite disappointed that we haven't heard what the outcome is.

Cr Ramm – Dealing with these departments can take some time and a reminder has been sent to Telstra, we are still waiting on them to get back to us. At this stage we still do not know anymore than we did then. As soon as we know more, the community will be advised. We are still waiting for responses, and we are reminding them.

M Gooding – I just can't understand why there isn't a lot more noise being made by local governments.

Cr Ramm – There is, there is a lot going on behind the scenes that you aren't aware of. Once again, if you would like to ring me, I am more than happy to talk about these concerns and issues.

M Gooding – I think the general community needs to be made aware.

Cr Ramm – They will once we can give them more information. At this stage we are still waiting on Telstra to come back to us.

Cr Lukins – As far as from a Council perspective, we have asked a lot of questions, we have jumped up and down and are frustrated with the inaction. But it does not mean we are doing nothing about it. Everyone agrees with you, it is a massive problem.

Cr Ramm – It has been taken up at a Central Country Zone and 4WDL level and it will continue to be discussed. The Director of Infrastructure has also made me aware that there is a Parliamentary Inquiry into the performance of Western Power. The 2021 Telecommunications Review that came out 2 months ago shows that there a lot of findings in there that are in line with the issues we have, and that seems to be gathering a fair bit of support at the levels we would like it. We are still pushing.

Cr Ramm – Are there any further questions?

M Gooding – Allister Butcher, his name and photo is in the Annual Report, was he temporary or permanent or a consultant?

Cr Ramm – After our previous Manager of Works, David Gyford left and while we did not have someone in a permanent position, Allister Butcher came in on a consultant basis to fill the gap between David leaving and Darryn, our current Director of Infrastructure commencing.

M Gooding – So you have finished with Allister Butcher now?

Cr Ramm – He still assists as needed.

D Watkins – He is still assisting, there are several projects that he was working on that still require his services in the short term at least. Once those projects come to fruition, I would imagine he would have a lot of lesser involvement than what he has now, it has been for that initial handover period.

M Gooding – The Horse Paddock Dam, what is happening there, nothing? Has that been carried over for another 12 months because that is supposed to be finished by 30 June?

Cr Ramm – That is on target.

D Watkins – Yes, that is on target. The Project Manager is managing this project and there was a site visit last week where they were looking at a detailed design of the catchment.

M Gooding – Who is they?

D Watkins – The engineering consultants, Allister Butcher and the Project Manager, Dave Williams.

Cr Ramm – I thought you had already discussed the Horse Paddock Dam with our Chief Executive Officer, Gavin Treasure?

M Gooding – No I haven't.

Cr Ramm – That is an ongoing project at the moment so if you do have concerns and would like to meet with Gavin as he can't be here tonight you can arrange a meeting with him.

D Watkins – As far as I am aware, it is still on target.

M Gooding – If it is not finished by 30 June can the money be carried over beyond 30 June?

Cr Ramm – We have nothing to suggest at this stage to say it will be and if for some reason the project wasn't looking like it could be finished, which at this stage is on target, then we do have the opportunity to put in a submission to request an extension. That doesn't mean we would get one, but we can ask. Staff have requested extensions on other projects where they have needed to prior.

D Watkins – The Federal Government have now conceded to show some leniency as far as extensions are concerned. It is one thing to go out to the local government community in Australia and issue out all this stimulus funding, but there is only a certain amount of capacity out there in the marketplace at the moment with everyone wanting to get their projects done, along with State Agencies as well so they now are being a lot more lenient as far as granting extensions.

Cr Ramm – Are there any further questions?

H Gooding – I have brought it up on numerous occasions previous ratepayers' meetings, it is about finishing the landscaping at the Cottage Homes. I don't know how many years it has been now, but it is still not complete?

Cr Ramm – Unfortunately, as you are aware there has been a large transition in senior staff over the past couple of years and some of these ongoing jobs have been let go in the process or have not been handed on so the next person coming in may not be aware.

D Watkins – I am happy to take it on notice and get back to you on this one.

The Director of Infrastructure to coordinate an on-site meeting with Mrs Gooding to gain a clear understanding of the works being requested for delivery; for eventual Shire budget consideration.

H Gooding – When reading the Shire Newsletter, I was wondering what was happening with the Swimming Pool and saw that it was under what had happened at the last Council Meeting in the Council wrap-up. I thought great, I can find out who is on the Committee, where it is at and what is going on like a lot of

community members are interested in but it just had a dot point and then it directs you to the Council Minutes. I then went to these, and they were over 600 pages which is a bit off putting to somebody who is not used to looking at these things. I was wondering if next time when it comes to things of important general interest to the community, could more be included in the Newsletter itself than just that dot point with a link that directs you to the full Minutes?

Cr Ramm – The Chief Executive Officer has been putting out notices about the pool, where it is at and what is going on. We do have a meeting on Thursday so the next information briefing to the community will probably come out after that meeting. The Chief Executive Officer has been good at getting that information out to the community. Our Minutes are not usually 600 pages, if this was the case even Councillors would be struggling to read them.

H Gooding – Usually it just has the Council Wrap-Up with a dot point taking you to the Minutes.

Cr Ramm – But when there is an official update notice, it is in the Newsletter and broken down about what is happening and what we are going to be doing. There have been quite a few notices like these recently.

H Gooding – It could have had that about the recent Committee, what was in the Minutes could have just been taken and put in the Newsletter too rather than the dot point about it directing you to the Minutes.

Cr Ramm – Once there is more information, the Chief Executive Officer will put the information together to go out to the community because it is an important project.

H Gooding – The house in Tunney Street, is anybody ever going to live in that?

Cr Ramm – That requires renovating and work done, at this stage it is unlivable.

D Allday – Work hasn't started yet but it is in this year's budget.

M Gooding – Two years ago here I raised a question about the CEO Report, Manager of Works Report and whatever other reports in the Agenda and Minutes and still nothing. The Shire of Wagin, these reports are in theirs from the CEO down about their area of responsibility, there's about ¾ page each about every meeting they went to, what they discussed so that when you read it you can see where they have been and what they have been doing and discussing and then you know things are happening. It isn't attached to ours anymore, only the Councillors see that now. There is a lack of information now and you don't know what the Shire is doing until you read the Minutes. There is a lack of awareness in general, of everyday stuff about what the administration are doing, what staff are doing.

Cr Ramm – I thought that communication had improved. There are notes put out every month in the Newsletter with the abbreviation of the Minutes, and with the most important things of what administration think is the most important to get out. You may not agree that those parts are the most important, but that is perception. They also put that information into the fortnightly Quackchat, information goes on Facebook and the Shire Website. The road information is now being put out by the Director of Infrastructure, Darryn in the Quackchat and on Facebook.

M Gooding – Yes, I have seen that.

Cr Ramm – As far as the report of the Chief Executive Officer going to each meeting, each meeting discussion is not even itemised to Councillors unless there is something that will be important or relevant to us going forward. I do not think that is a good use of his time to itemise every meeting discussion he has.

M Gooding – Just a report for the month. A monthly report about what is happening.

D Watkins – There has been a shift in the reports by the Chief Executive Officers, Director of Infrastructures etc where there used to be a report in the Agenda and Minutes, but those reports don't need voting on. They are information reports only, so those reports were taken out of Agendas and Minutes and put into Council Information Bulletins.

M Gooding – Which we don't see. The general public don't see them.

H Gooding – Can they go back into the Agendas and Minutes?

M Gooding – Is there any reason why they can't?

Z Eyre – It was an Executive and Council decision to remove these reports from the Agenda and Minutes. It is information only and Council were taking time to discuss information that was received in those reports at the Council Meeting in the Agenda when a decision was not required. These reports now go the Information Session as they are information only.

Properly structured agendas are the key to effective council meetings that produce good decisions. The structure of an agenda should be directed towards decision making and should not include irrelevant or unnecessary information. It is generally agreed that focused meetings directed towards decisions are most likely to achieve good results for the community.

H Gooding – Yes, it is information only, but we are saying can we have that information too? In your Newsletter there are only dot points and that directs you to read the full Council Minutes and then there are over 600 pages of Council Minutes.

Cr Ramm – The administration has to be mindful too, we can't take up too much room in the Quackchat or on a Facebook Page putting out lots and lots of information, people won't read it. It is impossible to get the information out in a way that everyone will be happy, we have tried to condense some information as some people were saying we were putting out too much and then they won't read it like you have just pointed out with the recent Minutes. To try and condense things into a format that is most suitable is hard, we are never going to get it perfect. You are happy to read more information, and some people are happy to read less and will criticise us if there is too much, we are trying to strike a balance.

H Gooding – Can we have more information on things like the Swimming Pool obviously, Stubbs Park, anything happening in our town?

Cr Ramm – I think they have been doing it, information has been going out when it is available.

Cr Lukins – The Chief Executive Officer, Director of Corporate Services, Director of Infrastructure and Project Managers Reports are in the Information Session, and we are aware of what they are doing. Give us an example of how we can improve because it seems like we get to one level, and it is still not good enough?

M Gooding – Information about the roadworks, where they are working and what they are doing would be helpful.

D Watkins – That information is now going out in the Quackchat and on Facebook.

Cr Ramm – The Director of Infrastructure has just started doing that, we haven't had someone in that seat for a while and Darryn has embraced that and is doing a great job of getting that information out now.

Cr Hasleby – As Cr Ramm stated, there is always the opportunity to call someone, or go into the Administration Office and the Shire President and other Councillors are always happy to answer questions. There is nothing stopping any community member from being able to make an enquiry, we welcome it, along with attending our meetings.

Cr Ramm – Please remember, we are happy to take phone calls any time. Our job is to talk to the community about their concerns and staff are always happy to discuss any issues at any time. Are there any further questions?

Cr Ramm – I would like to welcome our new Director of Infrastructure, Darryn Watkins and our new Director of Corporate Services, Danika Allday to the team and welcome to their first Annual Electors Meeting.

5. CLOSURE

The meeting was closed at 8.14pm.

8. BUSINESS ARISING FROM MINUTES

8.1 REGISTER OF COUNCIL RESOLUTIONS

<p style="text-align: center;">All Council Resolutions (except procedural motions) will be added and shown for at least the following Council Meeting. When a resolution has been reported as completed to a Council Meeting, it will be marked as hidden for all subsequent reports. Project updates since the last reporting cycle have been bolded for ease of reference.</p>					
DATE	RES NO. OCM	COUNCIL RESOLUTION	RESP. OFFICER	ACTION TAKEN	ESTIMATED COMPLETION DATE
		That it be recommended to Council that donated historical machinery be displayed on the corner of Scaddan St & Kukerin Rd South with interpretive signage	SPM	On hold pending entry statement location, land survey and approval from relevant authorities. Land surveys have now been finalised. Pike Road realignment will require further land tenure approvals before the display can be approved for siting. Shire CEO has contacted Smith Family to provide an update and to ensure donation of machinery is still available and safe guarded.	Jun-23
20-Feb-20	2020/823	That expenditure of up to \$6,000 for the design and installation of the Dumbleyung Townsite Historical Walk Trail Sign be approved from the current Townscape budget.	SPM	Townscape have marked locations for Shire to install, Shire to check if any third-party approvals are required. Signs to be powder coated prior to final installation. Concrete bases have been laid, signs powder-coated and signs installed. Some signs will require reprinting and re-installation due to errors sited.	Jun-22

				Ray Ford signage has been contacted for reprints.	
20-Feb-20	2020/823	That a maximum of \$10,000 of the current Townscape budget be approved for the purchase and installation of the Western Entrance Statement project.	SPM	Steel sculpture has been constructed. Requires Main Roads and rail reserve setbacks, engineering certification of design, safety still to be approved. Preferred site is Clem's corner. CBH has advised of the need to take up additional land at the location for road widening purposes. Also need to confirm 3m clearance from overhead power lines with electrician and Western Power. Project deferred pending completion of Dumbleyung Streetscape Masterplan.	Defer
20-Feb-20	2020/823	That a maximum of \$6,000 of the current Townscape budget be approved for the purchase and installation of solar lighting for the western and eastern entrance statements and Mosaic Duck wall.	SPM	Quotes have been received. Awaiting construction of Western Entry Statement at Clem's corner prior to installation at both intersections. Refer to previous item update, project to be deferred.	Defer
21-May-20	2020/893	That the expenditure of up to \$12,000 be approved from the Kukerin Townscape budget for the Southern Kukerin Entry Statement subject for consideration in the 20-21 Budget.	SPM	In progress. Waiting on investigations over land ownership due to road realignments. Land surveys now finalised. Pike Road realignment will require further land tenure approvals before the display can be approved for siting. Refer to	Jun-23

				first item for update Re; machinery donation.	
17-Dec-20	2020/999	That up to a maximum of \$100,000 be allocated to the build aspect of the Bain Estate Memorial Shelter Project from the Bain Estate Reserve Fund with further details to be provided on finishing the project for consideration for further funding.	SPM	Amy Bairstow appointed as graphic designer and has been liaising with Bruce Rock Engineering. Final site location has been selected; plans now Certified. Require PTA approval before proceeding. Quotes are still being sought for final costings and still waiting approval from the Public Transport Authority (PTA). No response from request for quotes (6 steel fabricators & installers sourced). PTA still to consider request to install memorial on their land.	Dec-22
20-May-21	2021/1068	That the Chief Executive Officer is to investigate the possibility of getting a 300,000-litre water tank installed at or near the Kukerin Golf Club (Kukerin South) for emergency services usage only.	SPM	Council 2021/22 adopted budget includes \$28k for purchase of a new 300k litre water tank. Tank has been ordered and preparation of site works commenced for final install. Tank has been installed, arrangements being made to fill tank ready for next year's bushfire season.	Complete
15-Jul-21	2021/1103	1. The following significant projects are researched in priority order for potential inclusion in the Local Roads and Community Infrastructure Program – Phase 2 application bundle totaling \$303,229: 1 - New Dumbleyung Dam 2 - Improved mobile phone coverage in South Kukerin/Merilup	SPM	Confirmation that a sealed roaded catchment at the Horse paddock dam is supported as an approved project by Local Roads & Community Infrastructure Programme Phase 2 and the	Jun-22

		<p>3 - Dumbleyung Town Hall and Shire Office Extension</p> <p>2. The following small projects are researched in priority order for potential inclusion in the Local Roads and Community Infrastructure Program – Phase 2 application bundle totaling \$303,229:</p> <p>1 - Dam Cleaning of Kukerin Main Oval Dam 2 - Dumbleyung Information Shelter & Bus Stop Upgrade 3 - Sculpture by Night 4 - Dumbleyung Town Hall Lighting/Upgrades</p>		<p>project has been aligned with the Department of Water & Environmental Regulation (DWER) funding for the site. Dam dewatering complete in preparation for works to commence. Design complete, awaiting tender through/with DWER.</p>	
16-Sep-21	2021/1136	<p>That \$20,000 be allocated in the 2021/22 Shire of Dumbleyung budget to progress the Lake Development Project through Steps 4-7 if they are able to be progressed.</p>	SPM	<p>Currently sourcing environmental consultants for Step 4 - Undertake an Environmental Impact Assessment (possible DWER requirement). Quotes have been obtained and report prepared for Council consideration. Scoping work awarded to Emerge. Shire project manager scheduled to meet with Emerge May 2022.</p>	Jun-22
16-Sep-21	2021/1137	<p>That Council approve the expenditure of up to \$15,000 for the Kukerin Youth Space design and feasibility investigation.</p>	SPM	<p>Quotes received and Geotech surveyor approved. Consultant appointed (Skate Sculpture) for possible design. Preferred site selected, awaiting Kukerin PAG feedback on desired next steps i.e. project staging.</p>	Jun-22
16-Sep-21	2021/1138	<p>1. The Committee request that the Shire of Dumbleyung go back to the Architect (H&H Architects) to seek a revised Concept Design in accordance with attached Concept Plan. 2. That Council endorse the varied scope as provided by Core Business (email copy attached) with work to commence following acceptance of</p>	SPM	<p>Latest concept plans have been received and forwarded to Stubbs Park representatives for review and input, including kitchen design. Project working</p>	Jun-22

		an approved Concept Design. Note: The Committee noted the potential need for additional funding for completing future grant applications.		group is still to agree on final design, subject to further clarification and refinements.	
17-Mar-22	2022/021	That Council endorsement is given to establish a Dumbleyung Swimming Pool Project Working Group including the following representatives: - Cr Julie Ramm (Shire Councillor Representative) - Cr Bevan Doney (Shire Councillor Representative) - Heather Bartram (Community Representative) - Jon Ward (Community Representative) - Chelsea Mott (Community Representative) - Pip Gooding (Community Representative)	CEO	Dumbleyung Swimming Pool Project Working Group established, initial meeting held on 23rd March 2022, next meeting scheduled for 7th April 2022.	Complete
17-Mar-22	2022/022	That Item 10.5.41 – 2022 Review of Shire of Dumbleyung Local Laws be deferred to the Ordinary Meeting of Council to be held on 21 April 2022, as Council require further time to review the proposed Local Laws.	GCO	The deferred agenda item is included in the 21st April 2022 Ordinary Meeting of Council Agenda.	Complete
17-Mar-22	2022/027	That Council: 1. Endorse the Administration’s responses and implementation schedule with respect to the Confidential Management Letter. 2. Accept the Annual Report including the Annual Financial Report and Audit Report for the 2020/21 year. 3. Hold the Annual Electors Meeting on Tuesday 5 th April 2022 at 7.00pm in the Shire of Dumbleyung Council Chambers. 4. Publish the Annual Report, Audit Report, Notice of Meeting and give public notice(s) to the above effect, pursuant to the Local Government Act 1995, sections 5.29, 5.55, 5.55A, in the Great Southern Herald, on the Shire’s Website, official Notice Boards, Public Libraries, Shire Newsletter, Quackchat and the Shire’s Facebook site.	GCO	Annual Electors Meeting was held on 5th April 2022 and the draft Minutes of that meeting are to be included in the 21st April 2022 Ordinary Meeting of Council’s Agenda.	Complete
17-Mar-22	2022/028	That with respect to the Department of Local Government, Sport and Cultural Industries’ Compliance Audit Return for the Calendar Year 2021, the Council adopt the Return, noting the one issue with noncompliance, and authorise signing by the Shire President and Chief Executive Officer and its subsequent lodgement with the Department.	GCO	Lodged on the Department of Local Government, Sport and Cultural Industries SmartHub on 24th March 2022.	Complete

17-Mar-22	2022/029	<ol style="list-style-type: none"> 1. That the review of the Risk Management Policy be endorsed. 2. That the review of the Risk Management Governance Framework be endorsed. 3. That the review of the Risk Acceptance and Acceptance Criteria be endorsed. 4. That, with respect to the Risk Management Review, Council receives the findings of the review and note the improved actions proposed, which have been incorporated into the Dashboard Report Implementation Plan. 	GCO	Proposed actions to be delivered within the relevant timeframes as indicated.	Complete
17-Mar-22	2022/030	<p>That Council:</p> <ol style="list-style-type: none"> 1. Acknowledge the Officer of the OAG Auditor General and AMD as the Shire external Auditors for the financial year 2022 as recommended by the Finance and Audit Committee at its meeting held on 17 March 2022; and 2. Approves (with or without modification) the Shire's Auditors Audit Planning Summary for the year ending 30 June 2022 as presented as a confidential attachment to the report as recommended by the Finance and Audit Committee at its meeting held on 17 March 2022. 	DOCS	Interim audit for FY22 is scheduled to commence by AMD on site at the Shire offices between 11th and 12th April 2022.	Complete

9. ANNOUNCEMENT BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

9.1 CENTRAL COUNTRY ZONE UPDATES

The next Central Country Zone Meeting will be held on 22 April 2022.

The following items are on the CCZ Agenda for discussion and Council input is being sought –

1. Discussion on CBH reduced rates as they say they are only active during harvest. Do you agree with changing rating? *Many CBH sites are used to also outload fertiliser etc so they are not only used during harvest, there is also a lot more truck out-loading then there used to be. Only happy to reconsider if it is in favour for the Shire of Dumbleyung.*
2. Discussion on changes to the Food Act. *We will agree with the recommendation as there are no significant changes that will affect the Shire of Dumbleyung.*
3. Discussion on funding for Bush Fire Services and SES from ESL payments. Suggestion is to do study or fund applications only that fell short last year? Do you support an overall funding increase? *Do a study rather than only fund those that have fallen short and agree with an overall funding increase.*
4. Discussion on the Active Travel to School RoadMap due to congestion at school pickup and drop off times. *Support and agree with recommendation.*
5. The Shire of Dumbleyung will also be requesting that the Central Country Zone Agenda be available a week earlier.

10. REPORTS TO COUNCIL

10.1 CHIEF EXECUTIVE OFFICERS REPORT

10.1.15 SHIRE OF DUMBLEYUNG 2022-2027 CORPORATE BUSINESS PLAN

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Dumbleyung
FILE REFERENCE:	Shire of Dumbleyung Strategic Community Plan
AUTHOR:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	25 March 2022
ATTACHMENT:	Shire of Dumbleyung 2022-2027 Corporate Business Plan
VOTING REQUIREMENT:	Absolute Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/035

That the Dumbleyung Shire Council adopts the 2022-2027 Corporate Business Plan.

Moved Cr Watkins

Seconded Cr Knight

Carried 6/0

PURPOSE

The purpose of this item is for Council to consider and adopt the draft 2022-2027 Shire of Dumbleyung Corporate Business Plan.

STRATEGIC IMPLICATIONS

The draft Shire of Dumbleyung 2022-2027 Corporate Business Plan has been structured using a project management framework which aligns with the recently adopted 2022-2032 Shire of Dumbleyung Strategic Community Plan.

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Section 19DA of the Local Government (Administration) Regulations 1996 provides that:-

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

FINANCIAL AND STAFFING IMPLICATIONS

The adoption of the Shire of Dumbleyung 2022-2027 Corporate Business Plan will inform potential inputs for annual budget consideration. A level of prioritisation will be required to determine which projects will be pursued based on available resources (cash and labour) and other dependencies (e.g. mobile tower network).

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Moderate**, noting next steps around strategic project delivery will require a significant investment of time and resources, including engagement across a wide cohort of key stakeholders and potential lead agency partners (risk of losing traction, momentum). Managing community expectations particularly around timely project implementation also needs to be acknowledged.

COMMUNITY ENGAGEMENT AND CONSULTATION

The Shire of Dumbleyung undertook a significant community engagement activity as part of the establishment of the new 2022-2032 Shire of Dumbleyung Strategic Community Plan. These strategic inputs have led to the preparation of the draft 2022-2027 Shire of Dumbleyung Corporate Business Plan.

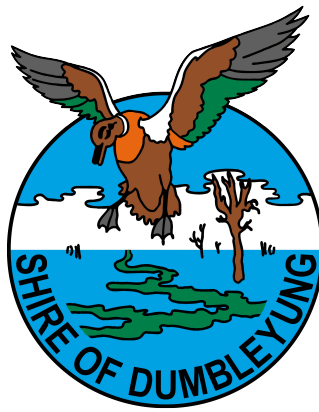
BACKGROUND

The 2022-2032 Shire of Dumbleyung Strategic Community Plan provides an overview of 'what' the Shire is planning as part of its overall strategic direction. The 2022-2027 Corporate Business Plan details 'how' the Shire intends to deliver on this strategic direction. This then informs the annual budgetary process for Council consideration.

OFFICER'S COMMENT

The 2022-2027 Corporate Business Plan has been designed to provide a clear project outline and next steps anticipated for project delivery. Key project descriptions and deliverables are also included for transparency. Each project includes milestones and Council touch points along the way. Four project delivery stages are anticipated – *'Initiate, Plan, Execute and Close'*. There will be a requirement for Shire officers to seek Council endorsement before proceeding to the next project delivery step. An overall project delivery timeframe and resourcing estimate is included with both being based on very high level assumptions. Project justification inputs have also been considered for supporting the socio economic growth case for each initiative, including alignment with existing State Government policy and/or strategic planning positions. The Shire is also looking to partner up with the relevant lead State Government agency for each project activity. This partnership may need to be formalised through an agreed Memorandum of Understanding (MoU). A high level risk assessment has also been undertaken for each project initiative.

The 2022-2027 Corporate Business Plan broadly aligns with the legislative requirements of Section 19DA of the Local Government (Administration) Regulations 1996, more specifically clauses (3)(a) and (b). Annual assessment work will need to be conducted at a budget level to determine how both strategic and operational functions are to be delivered; a balance is required. Capacity constraints are anticipated without due consideration to the organisational structure required to support strategic and operational task delivery. A further confidential Council report is anticipated that gives due consideration to these structural requirements. It is not envisaged that any substantive workforce planning will be required in this context; mainly due to the relatively small size of the Shire of Dumbleyung and its limited financial, growth revenue capacity. Asset management focus will principally be based on any new infrastructure activities progressed under the Shire Strategic Community Plan to determine the resources (funding) required to initially develop the asset and ongoing (whole of life) operational costs of the same. The completed Business Case for each of the strategic project investment activities will be the source document for identifying and recognising the same. A new long term financial plan will be developed and updated (as required) as progress is made on delivering the Shire of Dumbleyung Strategic Community Plan.



Shire of Dumbleyung 2022-2027 Corporate Business Plan

The Shire of Dumbleyung Corporate Business Plan (CBP) sets out how the Shire intends to deliver key priorities identified in the 2022-2032 adopted Strategic Community Plan (SCP). The SCP identified 11 key strategic project priorities aimed at producing significant economic development (jobs & growth) and social development outcomes. Consistent with the project focus of the SCP, the CBP explains (under a project management framework) how each project will be implemented, key steps, funding, risks, resourcing & timing including key partnerships targeted to be established.

Although each project has been treated as having equal priority, project management inputs, particularly labour and cash, are key dependencies that will ultimately dictate the order and timing in which projects are delivered (noting each project has an overall timeframe identified). It is intended that the Shire will prioritise each project's progress by the provision of planning funds allocated through the annual budgetary process.

An ultimate goal is to establish project ready business cases and pitch materials for most of the project priorities. It is not expected that the Shire of Dumbleyung will be responsible for financing each or any of these projects (constructed), rather third party contributors will be sought to secure this funding via lobbying or advocacy effort. Grant funding would appear the most likely and logical source for project development funding.

It is feasible that some of the assets produced from the SCP will become Shire owned. The asset management resources required for these new assets will be identified in the project planning process and incorporated into each final project ready business case. These costs will then be included in the Shire's long term financial planning forecasts.

In terms of workforce planning, no increase in overall employment numbers is expected, but some internal restructuring is anticipated to bring a tighter focus on the necessary skills and expertise required to ensure full strategic project coverage. For specific professional skillsets unavailable internally, these tasks will be outsourced via professional contract consultancies e.g. engineering, architecture, etc.

Again, the key themes and essence of the SCP is economic development. The aim is for the Shire of Dumbleyung to become recognised as best practice in 'smart farming', a significant producer and international exporter of aquaculture (Yabbies), a key enabler of new small business entrants, a 'must see' tourism destination in its own right (with world class product offering) and be internationally recognised as providing authentic Aboriginal cultural experiences.

The CBP will be reviewed annually, essentially to ensure that each project remains a Council endorsed priority and broadly on track. Projects by their very nature will take variable paths than originally intended towards completion. As a result, some flexibility will be required at different stages during the project implementation phase to ensure that the ultimate outcome and goals are achieved. There may be times when some projects are completed, removed and/or new projects included. These will be the primary times when the CBP will be updated to reflect these strategic changes.

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung 'Smart Farming' Development Plan

Project Lead

Shire of Dumbleyung, supported by Department of Primary Industries & Regional Development (DPIRD)

Project Description

By leveraging new enterprise grade wireless broadband connectivity in the Shire, identify and activate a selected Dumbleyung farming property into a fully networked and digitally connected trial site to deploy and test various technological instruments aimed at collecting data to improve business operation, decision making & efficiencies leading to better resource use (e.g. water), lowering of costs (e.g. inputs) & increased yield, resulting in increased farming viability and profitability.

Project Deliverable/Outcome

Completed 'Project Ready' Business Case (including economic modelling) and project pitch materials for Shire of Dumbleyung to submit with the State & Federal Governments for funding consideration.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Engage and secure lead agency (DPIRD) support for the project; including interest in embarking on a joint development planning process (establish draft MoU)
- iii. Scope out and cost planning activity, including initial identification of potential farms within reasonable proximity of the new wireless broadband towers
- iv. Seek Dumbleyung Shire Council endorsement to MoU, including any co-funding support required to proceed with the development planning effort (*proceed to Execute stage*)

Execute

- v. Sign lead agency MoU and initiate (subject to funding) development planning process
- vi. Select farm trial site, negotiate joint access and support agreement with farm owner, scope out and cost digitally enabled project inputs (including digital infrastructure) aligned with farming enterprise and business economic benefit/need; draft Bus Case, pitch docs, etc
- vii. Seek Dumbleyung Shire Council endorsement for development plan including Bus Case, pitch docs, etc to complete Execution (*proceed to Close stage*)

Close

- viii. Initiate and maintain project advocacy efforts until achievement of project funding success
- ix. Project Close

Estimated timeframe for delivery – 18 to 24 months

Project Resources Required

Shire project officer allocated time (assume average one day per month for project duration)

Smart Farming Development Plan & Business Case development, including analysis of economic impacts for project (assume \$25k-\$50k, if contract resources required), Shire budget to co-allocate required funds; noting DPIRD may contribute towards project.

Project Justification – Economic (Jobs & Growth) Impact

If connectivity is implemented successfully in Agriculture, the industry could tack on \$500B in additional value to global gross domestic product by 2030. It is one of just seven sectors that, fuelled by advanced connectivity, will contribute \$2T to \$3T in additional value to global GDP over the next decade (Ref: McKinsey Centre for Advanced Connectivity & McKinsey Global Institute).

Project Alignment with State, Ministerial and/or Regional Prioritisation

Under the Dynamic Regions & Primary Industries section of the DPIRD Strategic Intent 2022-26, the following is identified as a State Government priority - '*Invest in digital connectivity, technology, and new and emerging initiatives to improve and diversify industry and regional competitiveness*'.

Project Risks & Impediments

- i. Difficulty in selecting & gaining support from one farming enterprise to partner with the project.
- ii. State Government potential view that on-farm digital connectivity should be the responsibility of the farmer, not government.

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung Alternative Water Access Study

Project Lead

Shire of Dumbleyung, supported by Department of Primary Industries & Regional Development (DPIRD)

Project Description

To identify and establish a sustainable water supply for the Shire of Dumbleyung that meets the current and future needs of the agriculture and aquaculture sectors, including water resource for stock feed, animal (yabby) production, residential consumption, local road building, emergency support (fire-fighting), community sport and recreation (oval maintenance) and tourism/visitor appeal (streetscape gardens, caravan parks & entry statements, etc).

Project Deliverable/Outcome

Completed 'Project Ready' Business Case (including economic modelling) and project pitch materials for Shire of Dumbleyung to submit with the State & Federal Governments for funding consideration.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Engage and secure lead agency (DPIRD) support for the project; including interest in embarking on a joint water investigation study and planning process (establish draft MoU)
- iii. Scope out and cost study and planning activity, including identification of preliminary water supply options and inventory of existing and potential water storage and infrastructure conveyance solutions
- iv. Seek Dumbleyung Shire Council endorsement to MoU and project scope, including any co-funding support required to proceed with the study & planning effort (*proceed to Execute stage*)

Execute

- v. Sign lead agency MoU and initiate (subject to funding) access study and planning process
- vi. Undertake joint study and detailed investigation of water supply options and water transfer and storage infrastructure requirements across the Shire, prepare preliminary concept designs and calculate order of magnitude costs of the required investment; finalise planning study outcomes including socio economic modelling, draft Bus Case, pitch docs, etc
- vii. Seek Dumbleyung Shire Council endorsement for completed study and plan including Bus Case, pitch docs, etc to complete Execution (*proceed to Close stage*)

Close

- viii. Initiate and maintain project advocacy efforts until achievement of project funding success
- ix. Project Close

Estimated timeframe for delivery – 18 to 24 months

Project Resources Required

Shire project officer allocated time (assume average one day per month for project duration)

Alternative Water Access Study & Business Case development, including analysis of socio-economic benefits for project (assume \$25k-\$50k, if contract resources required), Shire budget to co-allocate required funds; noting DPIRD may contribute towards project.

Project Justification – Economic (Jobs & Growth) Impact

The World Bank (2016) estimates that regions affected by water scarcity could see their growth rates decline by as much as 6% of Gross Domestic Product (GDP) by 2050 as a result of losses in agriculture, health, income & property; sending them into sustained negative growth. This is despite global demand for food and agricultural products projected to increase by 50% by 2050.

Project Alignment with State, Ministerial and/or Regional Prioritisation

Under the Dynamic Regions & Primary Industries section of the DPIRD Strategic Intent 2022-26, the following is identified as a State Government priority - '*Policies and programs that encourage sustainable economic development, diversification and job creation with a **focus on unlocking land and water resources, building business capacity, and developing and facilitating trade and investment.***'

Project Risks & Impediments

- i. Lack of State Government interest & commitment to supporting a potential significant regional water

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

SME Business Enhancement Plan

Project Lead

Shire of Dumbleyung, supported by Wheatbelt Development Commission (WDC)

Project Description

- (1) To increase the stock of suitable 3x2 and 4x2 key worker housing in Dumbleyung & Kukerin to encourage workers (and their families) into the Shire to support both the agriculture and small business sectors; and attract and retain a working population.
- (2) To identify and develop serviced light industrial zoned land in Dumbleyung & Kukerin for the purposes of offering a low cost (affordable) entry point for enticing and retaining trade qualified businesses into the Shire.

Project Deliverable/Outcome

Completed 'Project Ready' Business Case (including economic modelling) and project pitch materials for Shire of Dumbleyung to submit with the State & Federal Governments for funding consideration.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Engage and secure lead agency (WDC) support for the project; including interest in embarking on a joint investigation and project planning effort (establish draft MoU)
- iii. Scope out and cost project planning activity, including preliminary identification of suitable residential land available for key worker housing development and commercial land for light industrial development use
- iv. Seek Dumbleyung Shire Council endorsement to MoU and project scope, including any co-funding support required to proceed with the study & planning effort (*proceed to Execute stage*)

Execute

- v. Sign lead agency MoU and initiate (subject to funding) project planning process
- vi. Identify preferred residential and commercial land sites, undertake conceptual design/s for site development, secure cost estimates for development, liaise and secure private sector support or interest in project, undertake financial & socio economic modelling, draft Bus Case, pitch docs, etc
- vii. Seek Dumbleyung Shire Council endorsement for completed project plan including Bus Case, pitch docs, etc to complete Execution (*proceed to Close stage*)

Close

- viii. Initiate and maintain project advocacy efforts until achievement of project funding success
- ix. Project Close

Estimated timeframe for delivery – 18 to 24 months

Project Resources Required

Shire project officer allocated time (assume average one day per fortnight for project duration)

SME Business Enhancement Plan & Business Case development, including analysis of socio-economic benefits for project (assume \$25k-\$50k, if contract resources required), Shire budget to co-allocate required funds; noting WDC may contribute towards project.

Project Justification – Economic (Jobs & Growth) Impact

*'Employment is a critical enabler of moving to regions, but lifestyle, **affordable housing**, infrastructure, and service availability keep people in the regions. These conditions are particularly important for families and younger people'* (Ref: Regional Australia Institute, Importance of Lifestyle as next driver for population growth in Western Australia).

Project Alignment with State, Ministerial and/or Regional Prioritisation

The WDC Strategic Plan 2020-2023 has an Enabling Infrastructure goal to identify land assembly priorities (including light industrial and residential) via engagement with LGA's and in partnership with Development WA, support land development and assembly in strategic Wheatbelt locations.

Project Risks & Impediments

- i. Project may require private sector investment commitment & leverage buy in before State Government funding support is given.

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung Lake Masterplan

Project Lead

Shire of Dumbleyung, supported by Department of Biodiversity, Conservation & Attractions (DBCA)

Project Description

To activate Dumbleyung Lake as a significant site for visitor attraction and utilisation by establishing whole of lake access for bush walking & mountain bike trails, extension of lake bike & walking access through to Dumbleyung townsite, establish fauna & flora interpretation along the route and identify authentic Aboriginal experiences for promotion and economic development.

Project Deliverable/Outcome

Completed 'Project Ready' Business Case (including economic modelling) and project pitch materials for Shire of Dumbleyung to submit with the State & Federal Governments for funding consideration.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Engage and secure lead agency (DBCA) support for the project, including interest in embarking on a joint master planning process (establish draft MoU)
- iii. Scope out and cost master planning activity, including identification of key landowners & vested landholders around the lake, including Aboriginal stakeholders
- iv. Seek Dumbleyung Shire Council endorsement to lead agency MoU, including any funding support required to proceed with the master planning effort (*proceed to Execute stage*)

Execute

- v. Sign lead agency MoU and initiate (subject to funding) master planning process inclusive of primary landowners, landholders and other key stakeholders e.g. Aboriginal
- vi. Once masterplan is complete, seek Dumbleyung Shire Council endorsement for final masterplan, including identification of site activation priorities
- vii. Together with DBCA (subject to funding), scope out all site activation elements and initiate Bus Case development including economic projections; establish pitch docs/materials, etc
- viii. Seek Dumbleyung Shire Council endorsement for final project Bus Case, pitch docs, etc to complete Execution (*proceed to Close stage*)

Close

- ix. Initiate and maintain project advocacy efforts until achievement of project funding success
- x. Project Close

Estimated timeframe for delivery – 18 to 24 months

Project Resources Required

Shire project officer allocated time (assume average one day per fortnight for project duration)
Masterplan & Business Case development, including analysis of economic impacts for project (assume \$25k-\$50k, if contract resources required), Shire budget to allocate required funds.

Project Justification – Economic (Jobs & Growth) Impact

Western Australia's tourism industry is an important part of the State economy, supporting nearly 30,000 tourism businesses, generating 100,900 jobs and contributing \$11B in visitor spend in 2019 (Ref: Tourism WA website).

Project Alignment with State, Ministerial and/or Regional Prioritisation

DBCA Wheatbelt Region Parks & Reserves Management Plan has identified Dumbleyung Lake Nature Reserve as the second top ranked most important site for potential recreation development and promotion in the Southern Wheatbelt, including the development of trails and mountain bike riding experiences.

Project Risks & Impediments

- i. Requires significant key stakeholder alignment, particularly landowners/landholders
- ii. Aboriginal engagement and buy-in might be protracted, extending project timelines

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung Streetscape Masterplan & Kukerin Entry Statement

Project Lead

Shire of Dumbleyung, supported by Tourism WA

Project Description

To turn Dumbleyung and Kukerin into key 'must see' tourism destinations by identifying unique world class site activation opportunities that significantly entice visitation, including the ultimate Donald Campbell VR/AR experience in Dumbleyung and a Big Yabby & Big Emu 'Coat of Arms' for Kukerin; plus night time attractions such as a laser light display.

Project Deliverable/Outcome

Completed 'Project Ready' Business Case (including economic modelling) and project pitch materials for Shire of Dumbleyung to submit with the State & Federal Governments for funding consideration.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Engage and secure lead agency (Tourism WA) support for the project, including interest in embarking on a joint master planning process (establish draft MoU)
- iii. Scope out and cost master planning activity, including engagement with suitable internet providers and digital (AR/VR, laser) specialists, artistic designers and engineering advice
- iv. Identify practical examples of similar AR/VR, large built form attractions & laser light experiences elsewhere (including international), ascertain beneficial economic impacts
- v. Prepare report identifying project scope with practical examples (include economic impacts)
- vi. Seek Dumbleyung Shire Council endorsement to lead agency MoU and high level project scoping proposal/report; allocate budget to undertake preliminary design, business case & economic modelling (*proceed to Execute stage*)

Execute

- vii. Sign lead agency MoU with Tourism WA
- viii. Proceed with community engagement, project identification & design, business case and economic modelling
- ix. Prepare project pitch doc/s reflecting outcomes, key benefits from business case
- x. Seek Dumbleyung Shire Council endorsement for final project Bus Case, pitch docs, etc to complete Execution (*proceed to Close stage*)

Close

- xi. Initiate and maintain project advocacy efforts until achievement of project funding success

Estimated timeframe for delivery – 12 to 18 months

Project Resources Required

Shire project officer allocated time (assume average one day per week for project duration)

Business Case development, including analysis of economic impacts for project (assume \$25k-\$50k, if contract resources required), Shire budget to allocate required funds.

Project Justification – Economic (Jobs & Growth) Impact

Western Australia's tourism industry is an important part of the State economy, supporting nearly 30,000 tourism businesses, generating 100,900 jobs and contributing \$11B in visitor spend in 2019 (Ref: Tourism WA website).

Project Alignment with State, Ministerial and/or Regional Prioritisation

Tourism WA Corporate Plan 2020-21 includes six key areas of focus, under 'Ensure Industry Sustainability', to 'Promote shovel ready tourism projects (infrastructure) in a bid to obtain funding from Government where appropriate'.

Project Risks & Impediments

- i. Potential that State Government will not support the project
- ii. Perception that Dumbleyung may be viewed as being too small to become a destination in its' own right

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung Aboriginal Tourism Support Plan

Project Lead

Shire of Dumbleyung, supported by Western Australian Indigenous Tourism Operators Council (WAITOC)

Project Description

To showcase local Aboriginal culture, history and food by identifying key value add opportunities to support Wuddi Cultural Tours and other like-minded Aboriginal tourism businesses to expand their offerings to increase profile and national/international recognition of the unique attractions that Dumbleyung has on offer (e.g. Dumbleyung Lake) leading to significantly increased visitation/spend.

Project Deliverable/Outcome

Completed 'Project Ready' Business Case (including economic modelling) and project pitch materials for Shire of Dumbleyung to submit with the State & Federal Governments for funding consideration.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Engage and secure lead industry operator (WAITOC) and Wuddi Cultural Tours owner support for the project; embarking on a joint planning process (establish draft MoU)
- iii. Scope out and cost planning activity, including initial identification of new opportunities
- iv. Seek Dumbleyung Shire Council endorsement to MoU, including any co-funding support required to proceed with the planning effort (*proceed to Execute stage*)

Execute

- v. Sign MoU and initiate (subject to funding) joint planning process
- vi. Together with WAITOC & Wuddi Cultural Tours, identify and scope out all agreed value add opportunities and commence drafting of Tourism Support Plan and Business Case including economic projections; establish pitch docs/materials, etc
- vii. Seek Dumbleyung Shire Council endorsement for draft Aboriginal Tourism Support plan (including value add opportunities), Bus Case, pitch docs, etc to complete Execution (*proceed to Close stage*)

Close

- viii. Initiate and maintain project advocacy efforts until achievement of project funding success
- ix. Project Close

Estimated timeframe for delivery – 18 to 24 months

Project Resources Required

Shire project officer allocated time (assume average one day per fortnight for project duration) Tourism Support Plan & Business Case development, including analysis of economic impacts for project (assume \$25k-\$50k, if contract resources required), Shire budget to co-allocate required funds; noting WAITOC may contribute towards project.

Project Justification – Economic (Jobs & Growth) Impact

There are more than 120 Aboriginal tourism businesses in Western Australia that contribute 339 full time employee jobs (FTE) and \$43.8 million in economic impact. 81% of international visitors to WA are interested in participating in an authentic Aboriginal tourism experience; however less than 1 in 5 visitors (17%) have this experience (Ref: Tourism WA website).

Project Alignment with State, Ministerial and/or Regional Prioritisation

In 2021, Tourism WA launched its Western Australian Aboriginal Tourism Action Plan 2021-2025, backed by a \$20M Aboriginal Tourism Fund, to help position WA as the nation's premier destination for authentic Aboriginal tourism, create exciting new Aboriginal tourism experiences and help to grow the number of Aboriginal people participating in the tourism industry.

Project Risks & Impediments

- i. Aboriginal engagement and buy-in might be protracted, extending project timelines

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung Short Stay Accommodation Plan

Project Lead

Shire of Dumbleyung in conjunction with 4WDL

Project Description

To establish modern (public and/or privately owned) short term stay accommodation in Dumbleyung mainly focused on potential growth in the tourism and hospitality sectors in support of new tourist attractions being earmarked including Dumbleyung Lake walk/bike trail access, Donald Campbell AR/VR experience and significant streetscape upgrades including night time (e.g. laser light) displays, etc.

Project Deliverable/Outcome

Completed 'Project Ready' Business Case (including financial & economic modelling) and project pitch materials for Shire of Dumbleyung to submit with the State & Federal Governments or industry/private sectors for funding consideration.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Support 4WDL with preparation of consulting scope of works to undertake a review of existing accommodation facilities and prepare an action plan for improvement
- iii. Seek Dumbleyung Shire Council feedback and/or endorsement to completed 4WDL action plan, including next steps (and gaps) to expand and/or deliver on the plan
- iv. Scope next steps including any detailed data analysis, concept design, project costings (site development), financial & economic assessment, investment (funding) materials such as a prospectus; draft Bus Case, update pitch materials, etc
- v. Seek Dumbleyung Shire Council endorsement to scoping proposal, including any funding support required to complete project planning effort (*proceed to Execute stage*)

Execute

- vi. Commence delivery of project plan in accordance with Council approved scoping proposal
- vii. Seek Dumbleyung Shire Council endorsement for completed project plan, including Bus Case, pitch docs, etc to complete Execution (*proceed to Close stage*)

Close

- viii. Initiate and maintain project advocacy efforts until achievement of project funding success
- ix. Project Close

Estimated timeframe for delivery – 12 to 18 months

Project Resources Required

Shire project officer allocated time (assume average one day per fortnight for project duration)

Dumbleyung Short Stay Accommodation Action Plan & Business Case development, pitch materials, etc including analysis of financial & economic benefits for project (assume \$25k-\$50k, if contract resources required), Shire budget to allocate required funds.

Project Justification – Economic (Jobs & Growth) Impact

Western Australia's tourism industry is an important part of the State economy, supporting nearly 30,000 tourism businesses, generating 100,900 jobs and contributing \$11B in visitor spend in 2019 (Ref: Tourism WA website).

Project Alignment with State, Ministerial and/or Regional Prioritisation

Tourism WA Corporate Plan 2020-21 includes six key areas of focus, under 'Ensure Industry Sustainability', to 'Promote shovel ready tourism projects (infrastructure) in a bid to obtain funding from Government where appropriate'.

Project Risks & Impediments

- i. State or Federal Governments may not commit any support towards project i.e. prefer private sector to lead, drive, etc.
- ii. Difficulty in attracting any private sector investment buy in or support towards the project.
- iii. Timing of other Shire strategic tourism projects may impact on business viability of this project in the interim i.e. Dumbleyung may need to become a tourism destination first.

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung Mining Partnership Approach

Project Lead

Shire of Dumbleyung

Project Description

To proactively establish close relationship and partnership agreements with emerging miners to place the Shire of Dumbleyung in a strong position to leverage as much socio economic benefit as possible from any future mining operations.

Project Deliverable/Outcome

Formalised Relationship Arrangements are established between a miner/s and the Shire of Dumbleyung that commits the miner/s to certain pre-negotiated and agreed undertakings that diversifies the Dumbleyung economy and delivers positive sustainable economic & social outcomes to the community.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Initiate engagement with emerging mining company/s with exploration tenancy interests in the Shire of Dumbleyung, establish regular contact protocols and seek updates on progress with project feasibility
- iii. Explore mining company interest on entering into a preliminary Memorandum of Understanding (MOU) with the Shire of Dumbleyung that sets out the positive relationship intentions of the parties moving forward
- iv. Provide Dumbleyung Shire Council briefing on key learnings and mining project status, seek endorsement to progress with proposed contact protocol and (if required) MOU (*proceed to Execute stage*)

Execute

- v. Confirm regular contact protocol with miner/s and draft preliminary MOU (if possible) to formalise relationship intention arrangements with the Shire of Dumbleyung
- vi. Maintain regular contact with emerging miner/s in accordance with agreed protocol; *if a mine progresses to a positive Financial Investment Decision (FID), re-engage with miner to seek support to enter into a more formal Relationship Agreement e.g. via a MOU or another agreement format*
- vii. *Consider seeking FID miner support to undertake a joint Social Impact Assessment (SIA) of the new mining project in terms of identifying and securing positive socio economic benefits for deployment into the Shire of Dumbleyung*
- viii. *Negotiate and finalise key community socio economic support agreements with miner (e.g. MOU, Relationship Agreement, SIA); seek Dumbleyung Shire Council endorsement to execute the same (proceed to Close stage)*

Close

- ix. Project Close

Estimated timeframe for delivery – 12 to 18 months (regular miner contact protocol only)

Project Resources Required

Shire Chief Executive Officer allocated time (assume average one day per 3 months for project duration); a Shire co-contribution may be sought if a joint Social Impact Assessment (SIA) is to be progressed.

Project Justification – Economic (Jobs & Growth) Impact

Australian mining is the nation's largest industry with GDP in 2019/20, totalling \$202B or 10.4% of the total national economy. There are 240K people directly employed by the resources sector and a total 1.1M direct and indirect jobs created (Minerals Council of Australia).

Project Alignment with State, Ministerial and/or Regional Prioritisation

'Focus on sustainable development has brought about a significant policy and practice transformation in the mining industry. Two vital social aspects of sustainable development are community engagement and community development, which combine to form the broad field of community relations; the relationships between mines and host communities' (Australian Government Leading Practice Sustainable Development Program for the Mining Industry Handbook 2016).

Project Risks & Impediments

Ordinary. Meet Competition from adjoining larger LGA's with increased serviceability and support

- ii. Lack of miner interest to enter into formal negotiations and socio economic commitments

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung Health Alliance

Project Lead

Shire of Dumbleyung in partnership with the Western Australian Country Health Service (WACHS)

Project Description

To establish and formalise a strong partnership arrangement between Shire of Dumbleyung and WACHS with a focus on working collaboratively on common areas of interest and deliver projects and activities that both safeguards the continued provision of State administered health services in Dumbleyung & Kukerin and identifies opportunities to strengthen these services for the future.

Project Deliverable/Outcome

Establish a Memorandum of Understanding (MOU) between Shire of Dumbleyung and WACHS formalising an alliance, then investigate establishment of a joint Dumbleyung Health Development Plan focusing on current and future health needs, including actions and projects to be pursued under the plan.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Engage and secure lead agency (WACHS) partnership support to enter into an alliance arrangement
- iii. Scope out and draft MOU in conjunction with WACHS input
- iv. Seek Dumbleyung Shire Council endorsement to MoU (*proceed to Execute stage*)

Execute

- v. Sign lead agency MoU and initiate regular meeting structure/inputs, timing and involvement
- vi. Identify areas of common health interest and support between the MoU parties, initiate effort to define these activities including the identification and scoping of key projects for potential joint pursuit and consolidate the same via a draft Dumbleyung Health Development Plan
- vii. Seek Dumbleyung Shire Council endorsement for draft Dumbleyung Health Development Plan including any project implementation recommendations (*proceed to Close stage*)

Close

- viii. In conjunction and with WACHS support, initiate advocacy efforts of key projects as identified and scoped in the Dumbleyung Health Development Plan until achievement of project funding success
- ix. Project Close

Estimated timeframe for delivery – 24 to 36 months

Project Resources Required

Shire Chief Executive Officer allocated time (assume average two days per quarter for project duration). Assume \$10k-\$20k for health development plan if contract resources required. Shire budget to co-allocate required funds; noting WACHS should co-contribute towards the development plan.

Project Justification – Economic (Jobs & Growth) Impact

'On average, people who live in rural areas have shorter lives and higher levels of disease and injury than those in major cities. This is because rural people have poorer access to and use of health services when compared to urban Australians. Rural people also have on average, lower income, less educational and employment opportunities, as well as lifestyle differences', National Rural Health Alliance July 2021 Fact Sheet.

Project Alignment with State, Ministerial and/or Regional Prioritisation

Under WACHS Strategic Plan 2019-24, *'Collaborating with our partners'* has been identified as a strategic priority, by *'Partnering to deliver more integrated services that improve patient outcomes and experience, giving consumers more choice and control'*. A key action is to *'Maximise the impact (and value) we deliver to country communities through partnerships'*.

Project Risks & Impediments

- i. Lack of WACHS interest in devoting time and resources to partner with a smaller regional LGA.

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung & Kukerin Education Alliance

Project Lead

Shire of Dumbleyung in partnership with the Dumbleyung & Kukerin Primary Schools

Project Description

To establish and formalise a strong partnership between Shire of Dumbleyung and Dumbleyung & Kukerin Primary Schools with a focus on working collaboratively on common areas of interest and deliver projects and activities that both safeguards the continued provision of State administered education in Dumbleyung & Kukerin and identifies opportunities to strengthen these services for the future.

Project Deliverable/Outcome

Establish a Memorandum of Understanding (MOU) between Shire of Dumbleyung and the Dumbleyung & Kukerin Primary Schools formalising an alliance, then investigate establishment of a joint Dumbleyung & Kukerin Education Development Plan focusing on current and future education needs, including actions and projects to be pursued under the plan.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Engage and secure Dumbleyung & Kukerin Primary School partnership support to enter into an alliance arrangement
- iii. Scope out and draft MOU in conjunction with Dumbleyung & Kukerin Primary School input
- iv. Seek Dumbleyung Shire Council endorsement to MoU (*proceed to Execute stage*)

Execute

- v. Sign Education Alliance MoU and initiate regular meeting structure/inputs, timing and involvement
- vi. Identify areas of common education interest and support between the MoU parties, initiate effort to define these activities including the identification and scoping of key projects for potential joint pursuit and consolidate the same via a draft Dumbleyung & Kukerin Education Development Plan
- vii. Seek Dumbleyung Shire Council endorsement for draft Dumbleyung & Kukerin Education Development Plan including any project implementation recommendations (*proceed to Close stage*)

Close

- viii. In conjunction and with Dumbleyung & Kukerin Primary School support, initiate advocacy efforts of key projects as identified and scoped in the Dumbleyung & Kukerin Education Development Plan until achievement of project funding success
- ix. Project Close

Estimated timeframe for delivery – 24 to 36 months

Project Resources Required

Shire Chief Executive Officer allocated time (assume average two days per quarter for project duration). Assume \$10k-\$20k for education development plan if contract resources required. Shire budget to allocate required funds; noting Education Dept may co-contribute towards the development plan.

Project Justification – Economic (Jobs & Growth) Impact

'A 5% average increase in Australian student PISA scores would equate to an increase in Gross Domestic Product (GDP) growth by 1.65 percentage points which equates \$26B in additional GDP by 2066', Ref: The Economic Impact of Improving School Quality, Australian Department of Education and Training 2016.

Project Alignment with State, Ministerial and/or Regional Prioritisation

Under Education Department WA Strategic Directions for Public Schools 2020-2024, an Improvement Driver is to *'Partner with families, communities and agencies to support the educational engagement of every student'*, and another Improvement Driver is to *'Support increased school autonomy within a connected and unified public school system'*.

Project Risks & Impediments

- i. Lack of Dumbleyung & Kukerin Primary School resources, time & interest in establishing a strategic relationship with the Shire of Dumbleyung.

Shire of Dumbleyung Project Planning Initiate Proposal

Project Title

Dumbleyung Infrastructure Investment Plan

Project Lead

Shire of Dumbleyung in conjunction with Wheatbelt Development Commission (WDC)

Project Description

To identify, work up and establish project ready proposals for key infrastructure assets in the Shire of Dumbleyung targeting specific areas which significantly contribute to economic growth and social wellbeing.

Project Deliverable/Outcome

Completed 'Project Ready' Business Case (including financial & economic modelling) and project(s) pitch materials for Shire of Dumbleyung to submit with the State & Federal Governments or industry/private sectors for funding consideration.

Project Key Steps & Estimated Timeframe

Initiate

- i. Seek Dumbleyung Shire Council endorsement to Initiate project (*proceed to Plan stage*)

Plan

- ii. Engage WDC and seek their support to enter into a Memorandum of Understanding (MoU)
- iii. Establish a Dumbleyung Asset Hierarchy Plan that identifies preferred Shire projects for scoping, the order for each one, reasons (justification) for the selection and an assessment of steps, time and resources needed (including costs) to deliver a project readiness (business case) outcome
- iv. Seek Dumbleyung Shire Council endorsement to MoU and Dumbleyung Asset Hierarchy Plan, including any funding support required to initiate project(s) planning effort (*proceed to Execute stage*)

Execute

- v. Sign MoU with Wheatbelt Development Commission
- vi. Commence scoping of each project (in hierarchy order), achieve project readiness including completed Bus Case, pitch docs, etc
- vii. Seek Dumbleyung Shire Council approval for each completed project ready proposal
- viii. Consolidate each project ready proposal into a Dumbleyung Infrastructure Investment Plan doc to complete Execution (*proceed to Close stage*)

Close

- ix. Initiate and maintain project advocacy efforts until achievement of project(s) funding success
- x. Project Close

Estimated timeframe for delivery – 36 to 60 months

Project Resources Required

Shire project officer allocated time (assume average three days per week for project duration).

Project scoping and development including Business Case, pitch materials, analysis of financial & economic benefits for each project (assume \$50k-\$75k per project, if contract resources required),

Shire budget and/or external grants to allocate required funds.

Project Justification – Economic (Jobs & Growth) Impact

The Wheatbelt Region of WA contributes 27% of State Output, \$7.06B GRP, has 9,500 small businesses and hosts in excess of 1 million visitors per annum (Ref: Wheatbelt Development Commission Economic Snapshot).

Project Alignment with State, Ministerial and/or Regional Prioritisation

The Wheatbelt Development Commission Strategic Plan 2020-2023 acknowledges 'Normalisation of Living Standards' as a key strategic theme for regional development in WA. The WDC state that their regional themes aligns with those of the regional development portfolio.

Project Risks & Impediments

- i. Community infrastructure investment for Wheatbelt region not considered a priority by State Government and its agencies.
- ii. Significant budgetary and funding costs required by Shire of Dumbleyung to finance each project scoping activity.

10.2 DIRECTOR OF INFRASTRUCTURE REPORT

Nil

10.3 TOWN PLANNERS REPORT

Nil

10.4 DIRECTOR OF CORPORATE SERVICES REPORT

10.4.8 SIGNIFICANT ADVERSE TREND – SHIRE OF DUMBLEYUNG 2020/21 AUDIT REPORT

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	0006 – Financial Management/Audit Reports
AUTHOR:	Director of Corporate Services
DISCLOSURE OF INTEREST:	Nil
REVIEWED BY:	Chief Executive Officer
DATE:	6 April 2022
ATTACHMENT:	Report on Significant Adverse Trend
VOTING REQUIREMENT:	Absolute Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/036

That Council receives the Report on Significant Adverse Trends associated with the 2020/21 Audit Report.

Moved Cr Lukins

Seconded Cr Doney

Carried 6/0

PURPOSE

To consider the significant adverse trend in the Operating Surplus Ratio identified in the audit of the financial statements for the year ended 30 June 2021.

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Local Government Act 1995 Section 7.12A

FINANCIAL AND STAFFING IMPLICATIONS

Nil

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low** despite the risk of some external negative sentiment about the audit opinion as released.

COMMUNITY ENGAGEMENT AND CONSULTATION

Nil

BACKGROUND

Section 7.12A(4) of the *Local Government Act 1995* requires local governments to report on matters identified as significant by the auditor and to indicate what action(s) the local government has taken or intends to take in respect of the matters.

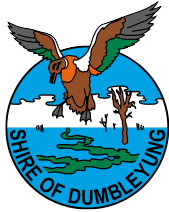
The Office of the Auditor General identified as part of its audit of the Shire's financial statements for the year ended 30 June 2021, that the Operating Surplus Ratio was showing a significant adverse trend and had not met the minimum standard as set by the Department of Local Government, Sport and Cultural Industries (the Department).

OFFICER'S COMMENT

In the Department's opinion, the Operating Surplus Ratio is a measure of a local government's ability to cover its operational costs and have revenue available for capital funding or other purposes. It is calculated by dividing the difference between operating revenue (less grants and contributions for the development or acquisition of assets) and operating expense by the own source operating revenue (revenue from rates and service charges, fees and charges, reimbursements and recoveries, interest income and profit on disposal of assets).

Most country local governments struggle to fully fund asset depreciation from its own revenue sources and there is reliance of external grant funding to assist with asset renewal. The main ways to improve this ratio could include increasing rates substantially or reducing operating expenditure. Both measures could have significant adverse effects on the community; increasing rates may render people unable to pay, while reducing operating expenditure may result in reducing services that the community values.

The Shire of Dumbleyung has made it clear to the Office of the Auditor General that it believes this ratio is an inappropriate measure of rural Shire financial performance and should be removed as a relevant ratio in the future. The Office of the Auditor General have advised they are in discussion with the Department as to the appropriateness of the benchmarks of the required financial ratios. No changes have been made thus far and it is anticipated that the matter will become an annual issue until satisfactorily resolved (removed).



SHIRE OF DUMBLEYUNG

REPORT ON SIGNIFICANT ADVERSE TREND

1. Background

The *Local Government (Audit) Regulations 1996* section 10(3) requires the auditor to identify any financial trends which it considers adverse and of concern. The Shire's 2020/21 audit report was received from the Auditor General on 17 March 2022 noting that the Auditor General has identified a significant adverse trend in relation to the financial position of the Shire. The Shire of Dumbleyung has not met the minimum standard as set by the Department of Local Government, Sport and Cultural Industries (the Department) for the Operating Surplus Ratio for the past four years.

Section 7.12A(4) of the *Local Government Act 1995* requires that a local government must:

- (a) *prepare a report addressing any matters identified as significant by the auditor in the audit report, and stating what action the local government has taken or intends to take with respect to each of the matters; and*
- (b) *give a copy of that report to the Minister within 3 months after the audit report is received by the local government.*

Section 7.12A(5) further requires that:

"Within 14 days after a local government gives a report to the Minister under subsection (4)(b), the CEO must publish a copy of the report on the local government's official website."

2. Report Detail

Under the Department's interpretation, if a local government consistently achieves a positive operating surplus ratio and has soundly based long term financial plans showing that it can continue to do so in the future, having regard to asset management and the community's service level needs, then it is considered financially sustainable.

The ratio is calculated using the following equation:

$$\frac{\text{Operating revenue minus operating expense}}{\text{Own source operating revenue}}$$

A positive ratio indicates the percentage of total own source revenue available to help fund proposed capital expenditure, transfer to cash reserves or to reduce debt. When the ratio starts to drift into negative territory it indicates a deficit and higher risk (according to the Department).

The Department's minimum benchmarks for this ratio are as follows:

Advanced standard – 15% or greater

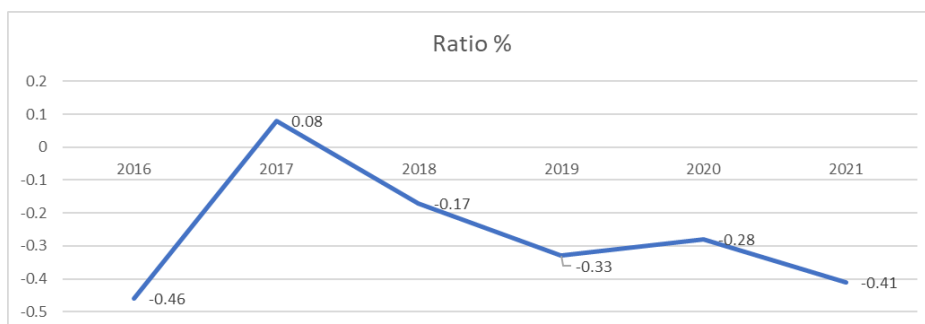
A ratio of greater than 15% indicates the Shire is providing a strong operating surplus which will give flexibility in the future in relation to operational service levels and asset base.

Basic Standard – between 1% and 15%

Below Standard – 0% or less

The Operating Surplus Ratio calculation excludes grants received to assist with capital works but includes depreciation expense. It is argued by the local government sector that these grants are an integral component of revenue for local government and long-term financial plans are predicated on receiving these funds. Removing these funds from the ratio calculation has a negative impact on the ratio and unreasonably distorts the result.

It is typical of local governments like the Shire of Dumbleyung to have an Operating Surplus Ratio that does not meet minimum requirements. This result reflects a reliance on sources of funding other than the Shire's own source funds such as rates, to be sustainable. As seen below, the Shire's ratio has only met the basic standard once in the last six years.



Numerous additional major items also directly influence the results of the Operating Surplus Ratio, such as:

- The timing of operating grants being received in one financial year and expenditure incurred in another, such as via pre-payment of the Financial Assistance Grants.
- The funding of operating projects from reserve funds. All operating expenditure must be included in the ratio calculations, however the income from reserve must be excluded, resulting in an apparent lower ability to fund operating expenditure.

In order to improve the Operating Surplus Ratio, the Shire has limited options available to it. The measure could be improved by increasing rates substantially however this must be balanced with the community's capacity to pay. The measure could also be improved by the Shire reviewing (and reducing) its major operating cost centres, including employment costs, materials and contracts however this will almost certainly adversely impact the level of service which the Shire is able to deliver to the community.

The current ratio benchmarks adopted by the Department is a 'one size fits all' approach. It is understood most rural local governments have not had an Operating Surplus Ratio that met the standards set by the Department, and there has been an indication by the Auditor General that this benchmark may need review.

3. Conclusion

The Operating Surplus Ratio requires the Shire to ensure that its own revenue sources grow at the same or a greater rate than its operating expenses, including depreciation. It is well known that most country local governments struggle to fully fund asset depreciation via its own revenue sources and there is a reliance on grant funding such as Regional Road Group and Roads to Recovery to assist with asset renewal expenditure.

The Shire is very aware of its ratio performance in relation to benchmarks set by the Department however disagrees that this ratio is relevant to small rural Shire's as excluding grant funding from the ratio calculation results in the ratio being an inaccurate reflection of small rural Shire's financial position. It is the Shire's view that this ratio should be removed without further delay.

10.5 GOVERNANCE AND COMPLIANCE OFFICERS REPORT

10.5.42 2022 REVIEW OF SHIRE OF DUMBLEYUNG LOCAL LAWS

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Dumbleyung
FILE REFERENCE:	Shire of Dumbleyung Local Laws
AUTHOR:	Governance & Compliance Officer
DISCLOSURE OF INTEREST:	N/A
REVIEWED BY:	Chief Executive Officer
DATE:	12 April 2022
ATTACHMENT:	Attachment 1 - Draft Local Laws
VOTING REQUIREMENT:	Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/037

That with respect to the statutory review of the Local Laws, Council:

1. Notes the completion of a periodic review of local laws in accordance with the *Local Government Act 1995* section 3.26; and
2. Pursuant to section 3.12(2) and (3) of the *Local Government Act 1995*, and all other legislation enabling it, give State-wide local public notice, inviting submissions during a minimum 6-week time frame, that Council proposes to make the following new local laws as detailed in (Attachment 1):
 - a) Shire of Dumbleyung Bush Fire Brigades Local Law 2022
 - b) Shire of Dumbleyung Cemeteries Local Law 2022
 - c) Shire of Dumbleyung Control of Refuse on Building Sites Repeal Local Law 2022
 - d) Shire of Dumbleyung Dogs Local Law 2022
 - e) Shire of Dumbleyung Extractive Industries Local Law 2022
 - f) Shire of Dumbleyung Fencing Local Law 2022
 - g) Shire of Dumbleyung Health Local Laws 2022
 - h) Shire of Dumbleyung Parking and Parking Facilities Repeal Local Law 2022
 - i) Shire of Dumbleyung Pest Plants Repeal Local Law 2022
 - j) Shire of Dumbleyung Local Government Property and Public Places Local Law 2022
 - k) Shire of Dumbleyung Standing Orders Local Law 2022
3. Note that the purposes and effects of these local laws:
 - a) Shire of Dumbleyung Bush Fire Brigades Local Law 2022
The purpose of this local law is to:
 - make provisions about the organisation, establishment, maintenance and equipment of bush fire brigades.The effect of this local law is to provide for:
 - aligning existing local laws with changes in law and operational practices.
 - b) Shire of Dumbleyung Cemeteries Local Law 2022
The purpose of this local law is to:
 - provide for the orderly management of the Nippering Cemetery (Reserve 9943) and Kukerin Cemetery (Reserve 16502) in accordance with established plans and to create offences for inappropriate behaviour within the cemetery grounds.

The effect of this local law is to provide for:

- ensuring compliance by all persons engaged in the administration of the cemetery, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries.

c) Shire of Dumbleyung Control of Refuse on Building Sites Repeal Local Law 2022

The purpose of this local law is to:

- repeal an obsolete local law.

The effect of this local law is to provide for:

- the obsolete local law will be revoked and abrogated.

d) Shire of Dumbleyung Dogs Local Law 2022

The purpose of this local law is to:

- make provisions about the impounding of dogs, to control the number of dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.

The effect of this local law is to provide for:

- extend the controls over dogs which exist under the *Dog Act 1976*.

e) Shire of Dumbleyung Extractive Industries Local Law 2022

The purpose of this local law is to:

- prohibit the carrying on of an extractive industry unless by authority of a licence issued by the local government;

- regulate the carrying on of the extractive industry in order to minimise damage to the environment, thoroughfares and other persons health and property; and

- provide for the restoration and reinstatement of any excavation site.

The effect of this local law is to provide for:

- require that any person wanting to carry on an extractive industry will need to be licensed and will need to comply with the provisions of this local law.

f) Shire of Dumbleyung Fencing Local Law 2022

The purpose of this local law is to:

- prescribe a sufficient fence and the standard for the construction of fences throughout the district.

The effect of this local law is to provide for:

- establish the minimum requirements for fencing within the district.

g) Shire of Dumbleyung Health Local Laws 2022

The purpose of this local law is to:

- provide a statutory means of effectively controlling issues which have the potential to adversely impact on the health and wellbeing of the community.

The effect of this local law is to provide for:

- allow health related issues to be sufficiently controlled so as to provide an acceptable standard for the maintenance of public health in the community.

h) Shire of Dumbleyung Parking and Parking Facilities Repeal Local Law 2022

The purpose of this local law is to:

- repeal an obsolete local law.

The effect of this local law is to provide for:

- the obsolete local law will be revoked and abrogated.

- i) **Shire of Dumbleyung Pest Plants Repeal Local Law 2022**
 The purpose of this local law is to:
 - repeal an obsolete local law.
 The effect of this local law is to provide for:
 - the obsolete local law will be revoked and abrogated.
- j) **Shire of Dumbleyung Local Government Property and Public Places Local Law 2022**
 The purpose of this local law is to:
 - provide for the regulation, control and management of activities and facilities on local government and public property within the district, including thoroughfares.
 The effect of this local law is to provide for:
 - the establishment of the requirements with which any persons using or being on local government and public property within the district, must comply.
 - some property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behaviour in on Shire property
- k) **Shire of Dumbleyung Standing Orders Local Law 2022**
 The purpose of this local law is to:
 - provide for the conduct of meetings of the Council, Committees and electors.
 The effect of this local law is to provide for:
 - better decision-making at meetings;
 - the orderly and efficient conduct of meetings;
 - greater community participation and understanding of the business of the Council; and
 - more open and accountable local government.
4. **Provide copies, in accordance with section 3.12(3) of the *Local Government Act 1995*, to the Minister for Local Government, all other Ministers as required and any other person requesting copies of the proposed local laws.**

Moved Cr Watkins

Seconded Cr Lukins

Carried 6/0

PURPOSE

The purpose of this report is for Council to consider the outcome of a comprehensive review of its suite of local laws. The proposed new local laws are submitted for Council consideration and approval for local public advertising for a minimum of 42 days seeking public submissions (Attachment 1).

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Local Government Act 1995

Cemeteries Act 1986

Dog Act 1976

Bush Fires Act 1954

Biosecurity and Agriculture Management Act 2007

FINANCIAL AND STAFFING IMPLICATIONS

There are no staffing implications arising from this report. The cost to finalise the statutory process is contained within the current agreement with the assisting consultant which is being met from current budget allocations. There will be additional costs for state-wide and local public notices and publications in the Government Gazette, which was included in the Budget for the financial year 2021/22.

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low**, a review of a Shire's local laws is required by the *Local Government Act 1995*. By not complying with the recommendation Council would be contravening the *Local Government Act 1995* and there would be some temporary non-compliance with legislation.

COMMUNITY ENGAGEMENT AND CONSULTATION

Darrell Forrest - Darrell Forrest Advisory Services
Chief Executive Officer - Mr Gavin Treasure
Project Manager - Dave Williams

The statutory process requires that the proposed local laws are advertised for a minimum of 42 days seeking public submissions. The proposed local laws are to be referred to all relevant State Ministers for comment.

BACKGROUND

The Shire of Dumbleyung has engaged Darrell Forrest Advisory Services to assist with a comprehensive review of new local laws for the Shire of Dumbleyung.

The review has been undertaken to ensure compliance with the requirements of Section 3.16 of the *Local Government Act 1995* (The Act) to review local laws every eight years. The majority of the Shire's current local laws were gazetted in 2003 and are therefore well overdue for review.

Section 3.12 to 3.15 of the *Local Government Act 1995* as below outlines the procedure for making local laws –

3.12 Procedure for making local laws

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

- (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

**Absolute majority required.*

- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice –*
 - (a) *stating the title of the local law; and*
 - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government’s official website and that copies of the local law may be inspected at or obtained from the local government’s office.*
- (7) *The Minister may give direction to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section –*

***making** in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

3.13 Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

3.14 Commencement of local laws

- (1) *Unless it is made under section 3.17, a local law comes into operation on the 14th day after the day on which it is published in the Gazette or on such later day as may be specified in the local law.*
- (2) *A local law made under section 3.17 comes into operation on the day on which it is published in the Gazette or on such later day as may be specified in the local law.*

3.15 Local laws to be published

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

OFFICER'S COMMENT

This item was presented at the March 2022 Council Meeting, where Council chose to defer this item as they required further time to review the proposed local laws.

2022/ 022

That Item 10.5.41 – 2022 Review of Shire of Dumbleyung Local Laws be deferred to the Ordinary Meeting of Council to be held on 21 April 2022, as Council require further time to review the proposed Local Laws.

Moved Cr Watkins

Seconded Cr Doney

Carried 6/0

In line with the statutory requirements in the *Local Government Act 1995*, the Shire's current local laws have undergone a vigorous review. The review examined each local law for:

- currency and operational requirements of the Shire
- compliance and consistency with legislative requirements
- current local government standards
- continued need for a specific local law
- appropriateness of modified penalties

Proposed new local laws were drafted based on the above criteria, with 3 current local laws identified for repeal as they no longer fit the Shire's needs, or the matters covered by the local law now have greater controls within the relevant Act.

As the current Property Local Law and Local Law Relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places deal with 'Local Government Property', they have been combined into one Local Government Property and Public Places Local Law.

In addition, changes to legislation over the past few years have revealed issues that needed to be addressed. Some matters have come about due to changes in legislation, but also in how legislation is being interpreted, especially by the Joint Standing Committee on Delegated Legislation, and advised to other local governments. These comments have indicated matters that had previously been accepted by them but are now being required to be amended via an undertaking with the relevant local government, revealing potential weakness.

The Shire has been assisted in the review of the local laws by a consultant with over 40 years local government experience.

Council may make amendments to the proposed local laws now, or when it comes to Council for final adoption after the public consultation period. If made at the later time, and the amendment is considered significant, the public consultation period must recommence.

Following Council's decision to defer this matter from the March 2022 Council Agenda, further edits have been inserted into Schedule 3 of the proposed draft Shire of Dumbleyung Fencing Local Law 2022 reflecting a more fit for purpose minimum fencing requirement for rural and rural residential lots, including farming properties.



SHIRE OF DUMBLEYUNG DRAFT LOCAL LAWS 2022

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Standing Orders Local Law

LOCAL GOVERNMENT ACT 1995

BUSH FIRES ACT 1954

Shire of Dumbleyung

BUSH FIRE BRIGADES LOCAL LAW 2022

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

1. Citation

This local law may be cited as the *Shire of Dumbleyung Bush Fire Brigades Local Law 2022*.

2. Application

This local law applies throughout the district.

3. Repeal

This local law repeals *the Shire of Dumbleyung Bush Fire Brigades Local Law 2002* as published in the *Government Gazette* on 21 March 2003.

4. Definitions

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

Act means the *Bush Fires Act 1954*;
brigade area has the meaning given in clause 6(1)(b);
bush fire brigade is defined in section 7 of the Act;
CEO means the Chief Executive Officer of the local government;
district means the district of the local government;
local government means the Shire of Dumbleyung;
normal brigade activities is defined by section 35A of the Act; and
Regulations means Regulations made under the Act.

(2) In this local law, unless the context otherwise requires, a reference to –

- (a) a Captain;
- (b) a First Lieutenant;
- (c) a Second Lieutenant;
- (d) any additional Lieutenants;
- (e) an Equipment Officer;
- (f) a Secretary; and

- (g) Treasurer; or
 - (h) a Secretary/Treasurer combined;
- means a person holding that position in a bush fire brigade.

5. Establishment of a bush fire brigade

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).
- (3) A bush fire brigade established under subclause (1) is to hold a meeting at least once every financial year to appoint persons to the positions specified in clause 6(1)(c).

6. Name and officers of bush fire brigade

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

7. Duties of Captain and bush fire brigade officers

- (1) The duties of the Captain are to-
 - (a) Provide leadership to bush fire brigades;
 - (b) Monitor bush fire brigades' resourcing, equipment and training levels;
 - (c) Liaise with the local government concerning-
 - (i) Fire prevention or fire suppression matters generally;
 - (ii) Directions to be issued by the local government to bush fire control officers, including those who issue permits to burn; and
 - (iii) Bush fire brigade officers;
 - (d) Ensure that a list of bush fire brigade members is maintained;
 - (e) Report annually to the local government the office bearers of the bush fire brigade in accordance with the Regulations;
 - (f) Report to the local government not later than 30 April each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's-
 - (i) Training and readiness;
 - (ii) Protective clothing;
 - (iii) Equipment; and
 - (iv) Vehicles and appliances.
 - (g) Nominate persons to the CEO for appointment as bush fire control officers by the local government;
 - (h) Arrange for normal brigade activities as authorised by the Act or by the local government; and
 - (i) Where a vacancy occurs in a position appointed under clause 6(1)(c), to-
 - (i) Advise the CEO of the vacancy as soon as practicable; and
 - (ii) Make alternate suitable arrangements for that position until an appointment is made.
- (2) The duties of other bush fire brigade officers are to support the Captain in his/her role.

8. Appointment, employment, payment, dismissal and duties of bush fire control officers

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

9. Maintenance and equipment with appliances and apparatus of bush fire brigades

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

Dated _____

The Common Seal of the Shire of Dumbleyung was affixed by authority of a resolution of Council in the presence of -

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

CEMETERIES ACT 1986

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

CEMETERIES LOCAL LAW 2022

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995
SHIRE OF DUMBLEYUNG
CEMETERIES LOCAL LAW 2022
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CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995
SHIRE OF DUMBLEYUNG
CEMETERIES LOCAL LAW 2022

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on _____ to adopt the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dumbleyung Cemeteries Local Law 2022*.

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 to the Nippering Cemetery (Reserve 9943) and Kukerin Cemetery (Reserve 16502) located in the district.

1.4 Repeal

This local law repeals *the Shire of Dumbleyung Cemetery Local Law 2002* as published in the *Government Gazette* on 21 March 2003.

1.5 Definitions

In this local law, unless the context otherwise requires—

Act means the *Cemeteries Act 1986*;

ashes means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

authorised person means a person—

- (a) appointed by the Board for the purposes of performing any function or exercising any power, other than the giving of infringement notices, conferred upon an authorised person by this local law; or
- (b) authorised under section 64 of the Act to give infringement notices;

Board means the local government;

burial means placement of a coffin containing a dead body into a grave, and includes a natural burial;

business day means any week day other than a public holiday in Western Australia;

cemetery means a cemetery under the care and control of the Board;

CEO means the chief executive officer, for the time being, of the Board;

coffin means a coffin or other receptacle used for the transportation of a dead body to the grave site, or the receptacle used for the burial of a dead body in a grave;

Commissioner of Police means the Commissioner of Police for the time being appointed under the *Police Act 1892* and includes any person for the time being acting in that capacity;

district means the district of the local government;

funeral director means a person holding a current funeral director's licence;

grant of right of burial means a right granted under clause 2.3 for immediate burial of a dead body, and for the purposes of this local law, includes placement of ashes in a grave, niche wall, memorial garden or under a memorial plaque, or scattering of ashes within a cemetery;

headstone means a memorial designed for placement at the head of a grave, commemorating a grave or the placement of ashes;

interment includes, as the case may be—

- (a) burial of a dead body;
- (b) placement of ashes in a grave, niche wall, memorial garden or under a commemorative plaque; or
- (c) scattering of ashes;

interment permit means a single funeral permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct the interment of a person named in the permit, and includes placement or scattering of ashes in a cemetery;

local government means the Shire of Dumbleyung;

memorial has the meaning set out in the Act;

memorial plaque means a panel, plate or tablet designed or used for purposes of bearing a commemorative inscription;

memorial work means to install, repair, renovate or remove a memorial;

monument means a sculpture, statue, cover of a grave or other form of memorial approved by the Board commemorating a grave or the placement of ashes, other than a headstone or memorial plaque;

natural burial means burial in the ground—

- (a) without preparation of the dead body using chemical preservatives; and
- (b) by containment of the dead body only in a shroud or biodegradable coffin;

niche wall means a structure for the placement of a container of ashes in a compartment secured with a covering memorial plaque;

personal representative means—

- (a) the administrator or executor of an estate of a deceased person;
- (b) the person who, by law of practice, has the right to apply for administration of the estate of the deceased person; or
- (c) a person having the lawful custody of a dead body;

set fee refers to fees and charges set by a resolution of the Board and published in the *Government Gazette*, under section 53 of the Act;

shroud means, as the context requires—

- (a) a cloth or cloths used to securely wrap a dead body for burial; or
- (b) a dead body contained within a cloth or cloths;

standard grave means a grave which does not exceed any of the following dimensions: 2400 millimetres long, 1000 millimetres wide and 2140 millimetres deep;

utility services means municipal or public services and includes the supply of water, electrical power, and, gas and also includes refuse, building waste and sewerage disposal services; and

vehicle includes every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise, other than a wheelchair or baby stroller, and includes a bicycle and a skateboard.

PART 2—ADMINISTRATION

Division 1 — General

2.1 Powers and functions of CEO

Subject to the direction of the Board, the CEO shall exercise all the powers and functions of the Board in respect of a cemetery in the district.

2.2 Plans

- (1) The Board shall establish and maintain a plan of each cemetery showing—
 - (a) the location of areas set aside for burials, niche walls, memorial gardens, and placement of ashes in a garden;
 - (b) the location of an area to be used only for burials of persons of a particular religious denomination;
 - (c) the location of different areas of the cemetery to which different requirements for memorials apply;
 - (d) the location of areas set aside for the works and other uses as specified in sections 24(2)(a) and (b) of the Act; and
 - (e) any restricted areas.
- (2) The plans referred to in subclause (1) shall be open for inspection by members of the public during normal office hours of the Board.

Division 2 — Right of Burial

2.3 Issuing of grants

The Board may from time to time issue to a person a grant for the term specified in the Act, upon—

- (a) Written application by that person; and

- (b) Payment of the set fee.

2.4 Right of holder

- (1) Subject to the local law, to the prior approval of the Board and to the terms and conditions (if any) imposed by the Board, a grant confers on the holder, during the term of the grant, an exclusive right—
 - (a) to be buried in a grave specified in the grant; and
 - (b) to carry out monumental works on the gravesite specified in the grant.
- (2) The Board at its absolute discretion, may determine from time to time the number of dead bodies or ashes which may be placed in the grave.
- (3) The Board or an authorised officer may request the holder to produce the grant before the exercise of any rights referred to in subclause (1) and the holder shall forthwith comply with that request.
- (4) If the location stipulated in the grant of right of burial is significantly and adversely affected prior to or at the time of burial by unforeseen conditions such as flooding, a high water table, rock, large tree roots or any other significant matter the Board may allocate any other gravesite of the grantee's choosing that is not already subject to a grant.

2.5 Renewal of grant

- (1) Where, at any time during the term of a grant, a holder—
 - (a) makes written application; and
 - (b) pays a set fee, the Board must renew the grant for a further term of twenty five (25) years commencing on the expiry date of the grant.
- (2) The set fee for the issue of a new grant pursuant to this clause shall be determined by the Board from time to time.
- (3) The Board may request the holder to deliver an existing grant to it prior to issuing a new grant.
- (4) The holder shall forthwith upon receiving a request by the Board in accordance with subclause (3) deliver the existing grant to the Board.

2.6 Replacement of grant

- (1) The Board may—
 - (a) upon the written application of a holder; and
 - (b) upon the production of evidence to the satisfaction of the Board, issue a new grant to replace a grant which is lost or destroyed.
- (2) Notwithstanding subclause (1), the Board may prior to issuing a replacement grant, require the holder to make a statutory declaration in a form determined by the Board.
- (3) The replacement grant issued by the Board shall be deemed to be the original grant.

2.7 Transfer of grant

A holder who desires to transfer a grant to another person shall make an application to the Board in a form determined by the Board and upon receipt of the application the Board may grant permission in accordance with section 26 of the Act.

2.8 Exercising the rights of holder

If evidence is produced in writing to the satisfaction of the Board that a holder is unavailable or not immediately ascertainable, or has died and has not specifically bequeathed a grant, then the rights conferred upon that holder may be exercised by a holder's personal representative or a person acting expressly on behalf of a personal representative. If those persons are unavailable or not immediately ascertainable, the Board may approve any other person.

2.9 Board may enter into an agreement for maintenance

The Board may enter into an agreement with the holder of a grant of right of burial under clause 2.3 or holder of a pre-need certificate under clause 2.4 for the maintenance of an area of a cemetery at the expense of the holder.

PART 3—APPLICATION FOR INTERMENT

3.1 Application for interment permit

- (1) A funeral director, the personal representative of a deceased person, or other person approved by an authorised person may apply for approval for an interment of a dead body in a cemetery.
- (2) A funeral director, the personal representative of a deceased person whose body has been cremated, or other person approved by an authorised person may apply for approval for interment of ashes in a cemetery.
- (3) An application for an interment permit under subclause (1) or (2) of—
 - (a) a dead body shall include details of—
 - (i) proposed burial method for the dead body in accordance with clause 5.1; and
 - (ii) the vehicle transporting the dead body to the gravesite; or
 - (b) ashes shall include details of the proposed interment arrangements for the ashes in accordance with clause 5.4(2).
- (4) An application under subclauses (1) or (2) shall be accompanied by the set fee.

3.2 Applications to be accompanied by certificates etc.

An application under clause 3.1(1) shall be accompanied by—

- (a) a certificate issued under clause 3.3; and
- (b) either a medical certificate of death or a Coroner's order of burial.

3.3 Certificate of identification

- (1) Prior to the dead body being removed to a cemetery, a person who personally knew the deceased shall identify the dead body and shall provide a certificate of identification, unless—
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.
- (2) A funeral director shall provide a certificate, where—
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

3.4 Minimum notice required

An application for interment shall be made to the Board at least five business days prior to the day proposed for interment, otherwise an extra fee may be charged.

3.5 Refusal of application

- (1) The Board may refuse an application for the interment permit under clause 3.1(1).
- (2) If the Board refuses to approve an application under subclause (1), written notice of the refusal is to be given to the applicant.

PART 4—FUNERALS AND MEMORIAL SERVICES

4.1 Fixing times for interments

- (1) On receipt of a completed application form and the satisfaction of all other requirements of the Act and this local law, the Board may—
 - (a) approve a time for the interment; and
 - (b) dig or re-open any grave that is required.
- (2) The time approved for an interment is at the discretion of the Board but will be as near as possible to the time requested by the applicant.
- (3) Except with the permission of the Board and subject to such conditions as may be applied, a person shall not carry out a burial—
 - (a) on a Saturday, a Sunday or a public holiday;
 - (b) commencing at any time other than between the hours 9:00 am to 3:00 pm; or
 - (c) to conclude later than 4:00 pm.

4.2 Memorial services or processions

A person shall not conduct a memorial service or procession within a cemetery unless that person has the permission of the Board.

4.3 Processions

The time fixed by the Board for interment shall be the time at which the procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the interment under clause 3.1 shall if required by the Board, pay the set fee for being late.

4.4 Conduct of interments by the Board

When conducting an interment, or for the purposes of deciding whether to conduct an interment, under section 22 of the Act the Board may—

- (a) require a written request to be made for the Board to conduct an interment;
- (b) in its absolute discretion, charge any person requesting it to conduct an interment the set fee for the conduct of that funeral;
- (c) where no fee is applicable or a reduced fee has been charged by it for the conduct of the interment, determine the manner in which the interment shall be conducted;
- (d) specify an area in a cemetery for the interment;
- (e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law; and
- (f) do or require anything which is considered necessary or convenient for the conduct of the funeral by the Board.

PART 5—INTERMENTS

5.1 Requirements for burials

A person shall not bring a dead body into a cemetery unless—

- (a) the Board has approved an application for the burial of that dead body made under clause 3.1(1);
- (b) it is enclosed in a coffin or shroud which bears the name of the deceased person indelibly inscribed in legible characters on a plate attached in a clearly visible position; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 millimetres in height.

5.2 Requirements for preparation of graves

- (1) A person shall not dig or prepare a grave or fill a grave, unless that person has the permission of the Board.

- (2) Regardless of prior grant of right of burial under clause 2.3 or gravesite approved upon application made under clause 3.1, the Board may direct the digging or preparation of a grave in an alternate position, where—
 - (a) evidence of a prior interment is found, or known to have occurred;
 - (b) access to the position is constrained;
 - (c) the digging or preparation of the grave is unreasonably difficult; or
 - (d) utility services may be interfered with.
- (3) Where an alternative position for the grave is directed under subclause (2), the Board is to advise the funeral director, the personal representative of a deceased person, or other person approved by an authorised person, immediately.

5.3 Requirements for dimensions of graves

- (1) A person shall not bury a dead body in a cemetery other than in a standard grave, unless that person has the permission of the Board.
- (2) Every grave prepared by the Board shall be dug at least 1800 millimetres deep and shall not exceed 2140 millimetres in depth, unless otherwise determined by the Board.
- (3) Unless otherwise permitted by the Board, a person shall not bury a dead body within a cemetery so that the distance from the top of the coffin or shroud to the original surface of the ground is—
 - (a) subject to paragraph (b), less than 1600 millimetres, unless that person has the permission of an authorised person; or
 - (b) in any circumstances less than 750 millimetres.
- (4) The permission of the Board in subclause (3) shall not be granted unless in the opinion of the authorised person exceptional circumstances require granting of that permission.

5.4 Requirements for disposal of ashes

- (1) Except in accordance with an approved application under clause 3.1(2), a person shall not bring or dispose of the ashes of a deceased person into a cemetery.
- (2) The person approved under subclause (1) may dispose of the ashes of that deceased person in a cemetery by one of the following methods, if that method is available—
 - (a) placed within the perimeter of an authorised gravesite's at a depth of at least 600 millimetres;
 - (b) placed in a family grave;
 - (c) placed in a niche wall;
 - (d) placed in a memorial garden; or
 - (e) other method approved by the Board.
- (3) The Board may require a person making an application under clause 3.1(2) to provide additional information reasonably related to the application before determining the application.

- (4) The Board may—
 - (a) approve an application under clause 3.1(2) unconditionally or subject to any conditions; or
 - (b) refuse to approve an application under clause 3.1(2).
- (5) Where an application under clause 3.1(2) has been approved subject to conditions, the applicant must comply with each of those conditions, as amended.
- (6) If the Board refuses to approve an application under clause 3.1(2), written notice of the refusal is to be given to the applicant.

5.5 Requirements for re-opening a grave

- (1) A person shall not reopen a grave without the approval of the Board.
- (2) If for the purpose of re-opening a grave in a cemetery, the Board finds it necessary to remove plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

5.6 Requirements for exhumation

- (1) Subject to subclause (2), a person shall not exhume a dead body in a cemetery for the purposes of reburial within 12 months after the date of its interment.
- (2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.
- (3) Subject to subclause (1) and (2) prior to any other exhumation, the holder of a grant of right of burial must have applied in writing to the Board requesting the exhumation and an authorised person has authorised the exhumation.

5.7 Requirements for opening of coffin or removal of shroud

- A person shall not open a coffin or remove a shroud in a cemetery unless—
- (a) the coffin is opened or shroud removed for the purposes of the exhumation of a dead body; or
 - (b) that person has produced to the Board an order signed or authorised pursuant to the Act and an authorised person has approved the opening of that coffin or removal of the shroud.

5.8 Ashes not to be held by the Board

The Board shall not accept custody of ashes of a deceased person.

PART 6—APPLICATIONS FOR MEMORIALS

6.1 Application to place memorial

- (1) Upon payment of the set fee, the Board may approve an application to place a memorial with or without conditions, including restricting use of materials such as wood, dimensions of a memorial etc, so as not to detract from the amenity of a cemetery.
- (2) The Board may require the written consent of the holder of the grant of right of burial of the grave, the personal representative of a deceased person, or other person to the satisfaction of an authorised person to accompany an application for a memorial made under section 30 of the Act.
- (3) Where written consent is not able to be produced, the Board may approve with or without conditions or decline an application in its absolute discretion
- (4) If the Board refuses to approve an application under subclause (2), written notice of that refusal is to be provided to the applicant.

6.2 Australian War Graves

Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves—

- (a) may place a complying memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

PART 7—MEMORIALS PERMITTED

7.1 Limitation on dimensions of memorials

- (1) No part of a memorial, including any grave cover, kerbing, boundary marker or enclosure is to extend beyond the dimensions of a standard grave.
- (2) No part of a monument above its base shall extend horizontally beyond its base.
- (3) Notwithstanding subclause (1), on request of the personal representative, the Board may approve a memorial over adjoining multiple gravesites—
 - (a) where the persons interred are of the same family; or
 - (b) for another acceptable reason.

7.2 Specification for monument

A monument is to be constructed in a manner approved by the Board.

7.3 Specification for headstone

A headstone is to be constructed in a manner approved by the Board.

7.4 Specification for memorial plaque base

A memorial plaque base is to be constructed in a manner approved by the Board.

7.5 Specification for memorial plaque

A memorial plaque is to be made in a manner approved by the Board.

7.6 Specification for gravesite fencing

Gravesite fencing is to be constructed in a manner approved by the Board.

7.7 Display of trade names on memorials not allowed

A person shall not display any trade names or marks on a memorial.

7.8 Use of wood

No wooden fence, railing or construction other than a cross, shall be allowed on or around a grave, other than as a temporary marker or with the permission of the Board.

PART 8—MEMORIALS AND OTHER WORK

8.1 Carrying out memorial work

- (1) A person shall not carry out memorial work within a cemetery unless that person is authorised by the Board to do so under clause 6.1.
- (2) All material required in the erection and completion of any memorial work shall, be prepared before being taken to a cemetery.
- (3) The Board may place restrictions on the hours of work, access to a cemetery or other matters considered appropriate.
- (4) Memorial works shall be suspended during the conduct of any funeral within a cemetery.
- (5) Work is not permitted to be left unattended in an untidy or unsafe state.

8.2 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of a cemetery for use in the construction of any memorial or other work except with the written approval of the Board.

8.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after approved memorial works are completed shall be immediately removed from a cemetery by the person carrying out the work.

8.4 Plants and trees

No trees or shrubs shall be planted on any grave or within a cemetery except such as shall be approved by the Board.

8.5 Supervision

All workers, whether employed by the Board or by any other person, shall at all times while within the boundaries of a cemetery be subject to the supervision of the Board and shall obey any directions of the Board.

8.6 Placing of grave ornaments

A person shall not place vases or other grave ornaments—

(a) outside the perimeter of a grave in a cemetery as defined in the plans kept and maintained under section 40(2) of the Act; or

(b) outside of an area set aside by the Board as a memorial plaque section.

8.7 Hours of work

Except in accordance with the permission of an authorised person, a person shall not carry out memorial or other work within a cemetery—

(a) during a funeral; or

(b) other than between the hours of 8:00 am and 5:00 pm on a business day.

8.8 Unfinished work

A person who does not complete any work before 5:00 pm on a business day shall leave the work in a neat and safe condition to the satisfaction of the Board.

PART 9—GENERAL

9.1 Vehicle access and speed limitation

(1) A person must only drive a vehicle on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within a cemetery, unless otherwise authorised by the Board.

(2) A person driving a vehicle, within a cemetery, shall not exceed the speed limit of 20 kilometres per hour, and shall comply with the signs and directions in the cemetery.

9.2 Animals

A person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than an *assistance animal* as defined in section 9(2)

of the *Disability Discrimination Act 1992* (Cth) or with the approval of the CEO or an authorised officer.

9.3 Utility services

- (1) Other than with the approval of the Board, a person shall not—
 - (a) connect any device or equipment to any utility services supplied on or at a cemetery; or
 - (b) alter or interfere with utility services infrastructure located in a cemetery.
- (2) The Board may recover from a person the reasonable costs incurred by the Board for the supply to and use of any utility services by that person at a cemetery.

9.4 Damaging and removing of objects

Subject to clause 9.5, a person shall not damage, remove or pick any tree, plant, shrub or flower in a cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

9.5 Withered flowers

A person may remove withered flowers from a grave or memorial and these are to be disposed of in an appropriate manner.

9.6 Littering and vandalism

- A person shall not—
- (a) damage, deface or interfere with any monument or gravesite in any manner whatsoever;
 - (b) break or cause to be broken any glass, ceramic or other material in or upon a cemetery; or
 - (c) discard, deposit, leave or cause to be discarded, deposited or leave any refuse or litter in a cemetery other than in a receptacle provided for that purpose.

9.7 Advertising

- (1) A person shall not advertise or carry on any trade, business or profession in a cemetery without the approval of the Board.
- (2) Upon payment of the set fee, the Board may consider and give approval subject to such conditions as the Board thinks fit.

9.8 Signs and directions of the Board

- (1) The Board may display, mark, place or erect a sign within a cemetery specifying conditions relating to the use of that cemetery.

- (2) A person shall obey all signs displayed, marked, placed or erected by the Board within a cemetery and any other lawful direction by the Board.

9.9 Removal from a cemetery

- (1) Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board is inappropriate in a cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery.
- (2) A person to whom an order under subclause (1) is given must comply with that order.

9.10 Board may close cemetery

The Board may—

- (a) temporarily close a cemetery or any part of it;
- (b) exclude from a cemetery the public and all persons or so many of the public or so many persons as the Board consider to be necessary;
- (c) regulate, prohibit or restrict access to a cemetery or any part of it; or
- (d) direct persons to leave a cemetery or any part of it, for purposes of—
 - (i) a funeral or public convenience;
 - (ii) maintenance, redevelopment or extension of a cemetery;
 - (iii) public safety; or
 - (iv) other operational reasons.

9.11 Offensive matters

- (1) A person shall not allow or cause to be displayed any offensive materials, wording, symbols or images of any kind, whether as a sign, on a memorial or otherwise visible.
- (2) Where, in the opinion, based on reasonable grounds, of the Board, a person does not comply with subclause (1), the Board may issue a notice under clause 9.12(1).

9.12 Liability for damage or works required to comply

- (1) Where a person—
 - (a) causes damage to any grave, memorial, structure, building, furniture, plant or any other item or thing in a cemetery;
 - (b) does a thing not authorised by this local law; or
 - (c) does not do a thing required by this local law;the Board may by notice in writing to that person require that person within the time required in the notice to, at the option of the Board—
 - (d) pay the costs of reinstating the property to the state it was in prior to the occurrence of the damage;
 - (e) pay the costs of replacing that property;

- (f) pay the costs of works required to comply with this local law; or
 - (g) carry out works required to comply with this local law.
- (2) On a failure to comply with a notice issued under subclause (1), the Board may recover the costs referred to in the notice as a debt due to it.

9.13 Offence to fail to comply with notice

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

9.14 Board may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.13, the Board may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

PART 10—OFFENCES AND MODIFIED PENALTIES

10.1 General penalties

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500, and if the offence is a continuing one to a further penalty not exceeding \$20 for every day or part of a day during which the offence has continued.

10.2 Modified penalties

- (1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.
 - (2) The modified penalty payable in respect of an offence specified in Schedule 1 is set out in the fourth column of Schedule 1.
 - (3) The infringement notice referred to in section 63(1) of the Act shall be in the form set out in the Schedule 2
 - (4) The notice withdrawing an infringement notice referred to in section 63(3) of the Act shall be in the form set out in Schedule 3.
-

SCHEDULE 1—MODIFIED PENALTIES

Cemeteries Local Law 2022

[cl. 10.2(1)]

Item	Clause	Nature of offence	Modified Penalty \$
1	4.2	Conducting a memorial service or procession without permission	50
2	5.1	Failure to obtain approval to bring a dead body into a cemetery	50
3	5.2(1)	Unauthorised digging, preparation or filling of grave	50
4	5.3(1)	Unauthorised burial of dead body	50
5	5.4(1)	Unauthorised disposal of ashes	50
6	5.5(1)	Unauthorised reopening of a grave	50
7	5.6(1)	Unauthorised exhumation of a coffin or shroud	50
8	5.7	Unauthorised opening of a coffin or shroud	50
9	7.7	Use of trade name or mark on a memorial	50
10	7.8	Unauthorised use of wood on a gravesite	50
11	8.1	Unauthorised construction of a memorial	50
12	8.2	Unauthorised use of materials taken from within a cemetery	50
13	8.3	Failure to remove rubbish and surplus materials	50
14	8.4	Unauthorised planting of tree or shrub	50
15	8.5	Failure to comply with direction of authorised person	50
16	8.6	Unauthorised placing of grave ornaments	50
17	8.7	Works carried out during unauthorised times	50
18	8.8	Failure to leave uncompleted works in a tidy and safe condition	50
19	9.1(1)	Driving vehicle other than on vehicular access way or constructed roadways or within designated areas	50
20	9.1(2)	Exceeding speed limit	50
21	9.3	Interference with utility services	50

22	9.4	Damaging or removing object	50
23	9.5	Failure to dispose of withered flowers appropriately	50
24	9.6	Littering or vandalism within a cemetery	50
25	9.7	Unauthorised advertising and/or trading	50
26	9.8(2)	Failure to obey sign or lawful direction within cemetery	50
27	9.9(2)	Failure to comply with order to leave cemetery	50
28	9.11(1)	Display of offensive materials, wording, symbols or images	50
29	9.13	Failure to comply with notice within specified period	50

SCHEDULE 2 - INFRINGEMENT NOTICE

Cemeteries Local Law 2022

[cl. 10.2(3)]

Infringement Notice

INFRINGEMENT NUMBER—		
To—		
Address—		
	It is alleged that—	
Cemetery address—		
At—	Time	
On—	Date	
	You committed the following offence—	
Contrary to—	<i>Shire of Dumbleyung Cemeteries Local Law 2022</i>	
Schedule 1 reference—	Item No.—	Clause—
Offence—		
Brief description—		
The modified penalty for the offence is—	\$	
	If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid at the Shire of Dumbleyung within a period of 28 days after the giving of this notice.	
Name of authorised person—		
Position—		
Signature—		
Date—		
Payments may be made—	(a) EFT to the Shire of Dumbleyung specifying the infringement number (b) In person at—Shire of Dumbleyung, Harvey Street, Dumbleyung during business hours (c) By mail to—Shire of Dumbleyung PO Box 99, Dumbleyung 6350 Please make cheques payable to Shire of Dumbleyung.	

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

SCHEDULE 3 – WITHDRAWAL OF INFRINGEMENT NOTICE

Cemeteries Local Law 2022

[cl. 10.2(4)]

Withdrawal of Infringement Notice

No. Date / /

To: ^[1]

Infringement Notice No dated ____/____/____ for the alleged offence of ^[2]

Penalty ^[3] \$_____ is withdrawn.

(Delete whichever does not apply)

* No further action will be taken.

* It is proposed to institute court proceedings for the alleged offence.

(Authorised Person)

^[1] Insert name and address of alleged offender.

^[2] Insert short particulars of offence alleged.

^[3] Insert amount of penalty prescribed.

Dated _____

The Common Seal of the Shire of Dumbleyung was affixed in the presence of-

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

Shire of Dumbleyung

Control of Refuse on Building Sites Repeal Local Law 2022

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Dumbleyung resolved on _____ to make the following local law.

1. Citation

This local law is cited as the *Shire of Dumbleyung Control of Refuse on Building Sites Repeal Local Law 2022*.

2. Commencement

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

3. Repeal

This Local Law repeals the *Shire of Dumbleyung Control of Refuse on Building Sites Local Law 2002* as published in the *Government Gazette* on 21 March 2003.

Dated: _____

The Common Seal of the Shire of Dumbleyung was affixed in the presence of-

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

SHIRE OF DUMBLEYUNG

DOGS LOCAL LAW 2022

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LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

SHIRE OF DUMBLEYUNG

DOGS LOCAL LAW 2022

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on _____ to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dumbleyung Dogs Local Law 2022*.

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

This local law repeals the *Shire of Dumbleyung Dogs Local Law 2002* published in the *Government Gazette* on 21 March 2003.

1.5 Definitions

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

adjoining includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6 metres in width;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer for the local government;

dangerous dog has the meaning given to it by section 3(1) of the Act;

district means the district of the Shire of Dumbleyung;

dog management facility has the meaning given to it in section 3(1) of the Act;

infringement notice means the notice referred to in clause 7.4;

kennel establishment means any premises where more than the number of dogs under clause 3.2(2) over the age of three months are kept, boarded, trained or bred

temporarily, usually for profit and where the occupier of the premises is not the ordinary keeper of the dogs;

licence means a licence to keep an approved kennel establishment on premises granted under clause 4.7;

licensee means the holder of a licence granted under clause 4.7;

local government means the Shire of Dumbleyung;

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

notice of withdrawal means the notice referred to in clause 7.7(1);

owner, in relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

person liable for the control of the dog has the same meaning as in section 3(1) of the Act;

premises in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence made under clause 4.1;

public place has the meaning given to it by section 3(1) of the Act;

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule to this local law;

set fee means a fee or charge made by the local government in accordance with clause 2.1 or clause 4.8;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*;

townsite means land constituted , defined, or reserved as the site of a town or village under the *Land Administration Act 1997*; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.12.

PART 2—IMPOUNDING OF DOGS

2.1 Fees and charges

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional set fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) application for additional costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of authorised person at dog management facility

An authorised person is to be in attendance at the dog management facility for the release of dogs at the times and on the days of the week as determined by the CEO.

2.3 Release of impounded dog

- (1) A claim for the release of a dog seized and impounded is to be made to an authorised person.

- (2) An authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of an authorised person, evidence—
 - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 Unauthorised release

Unauthorised release of dogs is dealt with by section 43 of the Act.

PART 3—KEEPING OF DOGS

3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
 - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclause (1) and (2), the confinement of dangerous dogs is dealt with in the Act and the Regulations.

3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
 - (a) licensed under Part 4 of this local law as an approved kennel establishment; or
 - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(3) of the Act—

- (a) two dogs over the age of three months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) six dogs over the age of three months and the young of those dogs under that age if the premises situated outside a townsite.

3.3 Application to keep additional dog or dogs

- (1) Subject to clause 3.5, the local government may consider an application to keep an additional dog or dogs where—
 - (a) the property is deemed suitable by an authorised person—
 - (i) having sufficient space capable of confining all dogs;
 - (ii) noise, odours, fleas, flies and other vectors of disease will be effectively controlled; and
 - (iii) the care and welfare of the dogs is considered adequate;
 - (b) the details of every dog proposed to be kept on the premises are provided including name, age, colour/description, breed, registration number and microchip details; and
 - (c) sufficient reason has been provided, including—
 - (i) to replace an elderly or sick dog not expected to live;
 - (ii) a family emergency resulting in the dog being inherited;
 - (iii) merging of two households;
 - (iv) where the applicants have had approval to keep an additional dog or dogs in another local authority; or
 - (v) on premises zoned as rural or rural residential under a local planning scheme, the dog or dogs are required for stock management or to be on the premises temporarily for the purposes of training for stock management.
 - (d) in the case of a tenanted property provide written consent by either the landowner or their appointed property owner

3.4 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 3.3;
- (b) the effect which approval of the application may have on the environment or amenity of the neighbourhood;
- (c) whether approval of the application will create a nuisance for the owners and occupiers of adjoining premises.

3.5 Where application cannot be approved

The local government will not approve an application to keep an additional dog or dogs where it exceeds the limit of six (6) referred to in the Act.

3.6 Conditions of approval

- (1) The local government may approve an application to keep an additional dog or dogs subject to any conditions as considered appropriate.

- (2) Approval of an application is not transferable to successive owners or occupiers of the premises.
- (3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.

3.7 Revocation of licence to keep additional dogs

Where a person does not comply with the conditions of approval to keep an additional dog or dogs under clause 3.6 the local government may revoke the approval to keep an additional dog or dogs.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Application for licence for approved kennel establishment

An application for a licence must contain the information listed in Schedule 1, and must be lodged with the local government together with—

- (a) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government;
- (b) any other information reasonably required by the local government; and
- (c) the set fee for the application for a licence referred to in clause 4.8(1).

4.2 Notice of proposed use

- (1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—
 - (a) once in a newspaper circulating in the district; and
 - (b) to the owners and occupiers of any premises adjoining the premises.
- (2) The notices in subclause (1) must specify that—
 - (a) any written submissions as to the proposed use are to be lodged with the local government within 14 days of the date the notice is given; and
 - (b) the application plans and specifications may be inspected at the offices of the local government.
- (3) The local government may refuse to determine the application for a licence until the notice or notices, as the case may be, is given in accordance with its directions where—
 - (a) a notice given under subclause (1) does not clearly identify the premises; or
 - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises.

4.3 Exemption from notice requirements

The requirements of clauses 4.2 and 4.4(a) and Schedule 1 clause 5(c) do not apply in respect of the application for a licence where under a local planning scheme an

application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements.

4.4 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.2(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises.

4.5 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.6;
- (b) any written submissions received within the time specified in clause 4.2(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.6 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.7 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

- (3) A person who fails to comply with a condition imposed under subclause (1) commits an offence.

4.8 Fees

- (1) On lodging an application for a licence, the applicant is to pay a set fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a set fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a set fee to the local government.
- (4) The set fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.9 Form of licence

The licence is to be in the form determined by the local government from time to time and is to be issued to the licensee.

4.10 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the set fee referred to in clause 4.8(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.11 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
 - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) subclause (2)(a), the date requested by the licensee; or
 - (b) subclause (2)(b) or (c), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the set fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.12 Transfer

- (1) A written application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made by the transferee;
 - (b) made with the written consent of the licensee; and
 - (c) lodged with the local government together with—

- (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence;
 - (ii) the set fee for the application for the transfer of a licence referred to in clause 4.8(3); and
 - (iii) any other relevant information required.
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
 - (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
 - (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.13(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.13 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.11(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.11(2)(a); and
- (g) a licensee of the cancellation of a licence under clause 4.11(2)(b) or (c), which notice is to be given in accordance with section 27(6) of the Act.

4.14 Objections and appeals

- (1) The provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to a decision where the local government makes a decision as to whether it will—
 - (a) grant an application for a licence;
 - (b) vary or cancel a licence;
 - (c) impose or amend a condition to which a licence is subject; or
 - (d) transfer of a licence.
- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the local government.

4.15 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5—DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

Designation of places where dogs are prohibited absolutely is dealt with in the Act.

5.2 Places which are dog exercise areas

Designation of places which are dog exercise areas is dealt with in the Act.

PART 6— MISCELLANEOUS

6.1 Fees and charges

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

6.2 Offence to excrete

- (1) A dog must not excrete on—
 - (a) any thoroughfare or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.
- (4) Notwithstanding clause 7.2, the maximum penalty for an offence under subclause (1) is \$1000.

PART 7— ENFORCEMENT

7.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

7.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of the day during which the offence has continued.

7.3 Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

- (2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is not a dangerous dog.
- (3) The amount appearing in the fifth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

7.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by an authorised person, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by an authorised person, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.7 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (2) A person authorised to issue an infringement notice under clause 7.4 cannot sign or send a notice of withdrawal.

7.8 Service of notices

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

**SCHEDULE 1 - INFORMATION REQUIRED FOR APPLICATION FOR A LICENCE
FOR AN APPROVED KENNEL ESTABLISHMENT**

[cl. 4.1]

1. Details of applicants—
 - (a) Full name/s of applicant/s;
 - (b) Postal address;
 - (c) Telephone number;
 - (d) Mobile number;
 - (e) Fax number; and
 - (f) E-mail address.
- (g) Address of proposed premises.
- (h) Dogs to be kept—
 - (a) Number; and
 - (b) Breed.
- (i) Either—
 - (a) Person residing on the premises—
 - (i) Name;
 - (ii) As from; and
 - (iii) Mobile phone number, or
 - (b) Person sufficiently close to the premises so as to control the dogs and ensure their health and welfare—
 - (i) Name;
 - (ii) Address;
 - (iii) As from; and
 - (iv) Mobile phone number.
- (j) To be included—
 - (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
 - (b) plans and specifications of the proposed kennel establishment;
 - (c) copy of notice of proposed use to appear in newspaper and to be given to adjoining premises under clause 4.2;
 - (d) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
 - (e) if the person in item (d) is not the applicant, written evidence that the person is a person in charge of the dogs.
- (k) Signature of applicant/s.
- (l) Date.

SCHEDULE 2 - CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

[cl. 4.7]

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25 metres from the front boundary of the premises and 5 metres from any other boundary of the premises;
 - (ii) 10 metres from any dwelling; and
 - (iii) 25 metres from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
 - (i) at least 100 millimetres above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable up-stand rising 75 millimetres above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50 millimetres from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—

- (i) 2000 millimetres; or
 - (ii) four times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheathed internally and externally with good quality new zinalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
- (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.
-

SCHEDULE 3 - PRESCRIBED OFFENCES

[cl. 7.3(1)]

Item	Clause	Nature of offence	Modified penalty \$	Dangerous Dog Modified Penalty \$
1	3.1	Failing to provide means for effectively confining a dog	200	As per Regulations
2	3.6	Failure to comply with conditions of approval to keep additional dog or dogs	200	500
3	4.7	Failure to comply with the conditions of a licence	200	200
4	6.2	Dog excreting in prohibited place	100	100

Dated: _____

The Common Seal of the Shire of Dumbleyung was affixed in the presence of-

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

SHIRE OF DUMBLEYUNG

EXTRACTIVE INDUSTRIES LOCAL LAW 2022

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT ACT 1995

EXTRACTIVE INDUSTRIES LOCAL LAW 2022

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SCHEDULE 1 – PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

EXTRACTIVE INDUSTRIES LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the local government of the Shire of Dumbleyung resolved on ??? to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dumbleyung Extractive Industries Local Law 2022*.

1.2 Commencement

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

1.3 Definitions

In this local law, unless the context otherwise requires-

Act means the *Local Government Act 1995*;

AS means an Australian Standard published by Standards Australia, as amended from time to time, and available for viewing free of charge at the Shire of Dumbleyung Administration office;

carry on an extractive industry means quarrying and excavating for stone, gravel, sand, and other material;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

excavation includes quarry;

land unless the context otherwise requires, means the land on which the applicant proposes carrying on the extractive industry to which the licence application relates;

licence means a licence issued under this local law;

licensee means the person named in the licence as the licensee;

local government means the Shire of Dumbleyung;

occupier has the meaning given to it in the Act;

owner has the meaning given to it in the Act;

person does not include the local government;

planning approval means an approval for a development and/or a land use that is issued under a local planning scheme administered by the local government;

secured sum means the sum required to be paid or the amount of a bond, guarantee or other security under clause 5.1;

Schedule means a schedule to this local law; and

site means the land specified by the local government in a licence.

1.4 Application

- (1) The provisions of this local law-
 - (a) subject to paragraphs (b), (c), (d) and (e)-
 - (i) apply and have force and effect throughout the whole of the district; and
 - (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;
 - (b) do not apply to the extraction of minerals under the *Mining Act 1978*;
 - (c) do not apply to the carrying on of an extractive industry on Crown land;
 - (d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land for use on that land; and
 - (e) do not affect the validity of any licence issued under the local law repealed by clause 1.5 of this local law if that licence is currently in force at the date of gazettal of this local law.
- (2) In subclause (1)(d), land includes adjoining lots or locations in the same occupation or ownership of the owner or occupier referred to in subclause (1)(d).

1.5 Transitional provisions

- (1) Within 90 days of commencement of this local law or within 90 days of the date of the annual licence fee of a previous licence becoming due and payable (under clause 3.2), the local government may in respect of the licence—
 - (a) vary or delete a condition; or
 - (b) impose one or more other conditions, as specified in clause 3.1(5).
- (2) A condition that is varied, deleted or imposed under subclause (1) does not become effective until 90 days (or longer period that is specified by the local government) after written notice of the condition is given by the local government to the licensee.

1.6 Repeal

This local law repeals the *Shire of Dumbleyung Extractive Industries Local Law 2002* as published in the *Government Gazette* on 21 March 2003.

PART 2—LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY

2.1 Extractive industries prohibited without licence

A person must not carry on an extractive industry—

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

2.2 Applicant to advertise proposal

- (1) Unless the local government first approves otherwise, a person seeking the issue of a licence shall, before applying to the local government for a licence—
 - (a) forward by registered mail a notice in the form determined by the local government from time to time to—
 - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the local government as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within 21 days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the local government;
 - (ii) every authority or person having control or jurisdiction over any of the things referred to in clause 2.3(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence; and
 - (b) as soon as practicable after complying with the requirements of paragraph (a)—
 - (i) forward a copy of the notice to the CEO; and
 - (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.
- (2) The local government may, within 14 days after receiving a copy of a notice referred to in subclause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices—
 - (a) in the form determined by the local government from time to time;
 - (b) the content, size and construction of which have been approved by the CEO;
 - (c) specifying particulars of the proposed excavation; and
 - (d) inviting objections or comments within 21 days from the placement of the notice.

2.3 Application for licence

- (1) Subject to subclause (3), a person seeking the issue of a licence in respect of any land shall apply in the form determined by the local government from time to time and must forward the application duly completed and signed by each of the applicants, the owner of the land and any occupier of the land to the CEO together with—
 - (a) three (3) copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing—
 - (i) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
 - (ii) the land on which the excavation site is to be located;
 - (iii) the external surface dimensions of the land;

- (iv) the location and depth of the existing and proposed excavation of the land;
 - (v) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
 - (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (viii) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
 - (ix) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
- (b) Three (3) copies of a works and excavation programme containing—
- (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
 - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
 - (iii) details of the methods to be employed in the proposed excavation and a description of any on-site processing works;
 - (iv) details of the depth and extent of the existing and proposed excavation of the site;
 - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
 - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
 - (vii) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
 - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
 - (ix) a description of any proposed buildings, water supply, treatment plant, tanks and other improvements;
 - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
 - (xi) a description of the measures to be taken to minimise sand drift, dust nuisance, erosion, watercourse siltation and dangers to the general public;
 - (xii) a description of the measures to be taken to comply with the *Environmental Protection (Noise) Regulations 1997*;

- (xiii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
 - (xiv) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and
 - (xv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;
- (c) Three (3) copies of a rehabilitation and decommissioning programme indicating—
- (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
 - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
 - (iii) how any face is to be made safe and batters sloped;
 - (iv) the method by which topsoil is to be replaced and revegetated;
 - (v) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
 - (vi) how rehabilitated areas are to be maintained; and
 - (vii) the programme for the removal of buildings, plant, waste and final site clean-up;
- (d) evidence that a datum peg has been established on the land related to a point approved by the local government on the surface of a constructed public thoroughfare or such other land in the vicinity;
- (e) certificate from a licensed surveyor certifying the correctness of—
- (i) the plan referred to in paragraph (a); and
 - (ii) the datum peg and related point referred to in paragraph (d);
- (f) where the applicant is required to display a notice, evidence that the requirements of clause 2.2 (2) have been carried out;
- (g) copies of all land use planning approvals required under any planning legislation;
- (h) copies of any environmental approval required under any environmental legislation;
- (i) copies of any geotechnical information relating to the excavation site;
 - (j) the consent in writing to the application from the owner of the excavation site;
 - (k) the licence application fee specified by the local government from time to time; and
 - (l) any other information that the local government may reasonably require.
- (2) All survey data supplied by an applicant for the purpose of subclause (1) shall comply with Australian Height Datum and Australian Map Grid standards.
- (3) Where in relation to a proposed excavation—
- (a) the surface area is not to exceed 5000 square metres; and
 - (b) the extracted material is not to exceed 5000 cubic metres;

the local government may exempt a person making application for a licence under subclause (1) from supplying any of the data specified in paragraphs (b), (d), (e) and (i) of subclause (1).

PART 3—DETERMINATION OF APPLICATION

3.1 Determination of application

- (1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.
- (2) The local government may, in respect of an application for a licence—
 - (a) refuse the application; or
 - (b) approve the application—
 - (i) over the whole or part of the land in respect of which the application is made; and
 - (ii) such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for a licence, it shall—
 - (a) determine the licence period, not exceeding 5 years from the date of issue; and
 - (b) approve the issue of a licence in the form determined by the local government from time to time.
- (4) Where the local government approves the issue of a licence, the CEO upon receipt by the local government of—
 - (a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 30 June, determined by the local government under and in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*;
 - (b) payment of the secured sum if any, imposed under clause 5.1;
 - (c) the documents, if any, executed to the satisfaction of the CEO, under clause 5.1; and
 - (d) a copy of the public liability insurance policy required under clause 7.1(1) shall issue the licence to the applicant.
- (5) Without limiting subclause (2), the local government may impose conditions in respect of the following matters—
 - (a) the orientation of the excavation to reduce visibility from other land;
 - (b) the appropriate siting of access thoroughfares, buildings and plant;
 - (c) the stockpiling of material;
 - (d) the hours during which any excavation work may be carried out;

- (e) the hours during which any processing plant associated with, or located on, the site may be operated;
- (f) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimise the emission of noise, dust, vapour and general nuisance to the satisfaction of the local government;
- (g) the depths below which a person shall not excavate;
- (h) distances from adjoining land or thoroughfares within which a person must not excavate;
- (i) the safety of persons employed at or visiting the excavation site;
- (j) the control of dust and wind-blown material;
- (k) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;
- (l) the prevention of the spread of dieback or other disease;
- (m) the drainage of the excavation site and the disposal of water;
- (n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
- (o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- (p) requiring the licensee to furnish to the local government a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
- (q) requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the licence;
- (r) requiring the licensee to enter into an agreement with the local government in respect of any condition or conditions imposed under this local law; and
- (s) any other matter for properly regulating the carrying on of an extractive industry.

3.2 Payment of annual licence fee

On or before 30 June in each year, a licensee shall pay to the local government the annual licence fee determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

PART 4—TRANSFER, CANCELLATION AND RENEWAL OF LICENCE

4.1 Transfer of licence

- (1) An application for the transfer of a licence shall—
 - (a) be made in writing;

- (b) be signed by the licensee and the proposed transferee of the licence;
 - (c) be accompanied by the current licence;
 - (d) be accompanied by the consent in writing to the transfer from the owner of the excavation site;
 - (e) include any information that the local government may reasonably require; and
 - (f) be forwarded to the CEO together with the fee determined by the local government from time to time.
- (2) Upon receipt of any application for the transfer of a licence, the local government may—
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for the transfer of a licence, the local government shall transfer the licence by an endorsement on the licence in the form determined by the local government from time to time, signed by the CEO.
- (4) Where the local government approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

4.2 Cancellation of licence

- (1) The local government may cancel a licence where the licensee has—
- (a) been convicted of an offence against—
 - (i) this local law; or
 - (ii) any other law relating to carrying on an extractive industry;
 - (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the local government;
 - (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law;
 - (d) failed to pay the annual licence fee under clause 3.2; or
 - (e) failed to have a current public liability insurance policy under clause 7.1 (1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1 (2).
- (2) Where the local government cancels a licence under this clause—
- (a) the local government shall advise the licensee in writing of the cancellation;
 - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
 - (c) the local government shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

4.3 Renewal of licence

- (1) A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and shall submit with the application for renewal—
 - (a) the fee determined by the local government from time to time;
 - (b) a copy of the current licence;
 - (c) a plan showing the contours of the excavation carried out to the date of that application;
 - (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 2.3 (1) (b) and (c); and
 - (e) any other things referred to in clauses 2.3 and 3.1.
- (2) The local government may waive any of the requirements specified in clause 4.3 (1) (d) or (e).
- (3) If—
 - (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and
 - (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,then the applicant shall not be obliged, unless otherwise required by the local government to submit details of any of the things referred to in clauses 2.3 and 3.1.
- (4) Upon receipt of an application for the renewal of a licence, the local government may—
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

4.4 Notice of outcome

The local government will provide written notice to an applicant whenever it makes a decision regarding the issue, renewal, transfer or cancellation of a licence.

PART 5—SECURED SUM AND APPLICATION THEREOF

5.1 Security for restoration and reinstatement

- (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the local government may require that—
 - (a) as a condition of a licence; or
 - (b) before the issue of a licence, the licensee shall give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the

local government, in or for a sum determined by the local government from time to time.

- (2) A bond required under subclause (1) is to be paid into a fund established by the local government for the purposes of this clause.
- (3) Subject to clause 5.2, any interest accrued in respect of the bond paid into the fund under subclause (2) is to be returned to the licensee at the completion of the restoration and reinstatement works required by the licence conditions or otherwise under this local law.

5.2 Use by the local government of secured sum

- (1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either—
 - (a) within the time specified in those conditions; or
 - (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions, then, subject to the local government giving the licensee 14 days notice of its intention to do so—
 - (c) the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone; and
 - (d) the licensee shall pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.
- (2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause.
- (3) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 5.1.

PART 6—LIMITATIONS, OBLIGATIONS OF THE LICENSEE AND PROHIBITIONS

6.1 Limits on excavations near boundary

Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, excavate within—

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any thoroughfare; or
- (d) 40 metres of any watercourse.

6.2 Obligations of the licensee

A licensee shall-

- (a) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (b) erect and maintain warning signs along each of the boundaries of the area excavated under the licence so that each sign—
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words 'DANGER EXCAVATIONS KEEP OUT';
- (c) except where the local government approves otherwise, drain and keep drained to the local government's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (d) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government;
- (e) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (f) otherwise comply with the conditions imposed by the local government in accordance with clause 3.1.

6.3 Prohibitions

A licensee shall not—

- (a) remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any thoroughfare on land in respect of which a licence has been granted, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 3.1;
- (b) store, or permit to be stored, any explosives or explosive devices on the site to which the licence applies other than with the approval of the local government and the Department of Mines, Industry Regulation and Safety; or
- (c) fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the local government.

6.4 Blasting

- (1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless—

- (a) the local government has otherwise given approval in respect of blasting generally or in the case of each blast;
 - (b) subject to subclause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the local government, on Mondays to Fridays inclusive;
 - (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code as amended from time to time, the *Mines Safety and Inspection Act 1994*, the *Environmental Protection Act 1986*, and all relevant local laws of the local government; and
 - (d) in compliance with any other conditions imposed by the local government concerning—
 - (i) the time and duration of blasting;
 - (ii) the purposes for which the blasting may be used; and
 - (iii) such other matters as the local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.
- (2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or public holiday except with the prior approval of the local government.

PART 7—MISCELLANEOUS PROVISIONS

7.1 Public liability

- (1) A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$20,000,000 in respect of any one claim relating to any of the excavation operations.
- (2) The licensee shall provide to the local government a copy of the policy taken out under subclause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.

7.2 Mines Safety and Inspection Act and Environmental Protection Act

- (1) In any case where the *Mines Safety and Inspection Act 1994* or the *Environmental Protection Act 1986* applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall provide to the local government within 14 days full particulars of any inspection or report made under that Act or those Acts.
- (2) In this clause, the *Mines Safety and Inspection Act 1994* and the *Environmental Protection Act 1986* include all subsidiary legislation made under those Acts.

7.3 Notice of cessation of operations

- (1) Where a licensee intends to cease carrying on an extractive industry—
 - (a) temporarily for a period in excess of 12 months; or
 - (b) permanently,the licensee shall, as well as complying with clause 7.4, give the local government written notice of the cessation not later than 1 week after those operations have ceased.
- (2) Where a licensee has given written notice to the local government of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.
- (3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

7.4 Works to be carried out on cessation of operations

Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 7.3—

- (a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government may subsequently agree in writing with the licensee;
- (b) ensure that any face permitted to remain upon the excavation site is left safe with all loose materials removed and where the excavation site is—
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical:horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the local government, would enable the site to be left in a stable condition;
- (c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the local government;
- (d) ensure that all stockpiles or dumps of stone, sand or other materials are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
- (e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
- (f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and

- (g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

PART 8—OBJECTIONS AND REVIEW

8.1 Objection and review rights

- (1) The provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply when the local government makes a decision as to whether it will—
- (a) grant a person a licence under this local law; or
 - (b) renew, vary, transfer, or cancel a licence that a person has under this local law.
- (2) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3 of the *Local Government Act 1995*.

PART 9—OFFENCES, PENALTIES AND FORMS

9.1 Offences

A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

9.2 General penalty

A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000 and if the offence is of a continuing nature to an additional penalty not exceeding \$500 for each day or part of the day during which the offence has occurred.

9.3 Modified penalty

- (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.

9.4 Forms

For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
-

SCHEDULE 1
PRESCRIBED OFFENCES

Extractive Industries Local Law 2022

(clause 9.3)

Item	Clause	Description	Modified Penalty \$
1	2.1	Carry on extractive industry without licence or in breach of terms and conditions	500
2	6.1	Excavate near boundary	500
3	6.2(a)	Gateways not kept locked where required	500
4	6.2(b)	Warning signs not erected or maintained as required	500
5	6.2(c)	Excavation not drained as required	500
6	6.2(e)	Failure to prevent the emission of dust, noise or other forms of nuisance	500
7	6.3(a)	Remove trees or shrubs near boundary without approval	500
8	6.3(b)	Store without required approval explosives or explosive devices	500
9	6.3(c)	Fill or excavate in breach of licence	500
10	6.4(1)(a)	Blasting without approval of the local government	500
11	6.4(1)(b)	Blasting outside times authorised	500
12	6.4(1)(d)	Blasting in breach of conditions imposed by the local government	500
13	6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	500

—

Dated: _____

The Common Seal of the Shire of Dumbleyung was affixed by authority of a resolution of the Council in the presence of—

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

FENCING LOCAL LAW 2022

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

FENCING LOCAL LAW 2022

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LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

FENCING LOCAL LAW 2022

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

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dumbleyung Fencing Local Law 2022*.

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

This local law repeals the *Shire of Dumbleyung Local Laws Relating to Fencing 2002* as published in the *Government Gazette* on 21 March 2003.

1.5 Definitions

In this local law unless the context otherwise requires—

applicant means a person who makes an application for approval under this local law;

approval means a favourable decision in respect of an application which is in writing, may be subject to conditions and which allows a proposal to proceed;

AS or AS/NZS means an Australian or Australian/New Zealand Standard published by Standards Australia, and available for viewing free of charge at the Shire of Dumbleyung Administration Centre;

authorised person means a person appointed by the local government to perform any of the functions under this local law;

boundary fence means a fence constructed on the boundary of a lot which abuts a thoroughfare, and results in the application of section 16(1) of the *Dividing Fences Act 1961*;

Building Code has the meaning given in section 3 of the *Building Regulations 2012*;

commercial lot means a lot zoned as commercial under the local planning scheme;
CEO means the Chief Executive Officer of the local government;

dangerous in relation to any fence means—

- (a) an electrified fence which does not comply with clause 5.2 of this local law;
- (b) a fence containing barbed wire other than a fence constructed and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire, metal spikes or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

district means the district of the local government;

dividing fence has the meaning given in section 5 of the *Dividing Fences Act 1961*;

electrified fence means a fence carrying or designed to carry an electric charge;

estate boundary fence means the fence constructed around the external boundary of a subdivision of land to indicate the extent of that subdivision and includes any special works or construction that identifies the entrance to that land;

estate entry statement means a fence, or wall constructed of masonry or other materials to identify the entrance of an estate and may include but not be limited to a sign indicating the estate name and locality, sculptures, flagpoles and flags;

fence means any structure used or functioning as a barrier, irrespective of where it is located and includes any affixed gate or screening

front boundary means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare the boundary line between the lot and the primary thoroughfare;

front setback area means the area between the building line of a lot and the front boundary of that lot;

height in relation to a fence means the vertical distance between the top of the fence at any point and—

- (a) the ground level; or
- (b) where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point; or
- (c) where the fence is constructed on a retaining wall approved by the local government, from the top of the retaining wall;

industrial lot means a lot zoned as industrial under the local planning scheme;

local government means the Shire of Dumbleyung;

local planning scheme means a local planning scheme and includes any structure plan adopted or approved by the local government made under the *Planning and Development Act 2005*;

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

notice of breach means a notice referred to in clause 8.1;

occupier has the meaning given to it in section 1.4 of the *Local Government Act 1995*;

owner has the meaning given to it in section 5 of the *Dividing Fences Act 1961*;

repair has the meaning given to it under section 5 of the *Dividing Fences Act 1961*;

residential lot means a lot zoned as residential under the local planning scheme;

retaining wall means any structure prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

rural lot means a lot zoned as rural under the local planning scheme;
rural residential lot means a lot zoned as rural residential under the local planning scheme;
Schedule means a Schedule to this local law;
screening means any perforated panels or trellises composed of solid or obscured translucent panels;
secondary setback area means the area between the building line of a lot and a side boundary of that lot which adjoins a thoroughfare.
set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*;
special use lot means a lot zoned as special use under the local planning scheme;
sufficient fence means a fence described in clause 2.2 or 2.3 and includes a fence of the description and quality agreed upon by the owners of adjoining lots which does not fail to satisfy clause 2.2 or 2.3;
thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and
townsite lot means a lot zoned as townsite under the local planning scheme.

1.6 Requirements of local planning scheme

In the event of any inconsistency between the provisions of a local planning scheme and the provisions of this local law, the provisions of the local planning scheme are to prevail.

1.7 Requirements of *Building Act 2011*

Nothing in this local law affects a provision in any written law in respect of a building permit for a fence.

PART 2—SUFFICIENT FENCES

2.1 Sufficient fences—requirement

A person shall not construct a dividing fence or a boundary fence that is not a sufficient fence.

2.2 Sufficient fences—generally

Subject to clause 2.3 a sufficient fence—

- (a) on a residential lot or townsite lot is a dividing fence or a boundary fence constructed in accordance with Schedule 1;
- (b) on a commercial lot, industrial lot or special use lot is a dividing fence or a boundary fence constructed in accordance with Schedule 2; and
- (c) on a rural lot or rural residential lot is a dividing fence or a boundary fence constructed in accordance with Schedule 3.

2.3 Sufficient fences—between lots having different requirements

Where a fence is constructed on or near the boundary between—

- (a) a residential lot or townsite lot and a lot zoned for any other purpose, a sufficient fence is a fence constructed in accordance with Schedule 1; and
- (b) a commercial lot or industrial lot and a rural lot or rural residential lot, a sufficient fence is a fence constructed in accordance with Schedule 3.

2.4 General discretion of the local government

- (1) Notwithstanding the provisions of clause 2.1, an authorised person may give written consent for the construction or repair of a fence which is not a sufficient fence where all of the owners of the lots who adjoin the fence make an application for approval for that purpose.
- (2) In determining whether to grant its approval under subclause (1), the local government may consider whether the construction or repair of the fence would have an adverse effect on—
 - (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person;
 - (c) the visual amenity of the locality; and
 - (d) any other matter considered relevant.

2.5 Transitional provision

A dividing fence or fence lawfully constructed prior to this local law coming into operation constitutes a sufficient fence.

PART 3—FENCING GENERALLY

3.1 Fences within front and secondary setback areas

- (1) A person shall not, without the written consent of an authorised person, construct a free-standing fence greater than 1200mm in height, within the front setback area of a residential lot or townsite lot.
- (2) An authorised person may approve the construction of a fence of a height greater than 1200mm in the front setback area of a residential lot or townsite lot, if provision is made for lines of vision for a motorist using the driveway to access a thoroughfare where the fence on each side of the driveway into the lot across the front boundary is angled—
 - (a) into the lot for a distance of not less than 1500mm along the frontage, and
 - (b) to a distance of not less than 1500mm from the frontage.
- (3) The provision of subclause (2) shall not apply to a fence of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare.
- (4) The provision of subclause (2) shall apply to a secondary setback area where a driveway in the secondary setback area is used as the primary driveway access.

3.2 Alteration of ground levels

- (1) A person shall not alter the natural ground level of land on or within 1000mm of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500mm without the approval of an authorised person.

- (2) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150mm difference in the ground levels on each side of the fence.
- (3) Where land has been filled or retained to a height of more than 500mm above natural ground level at or within 1000mm of a boundary of a lot, a person shall only construct a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to an authorised person the written agreement of the owners of the adjoining lot.

3.3 Obstruction of watercourse

No person shall construct a fence of impervious material in any place, position or location where it will, or is likely to, act as a barrier to or restrict the flow of a natural watercourse.

3.4 Gates or doors in fences

A person shall not construct a gate or door in a fence which encroaches into or over any other property.

3.5 Retaining walls

A person must not commence to construct a retaining wall which is on the boundary line unless—

- (a) an application has been lodged with the local government including—
 - (i) two copies of a plan and specifications of the proposed retaining wall; and
 - (ii) in the case of a retaining wall exceeding 500mm in height and when required by an authorised person, engineering calculations in respect of the proposed retaining wall; and
- (b) an authorised person has approved the application.

3.6 Estate fencing

- (1) A person shall not construct an estate entry statement or estate boundary fence without the approval of an authorised person.
- (2) Where an estate entry statement or estate boundary fence is constructed and contains an estate name, the entry statement or estate boundary fence shall also depict the locality name in at least equal prominence.
- (3) An owner or occupier of a lot adjacent to an estate boundary fence shall, where that fence is damaged, dilapidated or in need of repair, cause it to be repaired or replaced with the same or similar materials with which it was first constructed, so as far as practicable the repaired or replaced section shall be the same as the original fence.

3.7 Maintenance of fences

An owner or occupier of a lot on which a fence is constructed shall maintain the fence in good condition and suitably enclosed so as to prevent it from becoming damaged, dangerous, dilapidated, unfit for purpose or unsightly.

3.8 Fences across rights-of-way, public access ways or thoroughfares

A person must not construct or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed without the approval of an authorised person.

PART 4—FENCING MATERIALS, SCREENING AND MAINTENANCE

4.1 Prohibited materials

A person must not construct a fence which is comprised, in whole or in part of spikes, broken glass, jagged materials, barbed wire, razor wire, asbestos or any other dangerous material except to the extent provided for in Part 5.

4.2 Pre-used fencing materials

- (1) A person shall not construct a boundary fence, dividing fence or estate fence from pre-used materials without the approval of an authorised person
- (2) Where an authorised person approves the use of pre-used materials, the materials shall be structurally fit for the purpose, and comply with any conditions imposed by an authorised person.
- (3) Conditions for use of pre-used fencing materials may include but are not limited to—
 - (a) painting;
 - (b) treated;
 - (c) specific use or placement; and
 - (d) upgrading.

4.3 Approved materials

Subject to clause 4.2, a person shall only construct a dividing fence or boundary fence from materials specified in the Schedules of this local law, unless otherwise approved or required by an authorised person.

4.4 Screening

- (1) Screening may be fixed to a sufficient fence that is compliant with Schedule 1 which is consistent with the colours, materials and specification of that sufficient fence.
- (2) Screening is not to be affixed to a fence so that the maximum combined height of the fence and screening exceeds 2100mm.
- (3) Screening affixed to a fence shall be installed and maintained in accordance with the manufacturer's specifications and not compromise the structural integrity of a fence.

PART 5—RESTRICTED FENCING

5.1 Barbed wire fencing

- (1) An owner or occupier of a residential lot shall not affix or allow to remain any barbed wire on any fence bounding that lot.
- (2) An owner or occupier of a townsite lot, rural lot or rural residential lot shall not place or affix barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the top or the side of the fence posts furthest from the thoroughfare or other public place.
- (3) An owner or occupier of a commercial lot, industrial lot or special use lot shall not construct or affix to any fence bounding that lot any barbed wire unless—
 - (a) the wire or material are attached on posts vertically or at an angle of 45 degrees; and
 - (b) the bottom row of wire or other materials is not less than 2000mm above the ground level.
- (4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach onto or over adjoining land.

5.2 Electrified fencing

- (1) An owner or occupier of a lot shall not construct or use an electrified fence on that lot without first obtaining approval of an authorised person
- (2) Notwithstanding subclause (1), approval is not required for an electrified fence if—
 - (a) constructed on a rural lot or rural residential lot;
 - (b) for the purpose of animal control;
 - (c) installed in accordance with the manufacturer's specifications; and
 - (d) which is not the dividing fence with a residential lot, townsite lot or special use lot.
- (3) An electrified fence for the purpose of security must not be present on a lot unless it complies with *AS/NZS 3016-2002 Electrical installations—Electric security fences*, as amended from time to time, and which is available for viewing free of charge at the Shire of Dumbleyung Administration Centre.
- (4) Approval to have and use an electrified fence for the purpose of security shall not be issued—
 - (a) in respect of a lot which is or which abuts a residential lot or townsite lot; and
 - (b) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is constructed.

5.3 Razor wire fencing

- (1) An owner or occupier of a lot shall not construct a fence wholly or partly of razor wire on that lot without first obtaining approval under subclause (2).

- (2) Approval to have a fence constructed wholly or partly of razor wire shall not be issued—
 - (a) in respect of a lot which is or which abuts a residential lot or townsite lot;
 - (b) if the fence is within 3000mm of the boundary of the lot; or
 - (c) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

PART 6—APPROVALS

6.1 Application for approval

- (1) An owner of a lot may apply to the local government for approval of any discretionary matter contained within this local law.
- (2) An application for approval under this local law shall—
 - (a) provide all necessary documentation and information required for a decision;
 - (b) provide two copies of a plan and specifications of the proposed;
 - (c) engineering certification of structural or electrical engineering specifications, if required;
 - (d) be signed by the owner of the lot;
 - (e) be forwarded to the CEO together with any set fee; and
 - (f) be in the form determined by the local government from time to time.
- (3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for approval.
- (4) An authorised person may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

6.2 Decision on application for approval

- (1) An application submitted to the local government under this local law may be—
 - (a) approved by an authorised person;
 - (b) approved by an authorised person subject to conditions as the authorised person sees fit; or
 - (c) rejected by an authorised person.
- (2) In determining whether to grant its consent to the construction or installation, an authorised person may consider, in addition to any other matter that it is authorised to consider, whether the construction or retention of the fence would have an adverse impact on—
 - (a) the safe or convenient use of any land;
 - (b) the safety or convenience of any person; or
 - (c) the visual amenity of the streetscape or neighbouring properties.
- (3) An authorised person may by written notice amend a condition imposed under subclause (1)(b) at any time.
- (4) An amendment under subclause (3) is effective from the date specified in the notice.
- (5) If an authorised person approves an application for approval, it is to give written notice of the approval and any conditions applied, to the applicant.

- (6) If an authorised person refuses to approve an application for approval, it is to give written notice of that refusal and the reasons for the decision to the applicant.

6.3 Compliance with approval

Where an application for approval has been approved under clause 6.2, the applicant and the owner or occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

6.4 Cancellation of an approval

An authorised person may cancel an approval if—

- (a) the owner or occupier requests an authorised person to do so;
- (b) the fence to which the approval applies has been demolished and is not rebuilt for a period of 6 months;
- (c) the circumstances have changed in such a way that an approval for the fence could no longer be granted under the local law;
- (d) the owner or occupier fails to comply with a condition of the permit or breaches a provision of this local law in respect of the fence; or
- (e) the owner or occupier fails to comply with a notice of breach issued under clause 8.1.

6.5 Duration of approval

- (1) Unless otherwise stated in the form of approval, an approval granted under this local law transfers with the lot to which it relates and is deemed to transfer to each successive owner or occupier of the lot to which the approval applies.
- (2) Where an approval is transferred under subclause (1), the successive owner or occupier may apply to an authorised person for written confirmation of this transfer.
- (3) For the avoidance of doubt, approval granted under this local law may be relied upon by any subsequent owner or occupier of the lot, and may be enforced against them by the local government.

PART 7—OBJECTIONS AND REVIEW

7.1 Objections and review

Where the local government or an authorised person makes a decision whether to grant, renew, vary or cancel any licence, permit, approval or other means of authorisation under this local law, the provisions of Part 9 Division 1 of the *Local Government Act 1995*, and regulation 33 of the *Local Government (Functions and General) Regulations 1996*, apply to that decision.

PART 8—ENFORCEMENT

8.1 Notices of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, an authorised person may give a notice of breach in writing to the owner or occupier of that lot.
- (2) A notice of breach shall—
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state that the owner or occupier is required to remedy the breach within the time specified in the notice.
- (3) An owner or occupier given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.
- (4) Should an owner or occupier fail to comply with a notice, an authorised person may enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of doing so from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.
- (5) This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

8.2 Offences and penalties

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) 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.

8.3 Modified penalties

- (1) The amount appearing in the final column of Schedule 4 directly opposite a prescribed offence in that Schedule is the modified penalty for that prescribed offence.
- (2) An offence against a clause specified in Schedule 4 is a prescribed offence for the purposes of section 9.16(1) of the Act.

8.4 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

SCHEDULE 1—SUFFICIENT FENCE—RESIDENTIAL AND TOWNSITE LOTS

Fencing Local Law 2022

[Clause 2.2(a)]

Each of the following is a sufficient fence on residential and townsite lots—

- (a) except with respect to the front setback area for which there is no minimum height but which is subject to clause 3.1; and
- (b) where constructed to an average height of 1800mm.

1. Timber fence

- (1) Any type of professionally manufactured timber fence, constructed in accordance with the manufacturer's specifications.
- (2) A dense brushwood constructed in accordance with the manufacturer's specifications.
- (3) A timber fence constructed as follows—
 - (a) corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
 - (b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
 - (c) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
 - (d) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
 - (e) rails to be 75mm x 50mm with each rail spanning 2 bays of fencing double railed or bolted to each post with joints staggered; and
 - (f) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and affixed securely to each rail.

2. Corrugated fence

- (1) Any fence constructed of corrugated fibre reinforced pressed cement sheet fence or steel sheeting fence in accordance with the manufacturer's specifications.
- (2) A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer's specifications or which satisfies the following specifications—
 - (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600mm;
 - (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet; and
 - (c) the sheets to be lapped and capped with extruded snap-fit type capping in accordance with the manufacturer's specifications.

3. Brick, stone or concrete fence

Any type of brick stone or concrete fence that—

- (a) is constructed in accordance with the Building Code, finished plumb, true and level and appropriately jointed, cleaned and of good general appearance.
- (b) has footings having a minimum of 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar;
- (c) fences to be offset a minimum of 200mm at maximum 3000mm centres or 225mm x 100mm engaged piers to be provided at maximum 3000mm centres; and
- (d) expansion joints in accordance with the manufacturer's specifications.

4. Composite fence

- (1) A composite fence which satisfies the following specifications for the brick construction—
 - (a) brick piers shall have a minimum of 345mm x 345mm at 1800mm centres bonded to a minimum height base wall of 514mm;
 - (b) each brick pier shall be reinforced with one R10 galvanised starting rod 1500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
 - (c) the minimum ultimate strength of brickwork shall be 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
 - (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer; and
 - (e) control joints in brickwork shall be provided with double piers at a maximum of 6 metre centres;
- (2) Notwithstanding paragraphs (1)(a) and (b), a composite fence may be constructed so that—
 - (a) brick piers of a minimum 345mm x 345mm x 2700mm centres bonded to the base wall;
 - (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified, and
 - (c) all other requirements are as previously specified.

SCHEDULE 2—SUFFICIENT FENCE—COMMERCIAL, INDUSTRIAL AND SPECIAL USE LOTS

Fencing Local Law 2022

[Clause 2.2(b)]

Each of the following is a sufficient fence on commercial and industrial lots—

1. A fence constructed of galvanized or PVC coated—
 - (a) rail-less link;
 - (b) chain; or
 - (c) steel mesh.

 2. A fence constructed in accordance with clause (1) shall be constructed in accordance with the following specifications—
 - (a) to a height of 2000mm;
 - (b) corner posts to be a minimum of 50mm nominal bore x 3.5mm and with footings of a 225mm diameter x 900mm;
 - (c) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 4 metre centres and with footings of a 225mm diameter x 600mm;
 - (d) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post and with footings 225mm x 600mm;
 - (e) cables to be affixed to the top, centre and bottom of all posts and to consist of two or more 3.15mm wires twisted together or single 4mm wire;
 - (f) galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables;
 - (g) vehicle entry gates shall provide an opening of not less than 3.6 metres and shall be constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework; and
 - (h) gates shall be fixed with a drop bolt and locking attachment.

 3. A fence constructed in accordance with paragraph (2) may have up to 3 strands of plain or barbed wire, none being less than 1800mm above ground level, not more than 2400mm above ground level

 4. Fences constructed in accordance with Schedule 1
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SCHEDULE 3—SUFFICIENT FENCE—RURAL AND RURAL RESIDENTIAL LOTS

Fencing Local Law 2022

[Clause 2.2(c)]

Each of the following is a sufficient fence on rural and rural residential lots—

- (1) In the case of a non-electrified fence, a fence of posts and wire construction suitable for the stock type contained but with the minimum specifications as follows—
 - (a) at least 1000 mm finished height
 - (b) wire shall be—
 - (i) high tensile wire and not less than 2.5mm; and
 - (ii) a minimum of seven wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
 - (c) posts shall be of indigenous timber or other suitable material including—
 - (i) timber impregnated with a termite and fungicidal preservative, and not less than 50mm diameter at small end if round or 125mm x 60mm if split or sawn;
 - (ii) standard iron star pickets; or
 - (iii) concrete;
 - (d) posts to be set minimum 400mm in the ground; and
 - (e) strainer posts shall be—
 - (i) not less than 2250mm long and 50mm diameter at the small end (tubular steel to be 50mm in diameter);
 - (ii) cut from indigenous timber or other suitable material; and
 - (iii) placed a minimum of 1000mm in the ground.
- (2) An electrified fence having five wires only is a sufficient fence if constructed generally in accordance with clause (1).

SCHEDULE 4—PRESCRIBED OFFENCES

Fencing Local Law 2022

[Clause 8.3]

Item	Clause	Nature of offence	Modified penalty \$
1	2.1	Construction of a dividing fence or boundary fence on a lot that is not a sufficient fence without approval	200
2	3.1	Construction of a non-compliant fence within setback area without approval	200
3	3.2(1)	Alteration of ground levels without approval	500
4	3.3	Obstruction of a watercourse	200
5	3.4	Construction of a gate or fence encroaching over other property	200
6	3.5	Construction of retaining wall without approval	500
7	3.6(1)	Construction of estate fencing without approval	500
8	3.7	Failure to maintain fence in good condition	200
9	3.8	Construction of a fence across right-of-way etc. without approval	500
10	4.1	Use of prohibited materials in a fence	500
11	4.2(1)	Use of pre-used fencing materials without approval	200
12	4.4(2)	Construction of screen exceeding 2100mm in height	200
13	5.1(1)	Using or allowing to remain barbed wire on a residential lot	200
14	5.1(2)	Non-compliant use of barbed wire on a townsite, rural or rural residential lot	200
15	5.1(3)	Non-compliant use of barbed wire on a commercial, industrial or special use lots	500
16	5.2	Construction of an electric fence without approval	500
17	5.3	Construction of a razor wire fence without approval	500
18	6.3	Failure to comply with conditions of approval for fence	500
19	8.1(3)	Failure to comply with notice of breach in relation to Part 5—Restricted Fencing	500
20	8.1(3)	Failure to comply with notice of breach in relation to all matters other than Part 5—Restricted Fencing	200
21	8.2(1)	Other offences not specified	200

Dated: _____

The Common Seal of the Shire of Dumbleyung was affixed by authority of a resolution of Council in the presence of—

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

HEALTH LOCAL LAW 2022

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

HEALTH LOCAL LAW 2022

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Local Government Act 1995

Shire of Dumbleyung

HEALTH LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the Shire of Dumbleyung resolved on _____ 2022 to make the following local law.

Chapter 1 PART 1—PRELIMINARY

1.1 Title

This local law may be cited as the *Shire of Dumbleyung Health Local Law 2022*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the entire district.

1.4 Repeal

This local law repeals the *Shire of Dumbleyung Health Local Laws 2001* as published in the *Government Gazette* on 25 July 2003.

1.5 Interpretation

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

Act means the *Health (Miscellaneous Provisions) Act 1911*;

adequate means satisfactory or fit for purpose or, if there is any doubt, at the discretion of an Authorised Officer;

adequate supply of water means a flow of water of not less than 5 litres per minute;

approved means approved by the local government;

AS or AS/NZS means an Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time;

AS 3786 means Australian Standard for Smoke alarms using scattered light, transmitted light or ionization;

AS 2293.1 means Australian Standard for Emergency escape lighting and exit signs for buildings – System design, installation and operation;

AS 1530.2 means Australian Standard for Methods for fire tests on building materials, components and structures - Test for flammability of materials;

AS 1530.3 means Australian Standard for Methods for fire tests on building materials, components and structures – Simultaneous determination of ignitability, flame propagation, heat release and smoke release;

AS 4282 means Australian Standard for Control of obtrusive effects of outdoor lighting;

Authorised Officer means a person appointed under

- (a) the provisions of the *Public Health Act 2016*; or
- (b) the *Local Government Act 1995*; and
- (c) includes officers employed or contracted by the local government as an Environmental Health Officer, Acting Environmental Health Officer, Assistant Environmental Health Officer, Community and Development Services Manger and Principal Environmental Health Officer;

bed means a piece of furniture on which to sleep;

bedding includes beds, mattresses, pillows and bed heads as well as bed linen;

bed linen includes sheets, blankets, pillow cases, quilt and doona covers and mattress covers;

Building Code means the latest edition of the Building Code of Australia published from time to time by or on behalf of the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

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

Chief Health Officer means a person appointed to this position under the provisions of the *Public Health Act 2016*;

Council means the Council of the local government;

district means—

- (a) the district of the local government under the *Local Government Act 1995*;
- (b) any area placed under the jurisdiction of the local government under section 22 of the Act; and
- (c) any river, or other water deemed to be within the district of the local government under section 25 of the Act;

drinking water means drinking water as defined in the *Australian Drinking Water Guidelines* developed by the National Health and Medical Research Council;

dwelling house means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

habitable room means a room used for normal domestic activities, and—

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room or the like; but
- (b) excludes a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

hot water means water at a temperature of at least 65 degrees Celsius;

local government means the Shire of Dumbleyung;

Medical Officer means the Medical Officer appointed by the local government under the Act and includes an Acting Medical Officer so appointed;

morgue means a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation;

nuisance has the meaning given to it in section 182 of the Act;
public place includes every place to which the public ordinarily have access, whether by payment of a fee or not;
sanitary convenience includes urinals, toilets, sinks, baths, wash troughs, apparatus for the treatment of sewage, or other receptacle for the deposit of faecal matter, or refuse, and all similar conveniences;
Schedule means a Schedule to this local law;
sewage means any kind of sewage, faecal matter or urine, and any waste composed wholly or in part of liquid;
sewer includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;
street includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;
toilet means a toilet bowl, or urinal and includes a room or cubicle in which one or more of these are located;
townsite means the townsites within the district which are constituted under section 26(2) of the *Land Administration Act 1997* or referred to in clause 37 of the Schedule 9.3 of the *Local Government Act 1995*; and
urinal may be—
 (a) an individual stall or wall-hung urinal;
 (b) each 600 millimetres length of a continuous urinal trough; or
 (c) a toilet bowl used in place of a urinal.

2. Where in this local law, a duty or liability is imposed on an "owner or occupier" the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.
3. Where under this local law an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

Chapter 2 PART 2 – SANITATION

Division 1 – Sanitary Conveniences

2.1 Interpretation

In this Part, unless the context otherwise requires—
apparatus for the treatment of sewage has the same meaning as in section 3 of the Act;
event includes a fair, function or festival;
low lying land means land that has a height no more than 2 metres above Australian height datum;
organiser means a person—

- (a) to whom approval has been granted by the local government to conduct the event; or
 - (b) responsible for the conduct of the event;
- public sanitary convenience** means a sanitary convenience to which the public ordinarily have access;
- receptacle for drainage** has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and includes the irrigation effluent disposal area of an aerobic treatment system; and
- temporary sanitary convenience** means a sanitary convenience, temporarily placed for use by—
- (a) patrons in conjunction with an event; or
 - (b) employees at construction sites or the like.

2.2 Dwelling house

1. A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.
2. A room in which a toilet is located shall have adequate electrical lighting.

2.3 Premises other than a dwelling house

1. The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—
 - (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
 - (b) the toilets required by this clause are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
 - (c) the premises have hand wash basins—
 - (i) in accordance with the Building Code;
 - (ii) for the use of persons employed or engaged on the premises;
 - (iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;
 - (iv) separate from any trough, sink or hand wash basin used in connection with any process carried out on the premises; and
 - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
2. The occupier of the premises other than a dwelling house shall ensure that—
 - (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
 - (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances; and

- (ii) hand drying facilities, situated adjacent to and visible from the hand wash basin.

2.4 Events

The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's "Guidelines for concerts, events and organised gatherings".

2.5 Maintenance of sanitary conveniences and fittings

1. The occupier of premises shall—
 - (a) keep clean, in good condition and repair; and
 - (b) whenever required by an Authorised Officer, effectively disinfect and clean; all sanitary conveniences including sanitary fittings in or on the premises.
2. The owner of premises shall—
 - (a) keep or cause to be kept in good repair; and
 - (b) maintain an adequate supply of water to; all sanitary conveniences including sanitary fittings in or on the premises.

2.6 Public sanitary conveniences

1. A person shall not foul, damage or vandalise or write on or otherwise deface a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
2. A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.7 Lighting

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

Division 2 – Bathrooms, Laundries and Kitchens

2.8 Bathrooms

1. A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that is equipped with—
 - (a) a hand wash basin; and
 - (b) either a shower in a shower recess or a bath.
2. All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.
3. The floor of the bathroom must be properly surfaced, with an even fall to a floor waste unless otherwise approved, suitably trapped and discharging to –
 - (a) the sewer of a licensed water service operator; or

- (b) an apparatus for the treatment of sewage approved by the local government.

2.9 Laundries

1. Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling, unless otherwise approved.
2. Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—
 - (a) not be more than 1,220 millimetres wide; and
 - (b) have a door which when closed shall completely fill the opening.
3. A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—
 - (a) is properly enclosed and roofed;
 - (b) is adequately lined with an impervious material;
 - (c) has a floor of concrete or other approved impervious material of an approved thickness;
 - (d) is properly surfaced, with an even fall to a floor waste unless otherwise approved, suitably trapped and discharging to –
 - (i) the sewer of a licensed water service operator; or
 - (ii) an on-site waste water disposal system of a type approved as approved by the local government; and
 - (e) is provided with adequate ventilation.
4. The laundry referred to in subclause (1) must conform to the provisions of the Building Code and the *Health Act (Laundries and Bathrooms) Regulations*.
5. In the case of a single occupancy dwelling, the laundry referred to in subclause (1) shall have—
 - (a) either—
 - (i) two wash troughs;
 - (ii) a washing machine and either a wash trough or a sink; and
 - (b) clothes drying facility comprising either a mechanical clothes dryer or not less than 20 metres of clothes line erected externally.
6. All wash troughs, sinks and washing machines shall be—
 - (a) in a laundry and connected to an adequate supply of hot and cold water; and
 - (b) installed to manufacturer's specifications, and;
 - (c) all wash troughs shall have a capacity of at least 36 litres.
7. Sole or multiple occupancy units, each being a separate dwelling, shall have—
 - (a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or
 - (b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

2.10 Washing or keeping of clothes in kitchens

A person shall not in any kitchen or other place where food is kept—

- (a) wash or permit to be washed any clothing or bed linen; or
- (b) keep or permit to be kept any soiled clothing or bed linen.

2.11 Kitchens

1. A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen which complies with the requirements of the Building Code and which is equipped with—
 - (a) a cooking facility which is adequate in the opinion of an Authorised Officer; and
 - (b) a sink which is adequate in the opinion of an Authorised Officer and which has an adequate supply of hot and cold water.
2. The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
3. A cooking facility shall—
 - (a) be installed in accordance with the requirements of the Department of Mines, Industry Regulation and Safety, and the manufacturer's specifications; and
 - (b) not be installed or used in any room other than a kitchen.
4. Mechanical extraction shall be provided in a kitchen and the exhaust air shall be—
 - (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.
5. In this clause, a *cooking facility* includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

Chapter 3 PART 3 – HOUSING AND GENERAL

Division 1 – Maintenance of Dwelling Houses

3.1 Dwelling house maintenance

The owner or occupier of a dwelling house and any appurtenant buildings shall maintain the dwelling house and appurtenant buildings in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Authorised Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;

- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all floors even in surface and free from cracks;
- (h) maintain all ceilings, internal wall finishes, skirting boards, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (i) maintain all doors and windows in good working order and weatherproof condition;
- (j) retain all-natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (k) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Water Services Act 2012*, the Plumbing Code of Australia and relevant associated standards, and any other legal requirements to which they are subject;
- (l) maintain all electric wiring, gas services and fittings to comply with the requirements of all relevant public authorities; and
- (m) maintain all ventilators in good order and repair.

3.2 Guttering and downpipes

The owner or occupier of a dwelling house which has guttering and downpipes shall—

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and
- (b) not permit any rainwater from the premises to discharge from the guttering onto or over a footpath, street or other property.

Division 2 – Ventilation of Houses

3.3 Exemption for short term hostels and recreational campsites

This division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

3.4 Overcrowding

The owner or occupier of a house shall not permit—

- (a) a room in the house that is not a habitable room to be used for sleeping purposes;
- (b) a habitable room in the house to be used for sleeping purposes unless—
 - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
 - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
- (c) any garage, shed or area under a veranda or patio to be used for sleeping purposes.

3.5 Calculated sufficient space

- For the purpose of clause 3.4, in calculating the space required for each person—
- (a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
 - (b) deduction shall be made for the space occupied by furniture, beds, equipment, fittings and projections of the walls into a room.

Division 3 – Water Supply

3.6 Water supply

1. The owner of every house shall provide a continuous supply of drinking water, reticulated for use and obtained from—
 - (a) a licensed water service operator;
 - (b) an underground bore; or
 - (c) a rainwater storage system with a minimum capacity of 120,000 litres.
2. The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.
3. The water supply to toilets or for garden use may be from an alternative source that is not necessarily drinking water but must comply with the requirements of relevant legislation, codes of practice or guidelines where applicable.

3.7 Rainwater tanks

The owner or occupier of a house for which the water supply is drawn from a rainwater tank shall ensure that it is managed and maintained so as to meet the relevant standards in the *Australian Drinking Water Guidelines* developed by the National Health and Medical Research Council and in particular —

- (a) maintain in a clean condition—
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rainwater tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of inspecting, cleaning, repairing or maintaining the tank;
- (c) if the tank water is breeding mosquitoes, eliminate the point of entry and treat with a small quantity of liquid paraffin at a rate of not more than 5 millilitres per square meter of surface area so as to form a thin even film over the whole surface or otherwise as advised by an Authorised Officer;
- (d) inspect the rainwater tank and associated components at least every 6 months including gutters, catchment roof, tank inlet, debris traps, mosquito cowls, inside of the tank, tank roof and connecting pipework and remove any accumulated debris, leaf material or other contaminants evident and repair any damaged components;
- (e) at least once every two years, inspect the bottom and walls of the tank for accumulated sediments, sludge and slime and where necessary thoroughly clean any tank which contains water used for human consumption;
- (f) when directed by an Authorised Officer, empty, clean and disinfect any tank upon the premises which contains water used for human consumption; and

- (g) dispose of any organic material and water from cleaning and desludging operations around the garden or yard ensuring that it is retained on site and does not cause a health nuisance.

3.8 Pollution

A person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render land unfit for human consumption, water from a well or other underground source.

Division 4 – Morgues

3.9 Licensing of morgues

1. All non-government morgues shall be licensed pursuant to the provisions of this clause.
2. An application for licence of a morgue shall be in a form as determined by the local government from time to time and shall be—
 - (a) made by the applicant;
 - (b) forwarded to the Chief Executive Officer with the fee as fixed by the local government from time to time under Sections 6.16 to 6.19 of the *Local Government Act 1995*.
3. A Certificate of Licence of a Morgue shall –
 - (a) be in a form as determined by the local government from time to time; and
 - (b) expire on 30 June next after the date of its issue.
4. A Certificate of Licence of a Morgue shall not be granted in respect of any premises unless—
 - (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
 - (b) the walls are constructed of stone or brickwork or other approved material;
 - (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
 - (d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
 - (e) the premises are adequately ventilated by direct communication with the outside air.

Chapter 4 PART 4 –LIQUID REFUSE AND LIQUID WASTE

4.1 Interpretation

In this division, unless the context otherwise requires—

apparatus for the treatment of sewage has the same meaning as in section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

liquid refuse includes all washing from the commercial cleaning of vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment

including cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges;

liquid waste means wastewater or any other liquid waste from domestic, industrial or commercial activities, other than effluent; and includes bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage;

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

4.2 Deposit of liquid refuse

1. A person shall not deposit or cause or permit to be deposited liquid refuse—
 - (a) on a street;
 - (b) in a storm water disposal system; or
 - (c) on any land or place other than a place or depot duly authorised for that purpose.
2. The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.
3. Subclause (2) shall not prevent the discharge of swimming pool backwash from a lot into a local government approved stormwater drain or road by a method approved by an authorised officer.

4.3 Disposal of liquid waste

1. The owner or occupier of premises shall:
 - (a) provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and
 - (b) at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
2. Liquid waste shall be disposed of by one of the following methods—
 - (a) discharging it into the sewage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage approved by the Chief Health Officer or the local government; or
 - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

Chapter 5 PART 5 – NUISANCES AND GENERAL

Division 1 – Nuisances

5.1 Interpretation

In this division, unless the context otherwise requires –

car park means premises, or any part of premises, set aside for parking of 3 or more motor vehicles;

dust means any visible granular or particulate material which has or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

fertiliser includes manure;

liquid waste means waste from any process or activity, whether useful or useless, that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser, solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

occupier means any person who is in control of any land or part of any land or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor; and

public vehicle includes bus, tram, taxi or any other public transport.

5.2 Escape of smoke etc.

1. An owner or occupier of premises shall take reasonable measures to prevent the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.
2. A person shall not on any land of an area 0.4 hectares or less, set fire to rubbish, refuse or other materials on rural residential zoned property unless—
 - (a) written approval has first been obtained from the local government;
 - (b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;
 - (c) the material does not include any plastic, rubber, food scraps, green garden materials or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;
 - (d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and
 - (e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.
3. Subclause (2) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.
4. Subclause (2) is subject to any fire danger rating as determined by the Bureau of Meteorology.

5.3 Public vehicles to be kept clean

The owner or person in control of a public vehicle shall take reasonable measures to maintain the vehicle at all times—

- (a) in a clean condition;
- (b) free from vectors of disease; and
- (c) whenever directed to do so by an Authorised Officer, thoroughly clean and disinfect the vehicle.

5.4 Prohibition against spitting

A person shall not spit on a footpath, street or within or on, any public place, building or facility accessible to the public which is within the local government's jurisdiction.

5.5 Dust management

1. If an owner or occupier of land intends to undertake any work involving the clearing of land, from which any sand or dust is likely to be released whether by means of wind, water or any other cause, the owner or occupier shall—
 - (a) submit to an authorised officer a Dust Management Plan in accordance with "A guideline for managing the impacts of dust and associated contaminants from land development sites, remediation and other related activities (2011)" as produced by the Department of Water and Environmental Regulation, and amended from time to time; and
 - (b) obtain written approval of the Dust Management Plan from an authorised officer before commencement of any work.
2. An owner and or occupier of land must take effective measures to –
 - (a) stabilise dust on the land;
 - (b) contain all liquid waste on the land;
 - (c) ensure no dust or liquid waste is released or escapes from the land whether by means of wind, water or any other cause; and
 - (d) notify the owners or occupiers of adjoining land in writing 48 hours prior to the commencement of any activity that has the potential to cause the release or escape from the land of dust or liquid waste giving details of;
 - (i) the nature of the activity;
 - (ii) the proposed commencement time, frequency, duration time and location of the activity; and
 - (iii) the name of the person responsible for carrying out the activity and how and where that person may be contacted.
3. The local government may serve on the owner and or occupier a notice requiring the owner or occupier to undertake one or more of the following –
 - (a) comply with subclause (2)(a) or (2)(b);
 - (b) clean up and properly dispose of any released or escaped dust or liquid waste;
 - (c) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and

- (d) take effective measures to stop any further release or escape of dust or liquid waste.
- 4. The requirements set out in a notice issued under subclause (3) must be complied with –
 - (a) within 48 hours of service of the notice where no other time is specified;
 - (b) within such other period as is specified in the notice; or
 - (c) immediately, if the notice so specifies.
- 5. Where the local government forms the opinion that dust or liquid waste has escaped or has been released from an activity undertaken on land or as a consequence of the use of equipment on land, the local government may serve a notice on the owner and or occupier of the land and or the operator of the equipment, as the case may be, requiring that the activity or use of the equipment on the land be ceased immediately, for such period as is specified in such notice.
- 6. Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

5.6 Emission or reflection of light

- 1. Where artificial light is emitted or reflected from anything on a lot so as to contravene the requirements of Australian Standard AS 4282, then every owner and occupier of the lot commits an offence.
- 2. Where natural light is reflected from anything on a lot so as to create or be a nuisance to any –
 - (a) owner or occupier of land; or
 - (b) person using a thoroughfare as a thoroughfare, then every owner and occupier of the lot commits an offence.
- 3. All lighting installations as defined within the Australian Standard AS 4282 must be maintained in good working order and repair at all times.
- 4. An owner and or occupier of a lot on which floodlights, lighting installations or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto an adjoining lot.
- 5. The local government may give a notice to the owner and or occupier of a lot –
 - (a) requiring that any reflective surfaces creating a nuisance within clause 5.6(1) be painted or otherwise treated so as to abate the nuisance; and
 - (b) on which floodlights, lighting installations or other exterior lights are erected, requiring –
 - (i) the hours of use of the lighting to be limited to the hours specified in the notice; or
 - (ii) the direction in which the lights are shining to be altered as specified in the notice.

5.7 Use or storage of fertiliser

An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any –

- (a) pig manure;
- (b) human faeces; or
- (c) urine.

Division 2 – Keeping of Animals

5.8 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matters which is or is likely to become offensive or injurious to health or to attract rats or other vermin and vectors of disease;
- (b) when so directed by an Authorised Officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vermin and vectors of disease by spraying with a residual insecticide or other effective means.

5.9 Animal enclosures

1. A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
2. The owner or occupier of premises where animals or birds are kept shall, when directed by an Authorised Officer, pave, grade and drain floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.
3. The owner or occupier of premises where an animal is kept must ensure that each animal is kept in a suitable enclosure that effectively prevents it from escaping.
4. The owner or person in charge of livestock shall not permit livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

5.10 Disposal of dead animals

1. An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
2. An owner, or a person having the care of any animal that dies or is killed in a public or private place, shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

3. The requirements of subclauses (1) and (2) shall not apply to farmers, pastoralists and the like who dispose of carcasses on rural land in a manner that is not likely to pollute or be dangerous or injurious to health.
4. An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.

Division 3 – Keeping of Approved Animals

5.11 Interpretation

In this division, unless the context otherwise requires—

approved animal includes a horse, cow, pig, sheep, camel, alpaca, llama, deer, goat or other large animal;

cow includes an ox, calf or bull;

horse includes an ass, mule, donkey or pony; and

natural shelter means a mature tree or belt of trees.

5.12 Keeping of approved animals and provision of stables

1. An owner or occupier of premises shall not keep an approved animal within a townsite or on a property of 0.5 hectares or less, without approval of the local government.
2. An owner or occupier of premises who keeps an approved animal shall provide adequate natural shelter if approved by the local government or a stable which shall comply with the requirements of the Building Code, and which—
 - (a) is not situated within 15 metres of a house;
 - (b) has exclusive space for each animal of 0.2 hectares;
 - (c) is constructed of weatherproof materials and of a design which provides adequate protection from the elements;
 - (d) provides adequate natural ventilation;
 - (e) prevents the animal from escaping; and
 - (f) subject to subclauses (6) and (8), has a floor, which —
 - (i) is constructed of a material approved by an Authorised Officer; and
 - (ii) has a fall which effectively drains liquid wastes into a trapped gully situated outside the stable and discharged in a manner approved by an Authorised Officer.
3. An application for approval to keep an approved animal shall include the following information—
 - (a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the animal is to be kept and the distance of that location from any residential building on another lot, or commercial premises;
 - (b) a sketch plan, at a scale of 1:100, indicating the nature of the shelter or housing to be provided for the animal; and

- (c) a detailed written plan for the management of manure which addresses—
 - (i) control of flies and other vermin;
 - (ii) disease prevention; and
 - (iii) prevention of nuisance odours.
- 4. The local government may vary the conditions of approval after it has been issued, and shall give notice of such variation to the owner or occupier within 14 days of such variation.
- 5. The local government may cancel its approval in the event that the owner or occupier —
 - (a) fails to comply with any condition of the approval; or
 - (b) breaches this clause.
- 6. The owner or occupier of premises on which a stable is located shall—
 - (a) maintain the stable in a clean and hygienic condition at all times;
 - (b) keep all parts of the stable so far as possible free from flies, vermin or other vectors of disease; by spraying with an approved residual insecticide or other effective means; and
 - (c) comply with the relevant requirements of the *Biosecurity and Agriculture Management Act 2007* and the *Biosecurity and Agriculture Management (Stable Fly) Management Plan 2019* (as amended from time to time by the Department of Primary Industries and Regional Development).
- 7. The owner or occupier of a stable shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.
- 8. The owner or occupier of premises that contains a stable is to ensure a stable shall—
 - (a) have a proper separate stall for each horse or cow; and
 - (i) with walls measuring not less than 3 metres, both horizontally and vertically, unless it has a sand floor provided in accordance with subclause (8)(f); and
 - (ii) with a floor area of not less than 11 square metres, unless it has a sand floor provided in accordance with subclause (8)(f);
 - (b) have each wall and roof constructed of an approved impervious material;
 - (c) have a roof that covers the entire floor area of the stall;
 - (d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;
 - (e) subject to subclause (8)(f), have a floor, the upper surface of which shall—
 - (i) be at least 75 millimetres above the surface of the ground;
 - (ii) be constructed of cement, concrete or other similar impervious materials; and

- (iii) have a fall ratio of 1:100 to a drain, which shall empty, into a trapped gully situated outside the stable and shall discharge in a manner approved by the local government; or
- (f) have a sand floor, if permitted by the local government, subject to the following—
 - (i) the site must be well drained with the highest known water table at least 0.6 metres below the sand floor level, which may be achieved artificially;
 - (ii) a 300 millimetres thick bed of aggregate approved by an authorised officer shall be laid under the sand of the stable;
 - (iii) sand, whether natural or imported, must be clean, coarse and free from dust;
 - (iv) footings to each stable shall be a minimum of 450 millimetres below ground level;
 - (v) the stable design must allow for the access of small earth moving machinery, such as a skid steer loader, into each individual stall, to maintain the correct floor height;
 - (vi) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally; and
 - (vii) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall.
- (g) Where an owner had lawful authority to keep an approved animal on their premises prior to this local law coming into operation, they are not required to obtain approval under this clause; however they will not substitute or replace any approved animal once that animal —
 - (i) dies; or
 - (ii) is permanently removed from the premises.

5.13 Proximity of approved animals to a dwelling house

An owner or occupier of premises shall not permit an approved animal to approach within 30 metres of a dwelling house.

5.14 Manure receptacles

An owner or occupier of premises on which a stable is constructed shall—

- (a) provide in a position convenient to the stable a receptacle for manure, constructed of smooth, impervious, durable material that is easily cleanable and provided with a tight fitting hinged cover, and with no part of the floor lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it coming offensive or a breeding place for flies or other vectors of disease;

- (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle or comply with such other arrangements as approved by an Authorised Officer.

Division 4 – Keeping of Poultry and Pigeons

5.15 Interpretation

- 1. In this division, unless the context otherwise requires—
poultry includes fowls, peafowls, turkeys, geese, ducks, chickens, bantams and other domestic fowls;
pigeons are birds that are classified within the family Columbidae and includes doves; and
miscellaneous birds include all birds other than poultry and pigeons.
- 2. This division applies to the keeping of poultry on residential properties for domestic purposes and not to commercial poultry establishments such as broiler, breeder or egg producing farms.
- 3. Commercial poultry establishments mentioned in subclause (2) are to manage operations in accordance with the *Environmental Code of Practice for Poultry Farms in Western Australia 2004* produced by the Western Australian Broilers Growers Association and Poultry Farmers Association of Western Australia, in conjunction with state and local authorities to control environmental and health nuisances.

5.16 Limitation on numbers of pigeons, poultry and miscellaneous birds

- 1. An owner or occupier of premises in a townsite shall not keep a combined total of more than 12 poultry and 12 pigeons on any one lot of land, unless approved by an Authorised Officer.
- 2. An Authorised Officer may issue a written notice to the owner or occupier of land, whether in a townsite or not, where poultry or pigeons are kept for the number of poultry and pigeons to be reduced to ensure that a health nuisance does not exist.
- 3. An Authorised Officer may increase the number of poultry or pigeons kept on any one lot of land if satisfied that a health nuisance does not exist.
- 4. An owner or occupier shall not keep more than 20 miscellaneous birds on any premises within the district unless otherwise approved.
- 5. An owner or occupier shall not keep pigeons, poultry or miscellaneous birds so as to create a nuisance.
- 6. An Authorised Officer may apply relevant conditions, or require a reduction of the approved number of poultry, pigeons, or miscellaneous birds on any premises within the district, or alternatively prohibit the keeping of poultry, pigeons, or miscellaneous birds on a

- particular premises, if the conditions of this Division are not complied with or if unreasonable noise or a nuisance is being caused.
7. An owner or occupier shall comply with a direction of an authorised officer under this clause.
 8. Subclause (4) does not apply to premises used for veterinary purposes or as a pet shop.

5.17 Conditions of keeping poultry

1. A person who keeps poultry or permits poultry to be kept shall ensure that—
 - (a) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
 - (b) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
 - (c) no poultry is able to approach within 15 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, an Authorised Officer has approved a lesser distance.
2. A person who keeps poultry or permits poultry to be kept shall ensure no poultry is able to encroach within 9 metres of a dwelling house, public building, or premises where people are employed or premises where food is stored, prepared manufactured or sold.

5.18 Roosters, Geese, Turkeys, Peafowl and Gamebirds

1. An owner or occupier of premises shall not within a townsite or on properties with an area of 2 hectares or less, keep or permit to be kept on those premises, any one or more of the following birds without the written approval of the local government—
 - (a) a rooster;
 - (b) a goose or gander;
 - (c) a turkey;
 - (d) a peacock or peahen; and
 - (e) a gamebird (includes emus and ostriches).
2. An Authorised Officer may, upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises a specified number of birds under this clause.
3. An Authorised Officer may rescind approval for the keeping of birds under this clause if they cause a nuisance.

5.19 Conditions of keeping pigeons

- A person who keeps, or permits to be kept, pigeons shall ensure that—
- (a) none is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and

- (b) except where homing pigeons are freed for exercise, the pigeons are kept in a properly constructed pigeon loft that is in a yard having an otherwise unobstructed area of at least 30 square metres.

5.20 Removal of nonconforming structures or enclosures

If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of clauses 5.17 or 5.19, as applicable, an Authorised Officer may direct the owner or occupier to amend it or remove it.

5.21 Restrictions on pigeon nesting or perching

An Authorised Officer may order an owner or occupier of a house or other structure in or on which pigeons are, or are in the habit of, nesting or perching so as to create a health nuisance to take adequate steps to prevent them continuing to do so.

5.22 Restrictions on feeding wild birds

1. A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird—
 - (a) so as to cause a nuisance or be injurious or dangerous to health; or
 - (b) with a food or substance that is not a natural food of a bird.
2. Where an authorised officer forms the opinion that a person has not complied with subclause (1) the authorised officer may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

Division 5 – Feedlots

5.23 Interpretation

In this division, unless the context otherwise requires—
feedlot means a confined area with watering and feeding facilities where animals or birds are held and fed for the purpose of weight gain;
animal includes cattle, sheep, goats, deer and the like;
birds includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches; and
sensitive land use means land use sensitive to emissions from industry and infrastructure, and includes land uses of residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, public buildings, commercial and industrial land uses which require a high level of amenity or are sensitive to particular emissions.

5.24 Premises to be approved

1. No premises shall be used as a feedlot unless approved by the local government.
2. Subject to subsection (3) no premises shall be approved by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Table 1.
3. Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the feedlot will not give rise to a health nuisance.
4. Notwithstanding subclause (1), cattle feedlots with more than 500 animals are to be licensed under Schedule 1 (Category 1) of the *Environmental Protection Regulations 1987*.

Table 1 – Required Buffer Distances for Feedlots

	Townsite boundaries	Isolated rural dwellings, dairies and industries	Public roads and recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water courses/rural water impoundments	Bores/wells /soaks. Drinking water supply	Stock irrigation supply
Feedlots & facilities catering for								
a) >5000 animals or birds	5000m	1000m	200m	50m		300m	300m	100m
b) 500-5000 animals or birds	3500m	1000m	150m	50m		300m	300m	100m
c) 50-500 animals or birds	2000m	1000m	100m	50m		300m	300m	100m
d) <50 animals or birds	1000m	1000m	50m	50m		200m	300m	100m
Land used to dispose of raw or partly treated wastes	1000m	1000m	100m	300m		300m	300m	300m
Land used to dispose of effectively treated wastes	200m	1000m	20m	20m		100m	100m	100m

5.25 Management of beef cattle feedlots

Beef cattle feedlots are to be operated and managed in accordance with the *Guidelines for the Environmental Management of Beef Cattle Feedlots in Western Australia (2004)*.

5.26 Compliance with direction or notice of an Authorised Officer

The owner or occupier of a feedlot shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

Chapter 6 PART 6 – PEST CONTROL

Division 1 – Flies

6.1 Interpretation

In this division, unless the context otherwise requires, *flies* means any of the two-winged insects constituting the order *Diptera* commonly known as flies.

6.2 Control of flies

Owners and occupiers of any land within the district that is breeding flies, or that is likely to breed flies, are to comply with the requirements of the *Fly Eradication Regulations*.

Division 2 – Mosquitoes

6.3 Interpretation

In this division, unless the context otherwise requires *mosquitoes* means any of the two-winged insects constituting the family *Diptera Clicidae* commonly known as mosquitoes.

6.4 Measures to be taken to prevent mosquito breeding

An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—

- (a) follow any direction or notice of an Authorised Officer for the purpose of—
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication of mosquitoes; and
 - (iii) effectively preventing the breeding of mosquitoes; and
- (b) assist an Authorised Officer to locate any possible mosquito breeding sites that may be present in or about the premises.

6.5 Measures to be taken by occupier

An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

- (a) frequently change the water; and

- (b) keep the water clean and free from vegetable matter and slime. Where it appears to the authorised officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the authorised officer may direct the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

6.6 Removal of undergrowth or vegetation

Where it appears to an Authorised Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the officer may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

6.7 Filling in excavations etc.

A person who undertakes any activity on any land which creates an excavation likely to hold water and cause mosquito breeding shall as soon as practicable following the completion of the activity, and taking into consideration the purpose of the excavation, ensure that the excavation is filled in with clean material and made level with the surrounding surface or alternatively treated with an approved pesticide to control mosquito breeding.

6.8 Drains, channels and septic tanks

An owner or occupier of land shall—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where a septic tank is installed on the land—
 - (i) apply an approved larvicide according to the direction on the container, into the septic tank system, whenever directed to do so by an Authorised Officer; and controlling the prevalence of mosquitoes; and
 - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

6.9 Drainage of land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the local government, effectively drain the land and, for that purpose, shall—

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land; and
- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—
 - (i) the water on the land may flow into the drains without obstruction;

- (ii) no water shall remain on any portion of the land other than the drains; and
- (iii) keep all drains in good order and free from obstruction.

Division 3 – Rodents

6.10 Interpretation

In this division *rodents* means those animals belonging to the order *Rodentia* and includes rats and mice but does not include native rodents, laboratory bred rats and mice or animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

6.11 Measures to be taken to eradicate rodents

- (a) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (b) A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.
- (c) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Authorised Officer, is necessary to prevent the presence of rodents in or on the premises.

Division 4 – Cockroaches

6.12 Interpretation

This this division *cockroach* means any of the various orthopterous insects commonly known as cockroaches.

6.13 Measures to be taken to eradicate cockroaches

- 1. An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- 2. An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action is necessary to prevent or deter the presence of cockroaches in or about the premises.
- 3. An owner or occupier shall within the time specified comply with any direction given by an Authorised Officer.

Division 5 – Argentine Ants

6.14 Interpretation

In this division *Argentine ant* means an ant belonging to the species *Linepithema humile* (formerly *Irdomyrmex humilis*).

6.15 Measures to be taken to keep premises free from Argentine ants

An owner or occupier of premises shall comply with the requirements of an Authorised Officer if an infestation of Argentine ants are found on their premises.

Division 6 – European Wasps

6.16 Interpretation

In this division *European wasp* means a wasp belonging to the species *Vespula germanica*.

6.17 Measures to be taken to keep premises free from European wasp nest

An owner or occupier of premises shall ensure that the premises are kept free from European wasp nests and shall—

- (a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European wasp nest;
- (b) follow any direction of an Authorised Officer for the purpose of destroying the wasps and their nest; and
- (c) assist an Authorised Officer, of his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7 – Bee Keeping

6.18 Interpretation

In this division—

bee means an insect belonging to any of the various *hymenopterous* insects of the super family *Apoidea* and commonly known as bee; and

hive means a moveable or fixed structure, container or object in which a colony of bees is kept.

6.19 Limitation on numbers of hives

1. A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by an Authorised Officer.
2. Subject to subclauses (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
3. An Authorised Officer may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.
4. A person shall comply with any conditions imposed by an Authorised Officer under subclause (3).

6.20 Restrictions on keeping of bees in hives

A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

- (a) an adequate and permanent supply of water is provided on the lot which is readily accessible to bees;
- (b) no more than 2 hives are kept on land of less than 2,000 square metres in area unless otherwise approved;
- (c) the hive is kept—
 - (i) outside, and at least 10 metres from, any building other than a fence;
 - (ii) at least 10 metres from any footpath, street, private street or public place; and
 - (iii) at least 5 metres from the boundary of the lot;
- (d) the hive is enclosed on all sides by a fence, wall or other enclosure to encourage bees to fly at a height over the property boundary; and
- (e) the person is registered as a beekeeper if required by the *Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013*.

6.21 Bees which cause a nuisance not to be kept

1. A person shall not keep, or permit the keeping of, bees which cause a nuisance.
2. An Authorised Officer may direct any person to remove any bees or beehives which in the opinion of the Authorised Officer are causing a nuisance.

Division 8 – Arthropod Vectors of Disease

6.22 Interpretation

In this division *arthropod vectors of disease* includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularious*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var. corporis*); and
- (e) head lice (*Pediculus humanus var. capitis*).

6.23 Responsibility of the owner or occupier

The owner or occupier of the premises shall—

- (a) keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and
- (b) comply with the direction of an Authorised Officer to treat the premises, or anything on the premises, for the purpose of destroying any vectors of disease.

6.24 Local government may execute work and recover costs

1. Where—
 - (a) a person is required under this part or directed by a notice given under this part to execute any work; and
 - (b) that person fails or neglects to comply with the requirement, the local government may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.
2. The costs and expenses incurred by the local government in the execution of a power under subclause (1) may be recovered in a court of competent jurisdiction from that person.
3. The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Chapter 7 PART 7 – INFECTIOUS DISEASES

Division 1 – General Provisions

7.1 Purpose of exercise of powers

The powers under this Part are to be exercised for the purpose of preventing or controlling the spread of an infectious disease.

7.2 Authorised Officer may visit, inspect and report

An Authorised Officer may visit and inspect any house, its occupants, fixtures and fittings, outbuildings, yards, drains and sewers connected with any house where an infectious disease has been identified or where an infectious disease is suspected in order to check or prevent the spread of any infectious disease.

7.3 Requirements on owner or occupier to clean, disinfect and disinfect

An Authorised Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfect—

- (a) the premises; or
- (b) such things in or on the premises as are specified in the notice; or both, to the satisfaction of an Authorised Officer.

7.4 Authorised Officer may disinfect or disinfect the premises

1. Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or

the Medical Officer may direct an Authorised Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

2. An owner or occupier of premises shall permit, and provide access to enable, an Authorised Officer, other local government officer or other person to carry out the direction given under subclause (1).
3. The local government may recover the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.
4. The local government is not liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this clause, other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty.

7.5 Insanitary houses, premises and things

1. An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.
2. Where the local government considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.
3. Where an Authorised Officer considers that—
 - (a) a house or premises is not being maintained in a sanitary condition; or
 - (b) anything is insanitary, the officer may, by notice in writing, direct, as the case may be—
 - (i) the owner or occupier of the house or premises to amend any insanitary condition; or
 - (ii) the owner or occupier of the thing to destroy or amend it, within the time and in the manner specified in the notice.
4. A person who is given notice under subclauses (2) or (3) shall comply with the terms of the notice.

7.6 Medical Officer may authorise disinfecting

Where the Medical Officer believes that a person is or may be infected by an infectious disease, the Medical Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the Medical Officer.

7.7 Persons in contact with an infectious disease sufferer

If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—

- (a) shall obey such instructions or directions as the local government or the Medical Officer may issue; and

- (b) may be removed, at the direction of the local government or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading and if so removed, shall remain in that place until the Medical Officer directs otherwise.

7.8 Declaration of infected house or premises

1. To prevent or check the spread of infectious disease, the local government or the Medical Officer may from time to time declare any house or premises to be infected.
2. A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or an Authorised Officer.

7.9 Destruction of infected animals

An Authorised Officer, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice of writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

- (a) in the manner and within the time specified in the notice; and
- (b) by the person in whose possession, or upon whose premises, the animal is located.

7.10 Disposal of a body

1. An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.
2. A body shall not be removed from the premises where death occurred except to a cemetery or a morgue.

7.11 Local government may carry out work and recover costs

1. Where—
 - (a) a person is required under this division or by a notice given under this division, to carry out any work; and
 - (b) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
2. The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered from the person referred to in subclause (1).
3. The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or

damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2 – Disposal of Used Condoms and Needles

7.12 Disposal of used condoms

1. An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—
 - (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
 - (b) disposed of in such a manner as may be directed by an Authorised Officer.
2. A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

7.13 Disposal of used needles

A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak proof container and deposited in a refuse receptacle.

Chapter 8 PART 8 – LODGING HOUSES

Division 1 – Registration

8.1 Interpretation

In this part—

accommodation means one or more buildings used for boarding purposes referred to in this part;

bed means a sleeping berth consisting of—

- (a) a single berth; or
- (b) a double berth provided for the use of couples, which shall have the same floor space requirements as two single beds;

bunk means a sleeping berth comprising one of two beds arranged vertically;

dormitory means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;

keeper means a person whose name appears on the register of keepers, in respect of accommodation, as the keeper of that accommodation;

laundry unit means a facility consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;

- (b) either an electric drying cabinet or not less than 30 metres of clothes line;
- (c) one wash trough of not less than 45 litres capacity, connected to both hot and cold water; and
- (d) A hot water system that—
 - (i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine and wash trough provided with the communal facilities; and
 - (ii) has a delivery rate of not less than 5 litres per minute for each washing machine or a higher delivery rate according to the manufacturer’s specifications;

lodger means a person who obtains, for hire or reward, board or lodging in accommodation;

lodging house includes a recreational campsite, a serviced apartment and a short-term hostel and has the same meaning as defined in Section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

manager means a person duly appointed by the keeper in accordance with this division to reside in, and have the care and management of, accommodation;

manufacturer’s specifications means a data sheet describing the technical characteristics of a product which is published by a manufacturer to help consumers use the product;

recreational campsite means a lodging house –

- (a) situated on a campsite principally used for –
 - (i) recreational, sporting, religious, ethnic or educational pursuits, or
 - (ii) conferences or conventions; and
- (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

register of lodgers means the register kept in accordance with this Part;

register of keepers means a register by the local government in which is registered the names and residences of the keepers of all accommodation within its district and the situation of every such accommodation and the number of persons authorised by the local government to be resident therein;

resident means a person, other than a lodger, who resides in accommodation;

serviced apartment means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

short term hostel means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels;

sleeping apartment means a room used for lodgers to sleep in; and

vector of disease means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice and head lice.

8.2 Accommodation not to be kept unless registered

A person shall not keep or cause, suffer or permit to be kept accommodation unless—

- (a) the accommodation is constructed in accordance with the requirements of this Part;
- (b) the accommodation is registered by the local government under clause 8.4; and
- (c) the name of the person keeping the accommodation is entered in the register of keepers.

8.3 Application for registration

An application for registration of accommodation shall be—

- (a) in the form as determined by the local government from time to time;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
 - (i) the fee as fixed from time to time by the local government under Sections 6.16 to 6.19 of the *Local Government Act 1995*; and
 - (ii) detailed plans and specifications of the accommodation.

8.4 Certificate of Registration of accommodation

The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a Certificate of Registration of accommodation in a form as determined by the local government from time to time.

8.5 Renewal of registration

- A person who keeps accommodation which is registered under this Part shall—
- (a) during the month of June in each year apply to the local government for the renewal of the registration of the accommodation; and
 - (b) pay the fee as fixed from time to time by the local government under Sections 6.16 to 6.19 of the *Local Government Act 1995* at the time of making each application for renewal.

8.6 Notification upon sale or transfer

If the owner of accommodation house sells or transfers or agrees to sell or transfer the accommodation to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in a form as determined by the local government from time to time, written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

8.7 Revocation of registration

1. Subject to subclause (3), the local government may, at any time, revoke the registration of accommodation for any reason which, in the opinion of the local government, justifies the revocation.

2. Without limiting the generality of subclause (1), the local government may revoke a registration upon any one or more of the following grounds—
 - (a) that the accommodation has not, to the satisfaction of an Authorised Officer, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 - (b) that the keeper has—
 - (i) been convicted of an offence against these local laws in respect of the lodging house; or
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
 - (c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
 - (d) that, by reason of alterations or additions or neglect to repair or renovate, the condition of the accommodation is such as to render it, in the opinion of an Authorised Officer, unfit to remain registered.
3. Before revoking the registration of accommodation under this clause, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
4. Whenever the local government revokes the registration of accommodation, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.
5. The keeper shall not be entitled to any proportionate refund of an annual fee paid to the local government during the year in which the local government has revoked the registration of accommodation.

Division 2 – Construction and use requirements

8.8 General construction requirements

The general construction requirements of accommodation shall comply with the Building Code.

8.9 Insect screening

The keeper shall provide and maintain in good working order and condition on the premises windows and external doors that are screened with mesh having openings no larger than 1.2 millimetres.

8.10 Sanitary conveniences

1. A keeper shall maintain in good working order and condition and in convenient positions on the premises—
 - (a) toilets; and
 - (b) bathrooms, each fitted with a shower or bath (or both) and hand wash basin, in accordance with the requirements of the Building Code.

2. A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subclause (1).
3. Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
4. The walls of each shower and bath shall be of an impervious material to minimum height of 1.8 metres above the floor level.
5. Each toilet and bathroom in a lodging house shall—
 - (a) be so situated, separated and screened so as to ensure privacy; and
 - (b) be provided with adequate electric lighting.

8.11 Laundry unit

1. A keeper of a lodging house shall subject to subclause (2) –
 - (a) provide on the premises a laundry unit for each 15 lodgers;
 - (b) at all times maintain each laundry unit in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
 - (d) ensure that the floor area of each laundry unit is properly surfaced with an even fall to a floor waste.
2. An Authorised Officer may approve the provision of a reduced number of laundry facilities if suitable equipment of a commercial type is installed.

8.12 Kitchen

The keeper of a lodging house shall provide in that lodging house a kitchen which complies with the relevant requirements of the *Food Act 2008, Food Regulations 2009* and Standards 3.1.1, 3.2.2, and 3.2.3 of the Food Standards Code as determined by an Authorised Officer.

8.13 Cooking facilities

The keeper of accommodation where meals are prepared shall provide a kitchen with cooking appliances of a number and type approved by an Authorised Officer.

8.14 Dining room

- The keeper of a lodging house shall provide in that lodging house a dining room located in close proximity to, or combined with, the kitchen—
- (a) the floor area of which shall be not less than the greater of—
 - (i) 0.5 square metres per person; or
 - (ii) 10 square metres; and
 - (b) which shall be—

- (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
- (ii) provided with a suitable floor covering.

8.15 Lounge room

The keeper of a lodging house shall provide in that lodging house a lounge room—

- (a) with a floor area of—
 - (i) where the lounge is not combined with the dining room – not less than 0.6 square metres per person; or
 - (ii) where the lounge room is combined with a dining room – not less than 1.2 square metres per person;
 but in either case having a minimum of 13 square metres; and
 - (iii) which shall be adequately furnished to accommodate, at any one time, half the number of lodgers and provided with a suitable floor covering.

8.16 Fire prevention and control

1. A keeper shall—
 - (a) ensure smoke alarms complying with *AS 3786* are installed on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building as required by the Building Code;
 - (b) ensure that there is installed in each passage or corridor in the lodging house a smoke alarm incorporating evacuation lighting which is activated by the smoke alarm as required by the Building Code;
 - (c) provide evacuation lighting if required by the Building Code to be kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (d) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
 - (e) ensure if required by the Building Code that illuminated exit signs are installed above exit doorways which comply with *AS 2293.1* and which are maintained in good working order at all times; and
 - (f) provide firefighting equipment in accordance with the requirements of the Building Code and ensure that the equipment is clearly visible, accessible and maintained in good working order at all times.
2. No person shall smoke in any dormitory, kitchen or dining room or other enclosed public place within a lodging house.
3. A keeper shall ensure that any items which are likely to cause a fire hazard are not located within bedrooms or dormitories of a lodging house.
4. The keeper of a lodging house which is a recreational campsite or short term hostel, but not a serviced apartment, shall ensure that materials used in bedrooms and dormitory area comply with *AS 1530.2* and *AS 1530.3* as updated from time to time.

8.17 Obstruction of passages and stairways

A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on—

- (a) a stairway, stair landing, fire escape, window or common passageway;
or
- (b) part of the lodging house in common use or intended or adapted for common use, in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

8.18 Fitting of locks

A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device that prevents the door being opened from within a lodging house.

8.19 Restriction on use of rooms for sleeping

1. Subject to subclause (3), a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—
 - (a) which contains food;
 - (b) which contains or is fitted with a cooking appliance or kitchen sink;
 - (c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
 - (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
 - (e) which, except in the case of a short-term hostel or a recreational campsite, contains less than 5 square metres of clear space for each lodger occupying the room;
 - (f) which is not naturally illuminated in accordance with the requirements of the Building Code;
 - (g) which is not ventilated in accordance with the requirements of the Building Code;
 - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Authorised Officer.
2. For the purposes of this clause, two children under the age of 10 years shall be counted as one lodger.

3. Paragraphs (a), (b) and (c) of subclause (1) shall not apply to a serviced apartment.

8.20 Sleeping accommodation short term hostels and recreational campsites

1. A keeper of a short-term hostel or recreational campsite shall provide clear floor space of not less than—
 - (a) 4 square metres per person in each dormitory utilising beds; or
 - (b) 2.5 square metres per person in dormitories utilising bunks.
2. The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
3. The minimum height of any ceiling in a short-term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.
4. The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
5. The keeper of any short-term hostel or recreational campsite shall provide—
 - (a) fixed outlet ventilation at a ratio of 0.15 square metre to each 10 square metres of floor area of the dormitories;
 - (b) each dormitory with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; or
 - (c) mechanical ventilation in lieu of fixed ventilation.
6. The keeper of any short-term hostel or recreational campsite shall provide—
 - (a) beds with a minimum size of—
 - (i) in short term hostels – 800 millimetres x 1.9 metres;
 - (ii) in recreational campsites – 750 millimetres x 1.85 metres;and
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
7. The keeper of any short-term hostel or recreational campsite shall—
 - (a) ensure at all times there is a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
 - (b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks and the passageway is kept clear of obstruction at all times; and
 - (c) ensure all doors, windows and ventilators are kept free from obstruction.

8.21 Furnishing etc. of sleeping apartments

A keeper of a lodging house shall, unless otherwise approved by the local government—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bed linen of good quality;
- (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow;
 - (ii) is provided with a pillowcase, two sheets, a blanket or rug and, in cold weather, not less than one additional blanket or rug; and
 - (iii) has a mattress protector fitted;
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room; and
- (d) not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short-term hostel or recreational campsite.

8.22 Ventilation

If, in the opinion of an Authorised Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

8.23 Numbers to be placed on doors

1. A keeper shall number each room available to a lodger in a lodging house or provide an alternative means of identification approved by an Authorised Officer.
2. The numbering system or alternative means of room identification is to be legible and easily identified.

Division 3 – Management and Care

8.24 Keeper or manager to reside in the lodging house

Whenever there are one or more lodgers in a lodging house, a keeper or manager shall—

- (a) reside continuously in the lodging house; and
- (b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

8.25 Register of lodgers

1. A keeper shall keep a register of lodgers in a form as determined by the local government from time to time.
2. The register of lodgers shall be—

- (a) kept in the accommodation; and
- (b) available for inspection at any time on demand by any member of the Police Service or by an Authorised Officer.

8.26 Keeper report

A keeper shall, whenever required by the local government, provide, in a form as determined by the local government from time to time, the name of each lodger who lodges in the accommodation during the preceding day or night.

8.27 Certificate of Sleeping Accommodation

1. An Authorised Officer may issue to a keeper a Certificate of Sleeping Accommodation, in respect of each room, which shall be in a form as determined by the local government from time to time, or, for lodging houses with more than 20 sleeping apartments, a Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments, which shall be in a form as determined by the local government from time to time.
2. The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
3. When required by an Authorised Officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which the certificate refers.
4. A person shall not allow a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

8.28 Duplicate keys and inspection

Each keeper and manager of accommodation shall—

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an Authorised Officer, open the door of any room for the purpose of inspection by the Authorised Officer.

8.29 Room occupancy

1. A keeper shall not—
 - (a) allow more than the maximum number of persons permitted by the Certificate of Registration of accommodation to be lodged at any one time in the accommodation;
 - (b) allow to be placed or kept in any sleeping apartments—
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bed linen than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

- (c) allow to be used for sleeping purposes, a room that—
 - (i) has not been certified for that purpose; and
 - (ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.
- 2. For the purpose of this clause, two children under 10 years of age shall be counted as one lodger.

8.30 Infectious disease

A keeper shall immediately after becoming aware that a lodger or resident is suffering from a notifiable infectious disease notify an Authorised Officer.

8.31 Maintenance of a room by a lodger or resident

- 1. A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.
- 2. Where permission is given or a contract entered into under subclause (1), the keeper shall—
 - (a) inspect each room the subject of the permission or agreement at least once a week; and
 - (b) ensure that each room is being maintained in a clean condition.
- 3. A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

8.32 Cleaning and maintenance requirements

A keeper of accommodation shall—

- (a) maintain in a clean, sound and undamaged condition—
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilets, including toilet seats, cisterns and associated plumbing; and
- (b) maintain in a clean and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) all windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet have a smooth, impervious washable surface;
- (d) ensure that all floors are kept clean at all times;
- (e) ensure that—
 - (i) all bed linen, towels, and house linen in use is washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;

- (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
- (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
- (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
- (f) when so directed by an Authorised Officer, ensure that—
 - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed, or other article of furniture that is infested is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
 - (i) comply with any direction, whether orally or in writing, given by an Authorised Officer.

8.33 Responsibilities of lodgers and residents

A lodger or resident shall not—

- (a) use any room available to lodgers—
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware or culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
 - (i) wash or permit the washing of clothing or bed linen; or
 - (ii) keep or permit to be kept any soiled clothing or bed linen;
- (h) subject to clause 8.34—
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, bed linen or furniture, that is infested with vermin or vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house—

- (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
- (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

Chapter 9 PART 9 – OFFENSIVE TRADES

Division 1 – General

9.1 Interpretation

In this part—

Certificate of Registration of Premises for Offensive Trade means a certificate issued under clause 9.5 in a form as determined by the local government from time to time;

occupier in relation to premises includes the person registered as the occupier of the premises in a form as determined by the local government from time to time;

offensive trade means any of the trades listed in Schedule 1; and
premises includes houses.

9.2 Consent to establish an offensive trade

1. A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall—
 - (a) advertise notice of his intention to apply for consent in accordance with clause 9.3; and
 - (b) lodge with the Chief Executive Officer an application in a form as determined by the local government from time to time.
2. A person who makes a false statement in an application under this clause shall be guilty of an offence.

9.3 Notice of application

A notice required under subclause 9.2(1) (a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) be published in accordance with regulation 3A (2) (c) of the *Local Government (Administration) Regulations 1996* at least two weeks but

not more than one month before the application under clause 9.2 (1) (b) is lodged with the Chief Executive Officer.

9.4 Registration of premises

An application for the registration of premises pursuant to section 191 of the Act shall be—

- (a) in a form as determined by the local government from time to time;
- (b) accompanied by—
 - (i) the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976* as amended from time to time; and
 - (ii) a comprehensive management plan; and
- (c) lodged with the Chief Executive Officer.

9.5 Certificate of Registration of Premises for Offensive Trade

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a Certificate of Registration of Premises for Offensive Trade in a form as determined by the local government from time to time.

9.6 Change of occupier

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

9.7 Alterations to premises

While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration to the premises other than minor repairs, installations or interior refurbishment.

Division 2 – General Duties of an Occupier

9.8 Interpretation

In this Division—

occupier means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

premises means those premises in or upon which an offensive trade is carried on.

9.9 Cleanliness

The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) keep in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.10 Rats and other vectors of disease

The occupier shall—

- (a) ensure that the premises are kept free from vermin, rodents, cockroaches, flies and other vectors of disease; and
- (b) provide in and on the premises effective means and methods for the eradication and prevention of vermin, rodents, cockroaches, flies and other vectors of disease.

9.11 Sanitary conveniences and hand wash basins

The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and hand wash basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

9.12 Painting of walls etc.

The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Authorised Officer.

9.13 Effluvia, vapours or gases

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his or her business or from any material, residue or other substance which may be kept or stored upon the premises.

9.14 Offensive material

The occupier shall—

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day or other interval as may be directed by an Authorised Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

9.15 Storage of materials

The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by inhalation or otherwise and so as to prevent the creation of a nuisance.

9.16 Directions

An Authorised Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

Division 3 – Fat Rendering Establishments

9.17 Interpretation

In this Division—

fat rendering establishments means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

occupier means the occupier of any premises on which the trade of fat rendering is carried on.

9.18 Ventilation

The occupier shall provide and maintain—

- (a) a hood which shall—
 - (i) be of an approved design and construction;
 - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
 - (iii) extend a minimum of 150 millimetres beyond the length of each appliance; and
- (b) an exhaust ventilation system—
 - (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be

- located within 6 metres of an adjoining property or any fresh air intake; and
- (ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.19 Covering of apparatus

External parts of the fat rendering apparatus shall be constructed or covered with smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.20 Rendering of walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 4 – Laundries, Dry Cleaning Establishments and Dye Works

9.21 Interpretation

In this Division—

dry cleaning establishment—

- (a) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (b) does not include premises in which perchlorethylene or arklone is used as dry-cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

dye works means a place where articles are commercially dyed, but does not include dye works in which provision is made for the discharge of all liquid waste therefrom into a public sewer;

exempt laundromat means a premises in which—

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

laundromat means a public place with coin or card operated washing machines, spin dryers or dry-cleaning machines; and

laundry means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.22 Receiving depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the local government, which may at any time by written notice withdraw such permission.

9.23 Reception room

1. The occupier of a laundry, dry cleaning establishment or dye works shall—
 - (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
 - (b) cause such articles as may be directed by an Authorised Officer to be thoroughly disinfected.
2. A person shall not bring or permit food to be brought into the reception room referred to in this clause.

9.24 Walls and floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;
- (b) the floor to be impervious, constructed of concrete or other material approved by an Authorised Officer and finished to a smooth surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall and be deposited on it.

9.25 Laundry floor

The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, with a width of at least 910 millimetres, so constructed as to prevent any person from standing in water on the floor.

9.26 Escape of dust

The occupier of a dry-cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.27 Precautions against combustion

The occupier of a dry-cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Authorised Officer for that purpose.

9.28 Trolleys

The occupier of a dry-cleaning establishment shall—

- (a) provide trolleys for the use of transporting dirty and clean linen; and
- (b) ensure that each trolley is—
 - (i) clearly designated to indicate the use for which it is intended;
 - (ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and
 - (iii) thoroughly cleaned and disinfected on a regular basis.

9.29 Sleeping on premises

A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

Division 5 – Abattoirs

9.30 Construction

An abattoir shall conform to relevant Standards as adopted under the *Food Act 2008* section 144 (6) and the requirements of Part 5 of the *Food Regulations 2009*.

Division 6 – Piggeries

9.31 Interpretation

In this Division, unless the context otherwise requires—

intensive piggery means pigs are housed, fed and watered in breeding and growing pens in sheds;

piggery means any building, enclosure or yard, in which one or more pigs are kept, bred, reared or fattened, and shall include any portion of the premises to which pigs have access; and

sensitive land use means land use sensitive to emissions from industry and infrastructure. Sensitive land uses include residential developments, hospitals, hotels, motels, hostels, caravan parks, schools, nursing homes, child care facilities, shopping centres, playgrounds, public buildings, commercial and industrial land uses which require a high level of amenity or are sensitive to particular emissions.

9.32 Premises to be approved

1. No premises shall be used as a piggery unless approved by the local government.
2. Subject to subsection (3), no premises shall be approved by the local government unless every portion of such piggery complies with the minimum separation distances listed in Table 2; or if it is an intensive piggery, the minimum separation distances listed in Table 3.

3. Sites unable to satisfy the separation requirements may be approved at the discretion of the local government, if the local government is satisfied that approving the piggery will not give rise to a health nuisance.

Table 2 – Required Buffer Distances for Piggeries

Description	Distance
Townsite boundaries	5000m
Isolated rural dwellings, dairies and industries	1000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

9.33 Limitations to registration

Unless otherwise approved, no premises shall be registered as a piggery unless it has been granted approval under the Local Planning Scheme.

9.34 Conditions of registration

Any person intending to establish a piggery within the district shall ensure an application made in a form as determined by the local government from time to time, is accompanied by plans and specifications in duplicate of the proposed piggery including—

- (a) details of the approximate number of pigs to be kept;
- (b) details of the drainage and effluent disposal system to be installed; and
- (c) details of the method by which cleanliness of the piggery shall be maintained.

9.35 Sties, enclosures or sheds

1. The occupier of every piggery shall provide either—
 - (a) sties and enclosures;
 - (b) enclosures; or
 - (c) sheds; within which pigs shall be kept.
2. Where sties and enclosures are provided—
 - (a) the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall—
 - (i) be constructed of similar materials;
 - (ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width;
 - (iii) extend the whole length of the sty; and
 - (iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage; and

- (b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than 3 times the area of the sty or group of sties to which it is appurtenant.
- 3. Where enclosures only are provided, then—
 - (a) the fences of such enclosures shall be movable; and
 - (b) the fences shall be moved and re-erected to enclose a new site whenever—
 - (i) the ground within a site is becoming offensive; or
 - (ii) the occupier is directed to do so by an Authorised Officer.
- 4. Where one or more sheds are provided, then—
 - (a) the floor of every shed shall comply with subclause 2(a);
 - (b) they shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease; and
 - (c) they shall be effectively drained and effluent waste removed so as to prevent a nuisance occurring.

9.36 Slaughtering

The occupier of any piggery shall not permit any slaughtering of animals on the premises.

9.37 Feed

The occupier of any piggery shall—

- (a) not receive, or allow to be received on such premises, any carcass or part of a carcass of a diseased animal;
- (b) not feed the pigs upon the flesh or offal of diseased animals;
- (c) not receive or suffer or permit to be received on the premises, putrid matter for any purpose; and
- (d) not receive or suffer or permit to be received on the premises, any kitchen, slaughterhouse or butcher's wastes or other putrescible pig feed.

9.38 Fencing

Every piggery occupier shall securely fence all the enclosures.

9.39 Water supply

Every piggery occupier shall provide a sufficient and constant supply of clean water, which shall be properly protected against pollution and always available for cleansing purposes.

9.40 Feeding troughs

- 1. Every such occupier shall—
 - (a) where sties and enclosures are provided under the provisions of clause 9.34(2), provide feeding troughs in every sty, situated near to

- the drainage gutter or positioned to be accessible to the pigs in two or more sties or enclosures;
- (b) where enclosures are provided under the provisions of clause 9.34(3), provide feeding troughs in every such enclosure;
- (c) cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement or concrete floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage; and
- (d) not permit pigs to be fed other than at the feeding troughs provided in accordance with this clause.
2. Notwithstanding the provisions of subclause (1), where pigs are kept continually confined in fully enclosed pens, floor feeding with pellets or dry meal shall be permitted, in which case feeding troughs are not required to be provided.

9.41 Prevention of nuisance

In order to prevent dust, offensive fumes and effluent becoming a nuisance to the health of the inhabitants of the district, an intensive piggery shall comply with the minimum separation distances in Table 3.

Table 3 – Required Buffer Distances for Intensive Piggeries

	Townsite boundaries	Isolated rural dwellings, dairies and industries	Public roads and recreation areas	Neighbouring rural property boundaries	Surface water supply catchments	Water courses/rural water impoundments	Bores/wells /soaks. Drinking water supply	Stock irrigation supply
Feedlots & facilities catering for								
a) > 5000 pigs	5000m	1000m	200m	50m	not permitted	300m	300m	100m
b) 500-5000 pigs	3500m	1000m	150m	50m	not permitted	300m	300m	100m
c) 50-500 pigs	2000m	1000m	100m	50m	not permitted	300m	300m	100m
d) <50 pigs	1000m	1000m	50m	50m	not permitted	200m	300m	100m
Land used to dispose of raw or partly treated wastes	1000m	1000m	100m	300m	not permitted	300m	300m	300m
Land used to dispose of effectively treated wastes	200	1000m	20m	20m	not permitted	100m	100m	100m

PART 10 – OFFENCES AND PENALTIES

10.1 Offences and penalties

1. A person who—
 - (a) fails to do anything required or directed to be done under this local law; or
 - (b) fails to comply with the requirements of a notice issued under this local law by an authorised officer; or
 - (c) does anything which under this local law that person is prohibited from doing; commits an offence.
2. A person who commits an offence under subclause (1) is liable to—
 - (a) a penalty which is not more than \$5,000 and not less than—
 - (i) in the case of a first such offence, \$500; and
 - (ii) in the case of a second such offence, \$1000; and
 - (iii) in the case of a third or subsequent such offence, \$2,500 and
 - (b) if the offence is a continuing offence, a daily penalty which is not more than \$500 and not less than \$250.
3. An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
4. The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

10.2 Form of infringement notices

1. Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the *Local Government Act 1995* is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
2. The form of the infringement notice referred to in section 9.16 of the *Local Government Act 1995* is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
3. The form of the infringement withdrawal given under section 9.20 of the *Local Government Act 1995* is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

10.3 Other enforcement actions

1. In addition to a penalty imposed under clause 10.1, any expense incurred by the local government in consequence of a breach or non-observance of this local law, in the execution of work directed to be executed by any person and not executed by him or her, must be paid by the person committing the breach for failing to execute the work.
2. On a breach, or successive breaches, by a licensee or a person registered under this local law, the local government may suspend or cancel the licence or registration as the case may be.

10.4 Power of entry into private property

This local law is subject to sections 3.25, 3.27 and Schedules 3.1 and 3.2 of the *Local Government Act 1995* and any power of entry exercised by the local government under this local law is subject to Part 3, Division 3, Subdivision 3 of the Act.

PART 11 – OBJECTION AND APPEAL

11.1 Objection and appeal rights

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to grant, renew, vary or cancel an approval.

Chapter 10 Schedule 1 – Offensive Trades

[clause 9.1]

Health Local Law 2022

Offensive trades are any of the trades, businesses or occupations usually carried on, in or connected with the undermentioned works or establishments—

- Abattoirs or slaughter houses;
 - Bone mills or bone manure depots;
 - Bones, hides, hoofs or skins storing, drying, or preserving establishments;
 - Cleaning establishments, dye works;
 - Fat rendering establishments;
 - Fellmongeries, tanneries;
 - Flock factories;
 - Gut scraping, preparation of sausage skins;
 - Knackeries;
 - Laundromats, dry cleaning establishments;
 - Livestock saleyards;
 - Manure works;
 - Piggeries;
 - Poultry processing establishments;
 - Poultry farming employing caged poultry housing;
 - Tripe-boiling establishments; and
 - Works for boiling down meat, bones, blood, or offal.
-

Chapter 11 Schedule 2 —Prescribed Offences

Health Local Law 2022

[Clause 10.1]

Item No.	Clause No.	Description	Modified Penalty \$
1.	4.2	Deposited or allowed to be deposited liquid refuse from land	\$250
2.	4.3	Released or allowed the escape of liquid waste from land	\$250
3.	5.2	Permitted the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	\$200
4.	5.5(1)	Commenced works involving clearing of land without an approved Dust Management Plan	\$250
5.	5.6(2)	Emitted light so as to create or cause a nuisance	\$250
6.	5.6(4)	Erected or used lighting installations other than in accordance with this local law	\$250
7.	5.8(a)	Failed to keep premises free from matter likely to be offensive or injurious to health or attracts vermin or insects	\$200
8.	5.8(b)	Failed to keep premises clean and disinfected when directed by an Authorised Officer	\$500
9.	5.8(c)	Failed to keep premises free of flies, or when directed by an Authorised Officer, spray premises with means to kill or repel flies	\$500
10.	5.9(1)	Failed to keep enclosures effectively drained	\$200
11.	5.9(3)	Failed to keep property fenced in a manner capable of confining livestock	\$200
12.	5.9(4)	Permitted livestock to stray, or be at large in a street, public place or private property without consent	\$200
13.	5.12(1)	Kept an approved animal without approval	\$200
14.	5.12(6)	Failed to maintain stable	\$200
15.	5.16(1)	Failed to comply with limitations on number of birds	\$200
16.	5.16(5)	Kept birds so as to create a nuisance	\$200
17.	5.17	Kept, or permitted to be kept, any poultry, not in accordance with conditions of this local law	\$200
18.	5.18(1)	Kept, or suffered to remain in a townsite or lot of 2 hectares or less, a rooster, turkey, goose or geese, gamebird or peafowl	\$200
19.	5.21	Failed to prevent pigeons nesting or perching	\$200
20.	5.22(1)(a)	Fed a wild bird so as to create or cause a nuisance	\$200
21.	5.22(1)(b)	Fed a wild bird a food/substance that is not a natural food	\$200
22.	6.19(1)	Kept bees without approval	\$200
23.	6.19(4)	Failed to comply with a condition of approval to keep bees	\$200

24.	6.21(1)	Created a nuisance from keeping of bees or bee hives	\$200
25.	6.21(2)	Failed to comply with a notice to remove bees or bee hives for contravention of local law	\$200
26.	10.1(1)(b)	Failed to comply with notice	\$500
27.		All other offences not specified	\$100

Dated: _____

The Common Seal of the Shire of Dumbleyung was affixed by authority of a resolution of the Council in the presence of-

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

Shire of Dumbleyung

Parking and Parking Facilities Repeal Local Law 2022

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Dumbleyung resolved on _____ to make the following local law.

1. Citation

This local law is cited as the *Shire of Dumbleyung Parking and Parking Facilities Repeal Local Law 2022*.

2. Commencement

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

3. Repeal

This Local Law repeals the *Shire of Dumbleyung Parking and Parking Facilities Local Law 2016* as published in the *Government Gazette* on 13 March 2017.

Dated: _____

The Common Seal of the Shire of Dumbleyung was affixed in the presence of-

Julie Ramm
Mayor

Gavin Treasure
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

BIOSECURITY AND AGRICULTURE MANAGEMENT ACT 2007

Shire of Dumbleyung

Pest Plants Repeal Local Law 2022

Under the powers conferred by the *Biosecurity and Agriculture Management Act 2007* and the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Dumbleyung resolved on _____ to make the following local law.

1. Citation

This local law is cited as the *Shire of Dumbleyung Pest Plants Repeal Local Law 2022*.

2. Commencement

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

3. Repeal

This Local Law repeals the *Shire of Dumbleyung Pest Plant Local Law 2016* as published in the *Government Gazette* on 13 March 2017.

Dated: _____

The Common Seal of the Shire of Dumbleyung was affixed in the presence of-

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

**LOCAL GOVERNMENT PROPERTY AND PUBLIC
PLACES LOCAL LAW 2022**

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2022

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- 15.1 Offence to fail to comply with a notice
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- 15.3 Offences and general penalty
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SCHEDULE 1—PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2022

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

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Dumbleyung Local Government Property and Public Places Local Law 2022*.

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

This local law repeals the:-

- (1) *Shire of Dumbleyung Local Government Property Local Law 2002* as published in the *Government Gazette* on 21 March 2003.
- (2) *Shire of Dumbleyung Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2002* as published in the *Government Gazette* on 21 March 2003.

1.5 Definitions

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995* (WA);

advertising sign means a sign or advertisement used for the purposes of advertising or drawing attention to a product, business, person or event and includes election advertising and portable signs;

alfresco dining area means an area in which tables, chairs and other temporary structures are provided for the purpose of the supply of food or beverages or both by the public or the consumption of food or beverages or both by the public;

animal means any animal other than a dog;

AS or AS/NZS means an Australian or New Zealand Standard as published by Standards Australia and amended from time to time;

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;

attendant means an employee of the local government with responsibility for the control and management of persons in a public swimming pool or recreation facility which is local government property;

Building Act means the *Building Act 2011* (WA);

Building Code Australia means the Building Code of Australia which is volumes 1 and 2, as amended from time to time, of the National Construction Code series published by, or on behalf of, the Australian Building Codes Board;

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

camera device means an apparatus for taking photographs or moving pictures and includes a mobile phone when used for this purpose;

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

change room means a room designated for the changing of clothes and may include showers, toilets and hand washing basins;

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 similar nature and from which no member receives any pecuniary profit except where the member is an employee or the profit is an honorarium;

CEO means the Chief Executive Officer of the local government;

closed thoroughfare means a thoroughfare wholly or partially closed by the local government under sections 3.50 or 3.50A of the Act;

commencement day means the day on which this local law commences under clause 1.2;

Commissioner of Main Roads WA means the person appointed under section 7 of the *Main Roads Act 1930* (WA) to be the Commissioner;

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;

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;

determination means a determination made under clause 2.1;

detrimental to the property includes—

- (a) removing anything from the local government property such as a rock, plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person;
- (b) destroying, defacing or damaging a building or anything on the local government property, such as a plant, fixture, chattel, equipment or furniture provided for the use, enjoyment or safety of any person; and
- (c) causing environmental harm or nuisance on the local government property;

development approval means an approval issued under the local government's planning scheme;

district means the district of the local government;

drunk has the meaning provided in the *Liquor Control Act 1988*;

election advertising means any sign or advertisement which encourages persons to vote for a candidate, political party or referenda or matter relating to any federal, state or local government election;

election date means the date on which a federal, state or local government election is held;

fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal—

- (a) any class of animal or individual members;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur;

Firearms Act means the *Firearms Act 1973* (WA);

flora means all vascular plants other than plants recognised as weeds;

Food Act means the *Food Act 2008* (WA);

food business has the same meaning as given in the Food Act;

footpath has the meaning given in the *Road Traffic Code 2000* and includes a shared and dual use path;

gaming means has the same meaning as in the *Gaming and Wagering Commission Act 1987*;

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

liquor has the meaning given to it by the Liquor Act;

Liquor Act means the *Liquor Control Act 1988* (WA);

local government means the Shire of Dumbleyung;

local government policy means a policy or standard adopted by the local government;

local government property means anything except a thoroughfare which—

- (a) is owned by the local government;
- (b) is vested in the local government;
- (c) is otherwise under the care, control or management of the local government, including under the *Land Administration Act 1997* (WA); or
- (d) is an 'otherwise unvested facility' within the meaning of section 3.53 of the Act;

local public notice means notice given in accordance with the procedure set out in section 1.7 of the Act;

manager means the person for the time being employed, contracted or appointed by the local government to manage any swimming pool or recreation facility, and includes any assistant or deputy;

nuisance means—

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

occupier has the meaning given to it by the Act, but does not include the local government;

off-road vehicle has the meaning given to that term by the *Control of Vehicles (Off-road Areas) Act 1978* (WA);

other portable sign means a portable sign other than a home open sign, display home sign or garage sale sign;

owner has the meaning given to it by the Act;

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

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

permitted area means the area or areas, specified in a permit for the purpose of street entertaining, in which the permit holder may perform;

permitted time means the time or times, specified in a permit for the purpose of street entertaining, during which the permit holder may perform;

planning scheme has the same meaning as "local planning scheme" in the *Planning and Development Act 2005*;

portable sign means a free standing portable advertising sign not permanently attached to a structure or fixed to the ground or pavement, and includes a 'A' frame sign;

premises for the purposes of clauses 2.8(1)(a) and 4.6 means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field;

prohibited drug has the meaning given to it in the *Misuse of Drugs Act 1981* (WA);

promotional activity means the advertising of, promotion of, or raising of funds for, a particular group, product or service;

public interest sign means an advertising sign for an event that is open to the public to attend at no cost and is of significant interest to persons within, and visitors to, the district, and which is being held on local government property or in a public place, but does not include election advertising;

public place includes a 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; or
- (b) local government property;

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

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

smoke has the meaning given to it in the *Tobacco Products Control Act 2006* (WA);

solicit in relation to money, means actively seeking or calling for a donation from another person, but does not include a non-verbal invitation by a holder of a permit approved under clause 12.9 to place a donation in a receptacle within the permitted area;

street entertaining means any form of theatrical, artistic, musical, audio or visual performance and includes busking;

street market means a collection of stalls, stands and displays on local government property or a public place for the purposes of selling goods, wares, merchandise, produce or services, or carrying out any other transaction;

lot numbering means a number or numbers with or without an alphabetical suffix assigned to identify the street address of a property;

street tree means any tree or tall plant that has a wooden trunk and branches that grow from its upper part, planted or self-sown in the street, of an appropriate species and in an appropriate location for the purpose of contributing to the streetscape;

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

tobacco product has the meaning given to it in the *Tobacco Products Control Act 2006* (WA);

trader means a person who carries on trading;

trading means—

- (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 or on local government property;
 - (b) displaying goods in a public place or local government property 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 includes the setting up of a stall, or the conducting of a business at a stall;

vehicle includes—

- (a) every conveyance and every object capable of being propelled or towed on wheels, tracks or otherwise, including an off-road vehicle; and
- (b) an animal being ridden or driven;

but excludes—

- (c) a wheelchair or any device designed for use by physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device;
- (e) a bicycle or wheeled recreational device; and
- (f) a shopping trolley;

Western Power means the body corporate known as the Electricity Networks Corporation established under section 4 of the *Electricity Corporations Act 2005* (WA) or such other entity established or constituted in its place or by which its functions have become exercisable;

wheeled recreational device means a wheeled device built to transport a person which is propelled by human power or gravity and ordinarily used for recreation or play, including—

- (a) in-line skaters, rollerskates, a skateboard or similar wheeled device;
- (b) a scooter being used by a person 12 years of age or older; and
- (c) a unicycle,

but excludes a goffer, golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy.

1.6 Transitional

Any permit, licence, consent or authorisation issued in accordance with a local law listed in clause 1.4—

- (a) is taken to be a permit granted under this local law;
- (b) is to be valid for the period specified on the permit, licence, consent or authorisation; and
- (c) may be earlier cancelled or suspended in accordance with this local law.

1.7 Application as to assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Cth).

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

2.1 Determinations as to use of local government property

- The local government may make a determination in accordance with clause 2.2—
- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice must state that—
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received under clause 2.2(2)(c), the local government is to decide—
 - (a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) to amend the proposed determination, in which case clause 2.2(5) will apply; or
 - (c) not to continue with the proposed determination.
- (4) If submissions are received under clause 2.2(2)(c), the local government—
 - (a) is to consider those submissions; and
 - (b) is to decide—
 - (i) whether to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the local government decides to amend the proposed determination, it is to give local public notice—
 - (a) of the effects of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the local government decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed amendment is to have effect as a determination on and from the date of publication of the local public notice referred to in clauses 2.2(3), 2.2(5) and 2.2(6).
- (8) A decision under clauses 2.2(3) or 2.2(4) is not to be delegated by Council.

2.3 Discretion to erect a sign

The local government may erect a sign on local government property to give notice of the effect of a determination.

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in clause 2.5(1) and for that purpose, the register is taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The local government may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the local government revokes a determination, it must give local public notice of the revocation and the determination will cease to have effect on and from the date of publication.

Division 2—Activities which may be pursued or prohibited on specified local government property as a result of a determination

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may—
 - (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aircraft, car, ship, glider or rocket;
 - (d) use a children’s playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (f) play or practice—
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to compliance of that person with the Firearms Act; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government, may cause injury and damage to a person or property; or
 - (g) ride a bicycle, a wheeled recreational device, or similar device; or
 - (h) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in clause 2.7(1) may be pursued and in particular—
 - (a) the days and times during which the activity may be pursued;

- (b) that any activity may be pursued on a class of local government property, specified local government property or all local government property;
- (c) that an activity is taken to be prohibited on all local government property other than that specified in the determination;
- (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
- (e) may specify that the activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—
 - (a) smoking in premises;
 - (b) riding a bicycle, a wheeled recreational device, or a similar device;
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) the playing or practice of—
 - (i) golf, archery, pistol or rifle shooting; or
 - (ii) a similar activity specified in the determination involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
 - (g) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in clause 2.7(1) and, in particular—
 - (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

Division 3—Transitional

2.9 Existing signs to have effect as a determination

- (1) Where a sign erected on local government property has been erected under a local law that is repealed by this local law, then it is to be taken to have effect as a determination under this local law on and from the commencement day,

except to the extent that the sign is inconsistent with any provisions of this local law or any determination made under clause 2.1.

- (2) Clause 2.5 does not apply to a sign referred to in clause 2.9(1).

PART 3—ACTIVITIES ON LOCAL GOVERNMENT PROPERTY

Division 1—When a permit is required

3.1 Activities needing a permit — general

- (1) Subject to this local law, a person must not without a permit granted in accordance with Part 14—
- (a) hire local government property;
 - (b) cut, break, damage, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass, plant or flora of any kind on any local government property;
 - (c) cut, collect or remove any timber, firewood, stone, sand or other materials on local government property;
 - (d) plant any plant or sow any seeds on local government property;
 - (e) erect any sign on local government property;
 - (f) erect on local government property a structure for public amusement or for any other performance, whether for gain or otherwise;
 - (g) erect a building or a refuelling site on local government property;
 - (h) make any excavation on, erect a fence on or remove a fence from, local government property;
 - (i) erect or install any structure above or below ground which is local government property for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (j) deposit or store anything on local government property;
 - (k) depasture, tether, drive or ride any animal on local government property;
 - (l) launch an aircraft or helicopter from, or land an aircraft or helicopter into, local government property;
 - (m) camp on or lodge at local government property for the purpose of sleeping on local government property;
 - (n) occupy any structure, including a vehicle, at night for the purpose of sleeping on local government property;
 - (o) erect a tent, camp, hut or similar structure on local government property other than a sunshade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day;
 - (p) teach, coach or train for profit any person, animal or dog on or in local government property;
 - (q) conduct a function, or undertake any promotional activity, on local government property;
 - (r) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a charitable organisation;
 - (s) light a fire on local government property except in a facility provided for that purpose;
 - (t) light or set off any fireworks or conduct a fireworks display on local government property;

- (u) parachute, hang glide, abseil or base jump from or onto local government property;
 - (v) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property; or
 - (w) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property, other than those used by a sporting club in the performance of its functions.
- (2) The local government may exempt by written notice—
- (a) a person from compliance with clause 3.1(1) or any part thereof on the application by that person; or
 - (b) specified local government property or a class of local government property or any part thereof from the application of clause 3.1(1).

3.2 Possession and/or consumption of liquor

A person must not, on local government property, consume any liquor or have in his or her possession or under his or her control any liquor unless—

- (a) it is permitted under the *Liquor Control Act 1988* (WA); and
- (b) any necessary permit has been obtained for that purpose.

Division 2—Hiring local government property

3.3 Application for a permit to hire local government property

- (1) The local government may hire local government property to a person who makes an application for a permit for the hire of local government property under Part 12 and who pays the hire fee determined by the local government.
- (2) The local government may—
 - (a) determine that the requirements of this local law do not apply to the hiring of particular local government property or a class of local government property; and
 - (b) waive the requirement to pay a hire fee or any part thereof on the application of the person seeking a permit.

3.4 Decision on application where two or more applicants

In the event of two or more applications being made for the hire of the same local government property for the same date and time, the local government may determine, in its absolute discretion, which, if any, applicant shall be granted a permit to hire the local government property.

3.5 Responsibilities of a permit holder

The holder of a permit must—

- (a) take reasonable steps to maintain law and order by all in attendance at any function for which the local government property has been hired;
- (b) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (c) prevent overcrowding;

- (d) leave the local government property in a clean and tidy condition after its use;
- (e) comply with a direction from the Chief Executive Officer or an authorised person to take the action specified in the direction for the purpose of maintaining public safety;
- (f) report any damage or defacement of the local government property to the local government;
- (g) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the Liquor Act for that purpose; and
- (h) comply with any other direction imposed by the local government.

3.6 Conditions on use and hire

In addition to the conditions described in clause 12.4, the local government may impose conditions on the hire of local government property relating to—

- (i) the purpose for which the local government property may be hired;
- (ii) the use of furniture, plants and effects;
- (iii) restrictions on the erection of decorations inside and outside any building which is local government property;
- (iv) the number of persons that may attend any function in or on local government property;
- (v) the right of the local government to cancel a booking at any time during the course of an annual or seasonal booking;
- (vi) securing and locking up local government property at the end of each hire period;
- (vii) the prohibition of gaming unless a gaming approval has been obtained under the *Gaming and Wagering Commission Act 1987* (WA);
- (viii) requiring that the amplification of any noise or any noise emitted during the hire complies at all times with the *Environmental Protection (Noise) Regulations 1997* (WA); or
- (ix) any other matter that the local government considers fit or appropriate.

Division 3—Camping on local government property

3.7 Camping on local government property

- (1) The maximum period for which the local government may approve an application for a permit in respect of the activities set out in clauses 3.1(1)(m) and 3.1(1)(o) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997* (WA).
- (2) Any tent, camp, hut or similar structure erected in contravention of clause 3.1(1)(o) and associated goods may, subject to regulation 29 of the Regulations, be impounded.

PART 4—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

Division 1—Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

A person must not, in or on local government property, behave in a manner which—

- (a) is likely to or does interfere with, interrupt or disturb the enjoyment of a person who might use the property or who is using the property;
- (b) causes or is likely to cause a disturbance to nearby residents;
- (c) otherwise creates a nuisance; or
- (d) places the public at risk or interferes with the safety of others.

4.2 Behaviour detrimental to property

A person must not, in or on local government property, behave in a way which is or might be detrimental to the local government property.

4.3 Taking or injuring any fauna

A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property unless that person is authorised under a written law to do so.

4.4 Drunk persons not to enter local government property

A person must not enter or remain on local government property while drunk or under the influence of a prohibited drug.

4.5 No prohibited drugs

A person must not take a prohibited drug onto or consume or use a prohibited drug on local government property.

4.6 No smoking

A person must not smoke within a 5 metre radius of any entrance, exit or aperture of premises on local government property.

4.7 Appropriate behaviour and adequate clothing

- (1) A person over the age of 6 years shall not on or in any local government property—
 - (a) appear in public unless properly dressed in clothing which covers the body to prevent indecent exposure, except where the property is set aside for the wearing of no clothes under clause 2.7(1)(h);
 - (b) loiter outside or act in an inappropriate manner in any portion of a toilet block or change room facility; or
 - (c) without the consent of the occupier, enter or attempt to enter any toilet or other compartment which is already occupied.
- (2) Where an authorised person, an attendant or a manager considers that the clothing of any person on local government property is not proper or adequate to cover the body so as to prevent indecent exposure, the authorised person may direct that person to put on adequate clothing and that person shall comply with that direction immediately.

4.8 Entry to local government property

A person, other than an authorised person performing a function or a contractor of the local government carrying out a contracted duty, shall not—

- (a) enter or leave any local government property other than by the public entrance or exit, except in an emergency;
- (b) enter or remain on any local government property except on those days and during those times when access is available to the public; or
- (c) enter any place that has been fenced off or closed to the public.

4.9 Refusal of entry to local government property

- (1) Subject to clauses 5.3 and 5.4, an authorised person, manager or attendant may refuse to allow entry, or suspend admission, to any local government property to any person whom he or she reasonably suspects has behaved in a manner contrary to the provisions of this Part.
- (2) A refusal or suspension under subclause (1) can be for any period of up to 12 months as determined by an authorised person.
- (3) Subclause (1) does not apply to a venue where Council or Committee meetings are held.

Division 2—Signs

4.10 Signs

- (1) The local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person must comply with a sign erected under clause 4.10(1).
- (3) A condition of use specified on a sign erected under clause 4.10(1) must not be inconsistent with any provision of this local law or any determination.

PART 5—SPECIFIC MATTERS RELATING TO TYPES OF LOCAL GOVERNMENT PROPERTY

Division 1—Public swimming pools and other recreation facilities

5.1 General prohibitions

A person shall not—

- (a) obstruct an authorised person, manager or attendant in carrying out his or her duties;
- (b) fail to comply with a direction given by an authorised person, manager or attendant—
 - (i) refusing admission to a person;
 - (ii) directing a person to leave the public swimming pool or recreational facility; or
 - (iii) directing a person in relation to his or her use of the public swimming pool or recreation facility;
- (c) fail to comply with a direction given by an authorised person or manager suspending admission to a person;
- (d) permit an animal to enter or remain in or about a public swimming pool or recreational facility where such entry is prohibited by a sign;
- (e) consume any food or drink in an area where consumption is prohibited by a sign; or

- (f) foul or pollute the water in a public swimming pool.

5.2 Use of all or part of a public swimming pool or recreation facility

An authorised person, manager or attendant may—

- (a) direct that all or part of a public swimming pool or recreation facility is for the use of certain persons to the exclusion of others; and
- (b) direct a person as to that person's use of the public swimming pool or recreation facility.

5.3 When entry and use may be refused

(1) An authorised person, manager or attendant may—

- (a) refuse admission to;
- (b) direct to leave; or
- (c) cause to be removed from,

a public swimming pool, the water at a public swimming pool or recreation facility any person where any of the requirements set out in clause 5.3(2) are not being complied with or for any reason set out in clause 5.3(3).

(2) For the purposes of clause 5.3(1), the requirements are—

- (a) children under the age of 5 years must be accompanied into the public swimming pool or recreation facility by a responsible adult, and must be supervised by that responsible adult within arms' length at all times while within the public swimming pool or recreation facility;
- (b) a responsible adult can only be responsible for a maximum of 3 children under the age of 5 years at any one time; and
- (c) subject to clause 5.3(2)(a), children under the age of 12 years must be accompanied into the public swimming pool or recreation facility by a responsible adult of age, and must be supervised by that responsible adult within line of sight at all times while within the public swimming pool or recreation facility.

(3) For the purposes of clause 5.3(1), the reasons are—

- (a) where the authorised person, manager or attendant reasonably suspects the person is—
 - (i) suffering from any gastrointestinal disease, contagious, infectious or cutaneous disease or complaint or has unhealed wounds;
 - (ii) in an unclean condition;
 - (iii) wearing unclean clothes; or
 - (iv) under the influence of liquor a prohibited drug; or
- (b) if in the opinion of the authorised person, manager or attendant—
 - (i) such action is necessary or desirable to prevent a contravention of this local law; or
 - (ii) the person is committing a breach of any provision of this local law;
- (c) by reason of his or her past or present conduct within or about the public swimming pool or recreation facility, has created or is creating a nuisance.

5.4 Suspension of admission

An authorised person or manager may suspend admission for a minimum period of one day to any person who has committed a breach of any provision of this local law in relation to the public swimming pool or recreation facility.

5.5 Carnivals

- (1) A person, club, organisation, school or association shall not conduct controlled swimming or other sporting events, carnivals or competitions without the prior consent of the manager.
- (2) The manager may grant such consent subject to any conditions considered fit by the manager and may withdraw that consent at any time.
- (3) A person, club, organisation, school or association conducting a carnival or event at a public swimming pool or recreation facility must take reasonable steps to—
 - (a) prevent overcrowding;
 - (b) ensure that no damage is done to the buildings or fencing or any other portion of the public swimming pool or recreation facility; and
 - (c) ensure that this local law is observed by all competitors, officials and spectators.

Division 2—Fenced or closed property

5.6 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise unless authorised by the local government.

Division 3—Toilet blocks and change rooms

5.7 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—
 - (a) females, then a person of the male gender must not use that entry to the toilet block or change room; or
 - (b) males, then a person of the female gender must not use that entry to the toilet block or change room.
- (2) Clause 5.7 (1) does not apply to a child, when accompanied by a parent, guardian or caregiver where the child is—
 - (a) under the age of 6 years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

5.8 Hire of lockers

- (1) A person may hire a locker in or near a change room for the purpose of safekeeping articles.
- (2) A person must not store in any locker a firearm or an offensive weapon or any article or substance that has been unlawfully acquired or which is a substance or article within the meaning of 'dangerous goods' under the *Dangerous Goods Safety Act 2004* (WA).

- (3) An authorised person, manager or attendant may open and inspect the contents of a locker at any time, where the authorised person, manager or attendant reasonably suspects that a breach of this local law has occurred.

5.9 Use of showers

A person may use a shower in a change room provided that—

- (a) the facilities must only be used by the person for the purpose of cleansing, bathing and washing themselves; and
- (b) the facilities must not be used for the purposes of laundering or washing any clothing or other articles.

5.10 No use of camera devices in toilet blocks or change rooms

A person must not operate a camera device in any portion of a toilet block or change room to record or transmit an image.

PART 6—FEES FOR ENTRY ONTO LOCAL GOVERNMENT PROPERTY

6.1 Payment of applicable fees for entry or participation

- (1) Subject to clause 6.1(2), where a fee is payable for entry to local government property or participation in an activity on or in any local government property, a person shall not enter that property or participate in the activity without first paying the applicable fee.
- (2) The local government may exempt a person from compliance with clause 6.1(1) on the application of that person.

PART 7—ACTIVITIES IN PUBLIC PLACES

Division 1—General

7.1 General prohibitions

- (1) Subject to this local law, a person shall not—
 - (a) plant any plant on a thoroughfare—
 - (i) within the vicinity of an intersection that creates a sight line hazard in relation to pedestrians or drivers of vehicles using that intersection and which is not maintained at or below 0.5 metres in height; or
 - (ii) so that it is within 2 metres of a carriageway, except in the case of grass or a similar plant to grass;
 - (b) damage a lawn or garden on or in a public place or remove any plant or part of a plant from a lawn or garden on or in a public place unless—
 - (i) the person is the owner or occupier of the lot abutting that portion of the thoroughfare and the lawn, garden or the particular plant was installed or planted by that owner or occupier; or
 - (ii) the person is acting under the authority of a written law;
 - (c) on a verge, repair or service any vehicle;

- (d) place, allow to be placed or allow to remain on a thoroughfare or verge anything that results in a hazard for any person using the thoroughfare or verge;
- (e) cause or permit any water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians;
- (f) play or participate in any game or sport so as to—
 - (i) cause danger to any person on a thoroughfare; or
 - (ii) obstruct the movement of vehicles or persons on a thoroughfare;
- (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, wheeled recreational device or similar device; or
- (h) use anything or do anything so as to create a nuisance on or in a public place.

7.2 Activities requiring a permit

- (1) Subject to clause 7.2(2), a person must not without a permit—
 - (a) dig or otherwise create a trench through or under a kerb or footpath;
 - (b) damage a street tree or remove a street tree or part of a street tree, including the roots, which is on or in a public place irrespective of whether the street tree was planted by the owner or occupier of the lot abutting the thoroughfare or by the local government unless the person is acting under the authority of a written law;
 - (c) damage, remove or interfere with any part of a thoroughfare, kerb, footpath or any structure or sign erected on or in a thoroughfare by the local government or a person acting under written authority;
 - (d) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
 - (e) cause any obstruction to a water channel or a water course, including drainage swales, in a thoroughfare;
 - (f) light any fire or burn anything on a thoroughfare or verge;
 - (g) lay pipes under or provide taps on any verge;
 - (h) place or install, on any part of a thoroughfare, anything such as crushed limestone, gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust, including for the purposes of storage or stockpiling;
 - (i) provide, erect, install or use in or on any building, structure or land abutting a thoroughfare any hoist or other thing for use over the thoroughfare;
 - (j) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare;
 - (k) drive any vehicle over or across a kerb or footpath except at a vehicle crossing;
 - (l) drive a vehicle or permit a vehicle to be driven across a kerb or footpath if such vehicle is so heavy or is of such a nature that it causes or is likely to cause damage to the kerb or the paving of the footpath; and
 - (m) drive or take a vehicle on a closed thoroughfare unless it is in accordance with any limit or exception specified in an order made under section 3.50 of the Act.
- (2) The local government may exempt a person from compliance with clause 7.2(1) on the application of that person.

7.3 Obstructions

Where anything is deposited or an obstruction is caused to a thoroughfare, kerb or footpath contrary to clauses 7.1 and 7.2, the local government may—

- (a) remove or cause to be removed such deposit or obstruction; and
- (b) recover the costs of doing so as a debt due to it.

Division 2—Vehicle crossings

7.4 Temporary crossing

- (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 must obtain a permit for the construction and use 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) If the local government approves an application for a permit for the purpose of clause 7.4(1), the permit is taken to be issued on the condition that, until such time as the temporary crossing is removed, the permit holder must keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

7.5 Removal of a 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 him or her 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—Property numbers *Subdivision 1—Preliminary*

7.6 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

7.7 Assignment and marking of number

- (1) 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.

- (2) The owner or occupier of each property must display and maintain the current lot number assigned by the local government in a conspicuous place at the front of the property.
- (3) A person shall not place or display the lot number of the property in such a location as to cause confusion or be misleading.
- (4) Where the location of a street number causes confusion or is misleading, or an unauthorised lot number is being used or displayed on a property, the local government or an authorised person may serve notice in writing on the owner or occupier of the land specifying remedial action to be taken and the time within which action must be taken.

Division 4—Fencing

7.8 Public place—clause 4(1) of Division 1, Schedule 3.1 of the Act

Each of the following places is specified as a public place for the purpose of clause 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.

Division 5—Signs erected by the local government

7.9 Signs

- (1) The local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person must comply with a sign erected under clause 7.9(1).
- (3) A condition of use specified on a sign erected under clause 7.9(1) is to be for the purpose of giving notice of the effect of the provision of a local law.

7.10 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 7.10 if the sign is not inconsistent with any provisions of this local law.

PART 8—ADVERTISING DEVICES ON OR IN LOCAL GOVERNMENT PROPERTY OR PUBLIC PLACES

8.1 General prohibitions

- (1) A person must not erect, place, post, paint or affix any advertising sign on, in or over local government property or a public place other than in accordance with this local law.
- (2) Subject to clauses 8.3 to 8.7, a person must not, unless authorised by the local government in writing or a written law, erect or place an advertising sign on or in local government property or a public place--
 - (a) within 30 metres of a similar or identical advertising sign erected or placed for the same purpose;
 - (b) over any footpath where the resulting vertical clearance between the advertising sign is less than 2.5 metres;

- (c) on any roundabout;
 - (d) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge;
 - (e) on any pedestrian overpass bridges in the District; or
 - (f) in any location where, in the opinion of the local government, the advertising sign or portable direction sign is likely to—
 - (i) obstruct or impede the reasonable use of a thoroughfare or access to a place by any person;
 - (ii) obstruct a line of sight of drivers of vehicles along a thoroughfare, verge or vehicle crossing; or
 - (iii) create a hazard for any person using the thoroughfare or verge, including by obstructing or impeding the vision of a driver of a vehicle entering or leaving a thoroughfare or vehicle crossing.
- (3) Public liability insurance in respect of the erection or placement of the advertising sign must be obtained if required by the local government.

8.2 Public interest signage

- (1) Public interest signage is subject to the general prohibitions outlined in clause 8.1.
- (2) A person must not erect or display a public interest sign on or in any local government property or a public place unless that person has a permit issued by the local government for that purpose.
- (3) A permit holder must not erect or display on or in local government property or a public place—
 - (a) subject to clause 8.3(3)(b), more than 6 public interest signs for one event at any one time within the district;
 - (b) more than 10 public interest signs for one event on the day on which the event is taking place within the district;
 - (c) more than one public interest sign for one event on or in the same location, including an intersection, within the district;
 - (d) subject to clause 8.3(3)(e), a public interest sign for a period longer than 10 days in any 6 month period within the district;
 - (e) a public interest sign for an event that occurs on a regular basis for a period longer than 3 days prior to the day on which the event takes place within the district;
 - (f) a public interest sign which is, at the absolute discretion of the local government, not of a professional standard and quality;
 - (g) a public interest sign in a position which—
 - (i) creates a hazard for pedestrians; or
 - (ii) causes interference with the clear visual lines of sight required by motorists for the safe movement of vehicular traffic,
 unless permitted by the terms and conditions of a permit;
 - (h) a public interest sign with colours that may cause confusion for motorists approaching an intersection controlled by traffic lights;
 - (i) a public interest sign which is not maintained in a good and orderly manner for the duration of the period that the public interest sign is on display;
 - (j) a public interest sign that exceeds dimensions of 2 metres long x 1 metre high, unless permitted by the terms and conditions of a permit;
 - (k) on a verge, a public interest sign which is—
 - (i) less than 3 metres from the kerb line;

- (ii) if there is no kerb line, less than 3 metres from the edge line or the edge of the seal where there is no edge line; and
 - (iii) less than 80 metres from the projection of the nearest kerb line of any intersecting road; or
 - (l) a public interest sign which is tied or secured to power poles or street lights, unless permitted by Western Power.
- (4) The local government may approve an advertising sign, that is not public interest signage, associated with an event in accordance with this local law, subject to any condition imposed by the local government.

8.3 Other Portable Signs

- (1) Other portable signs are subject to the general prohibitions outlined in clause 8.2.
- (2) Subject to clause 8.5 any other portable sign shall—
 - (a) not exceed 1.2 metres in height above the finished ground or pavement level;
 - (b) not contain more than 2 sign faces;
 - (c) not exceed 1 square metre total area on any single sign face;
 - (d) not be illuminated or incorporate reflective or fluorescent materials;
 - (e) not have moving parts once the sign is in place;
 - (f) contain writing that is of a professional standard and quality, and is appropriately maintained;
 - (g) in the case of any other portable sign relating to a business, only incorporate the name of the businesses operating from the lot and must not incorporate brand advertising;
 - (h) only be erected and displayed on pedestrian areas with the sign faces directed at pedestrians and not at drivers;
 - (i) not be erected and displayed within regional road reservations, as defined by the local government’s planning scheme;
 - (j) in the case of another portable sign relating to a business—
 - (i) be displayed in a location immediately adjacent to the business premises to which the sign relates; and
 - (ii) be removed at the close of trading each day and not displayed again until the business opens for trading the next day;
 - (k) not be erected or displayed so as to impede the reasonable use of local government property or a public place;
 - (l) not be erected or displayed within 1.8 metres of an intersection or crossover;
 - (m) not be fixed or attached to a building, wall, fence, pole, tree or other structure within a road reserve; and
 - (n) be removed and relocated at the request of a person authorised for the purpose of a special event, parade, road or footpath works, or other event.
- (3) A person can only erect one other portable sign per business.
- (4) A person can only erect another portable sign on a verge of a road which is under the care, control and management of the local government if—
 - (a) that person has provided the local government with a current certificate for public liability insurance to an amount not less than \$10 million, which notes that the cover extends to any sign that is located within a road reserve, and maintains that public liability insurance for the duration that the portable sign is so displayed;
 - (b) the portable sign is to be erected and displayed adjacent to and between the front of the business premises and the nearest kerb, as approved by the local government in writing;

- (c) no part of the sign is to be less than 600 millimetres from the face of the nearest kerb or, if no kerb, from the edge of the nearest road surface or car parking bay; and
- (d) the effective width of a footpath, pedestrian access way or similar access route is not reduced to less than 2 metres effective width.

8.4 Election advertising

- (1) Election advertising is subject to the general prohibitions outlined in clause 8.1.
- (2) If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign—
 - (a) being erected at least 30m from any intersection;
 - (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
 - (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
 - (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
 - (e) being maintained in good condition;
 - (f) not being erected until 6 weeks prior to the election to which it relates has been officially announced;
 - (g) being removed within 72 hours of the close of polls on voting day;
 - (h) not being placed within 100m of any works on the thoroughfare;
 - (i) being securely installed;
 - (j) not being an illuminated sign;
 - (k) not incorporating reflective or fluorescent materials; or
 - (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

8.5 Notification regarding removal and impounding of advertising signs

- (1) An authorised person may issue a person who has erected or placed an advertising sign on or in local government property or a public place with a notice requiring that person to remove the advertising sign within 24 hours, or earlier if, at the absolute discretion of the local government or an authorised person, the advertising sign is a potential hazard or nuisance to members of the public.
- (2) An authorised person may remove or impound an advertising sign that has been erected or placed on or in local government property or a public place contrary to this local law.

8.6 Advertising sign to be marked

Each advertising sign erected in or on local government property or a public place shall be clearly marked with the name of the person, organisation or business who erected the advertising sign.

8.7 Person or business taken to own advertising sign

In the absence of any proof to the contrary, an advertising sign is to be taken to belong to the person, organisation or business whose name is marked on the advertising sign.

8.8 Insurance

If a person is required by the local government to hold public liability insurance in respect of the erection or placement of an advertising sign on or in local government property or a public place, that person must present an authorised person with a current certificate of public liability insurance upon the direction of the authorised person.

PART 9—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS ON OR IN LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES

Division 1—Animals

9.1 Leaving an animal on local government property or in a public place

A person must not leave an animal on local government property or a public place so that it obstructs the use of any part of that local government property or public place unless that person—

- (a) has first obtained a permit; or
- (b) is authorised to do so under a written law or a determination made under this local law.

9.2 Prohibitions relating to animals

- (1) In this clause, **owner** in relation to an animal includes—
 - (a) the owner of the animal;
 - (b) a person who has the animal in his or her possession or under his or her control; or
 - (c) the occupier of any premises where the animal is ordinarily kept or ordinarily permitted to live.
- (2) An owner of an animal must not—
 - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the 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 or on local government or a public place;
 - (c) train or race the animal on a thoroughfare; or
 - (d) subject to clause 9.2(4), allow the animal to defecate on local government property or in a public place.
- (3) An owner of a horse must not lead, ride or drive the horse on a thoroughfare in a built-up area, unless the person does so under a permit or under the authority of a written law.
- (4) An owner of an animal does not commit an offence if the defecation is immediately removed.

9.3 Removal of animals

An authorised person may impound an animal left on or in local government property or a public place contrary to clause 9.1.

Division 2—Vehicles

9.4 Leaving a vehicle in a public place

A person must not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit from the local government or is authorised to do so under a written law.

PART 10—ROADSIDE CONSERVATION

Division 1—Preliminary

10.1 Interpretations

In this Part -

MRWA means Main Roads Western Australia;

protected flora has the meaning given to it in the *Biodiversity Conservation Act 2016*;

rare flora has the meaning given to it in the *Biodiversity Conservation Act 2016*;

Roadside Conservation Committee means the Roadside Conservation Committee appointed by the Minister for Environment; and

special environmental area means an area designated as such under clause 10.7.

10.2 Application

This Part does not apply to any townsite within the district.

Division 2 - Flora roads

10.3 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.

10.4 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 Code of Practice for Roadside Conservation and Road Maintenance prepared by the Roadside Conservation Committee.

10.5 Signposting of flora roads

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

10.6 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

10.7 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.

10.8 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

10.9 Permit to plant

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

10.10 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 10.9, 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

10.11 Permit to clear

- (1) A person shall not clear and maintain in a cleared state, the surface of a thoroughfare outside a gazetted town boundary, beyond 1.5m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.
- (2) A person shall not clear and maintain in a cleared state, the surface of any thoroughfare within a gazetted town boundary, without first obtaining a permit and any other approvals which may be required under any written law.

10.12 Application for permit

In addition to the requirements of clause 12.1(2), a person making an application for a permit for the purpose of clause 10.11 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.

10.13 Permit to burn thoroughfare

A person shall not burn part of a thoroughfare without first obtaining a permit from an authorised person other than a Fire Control Officer, or unless acting under the authority of any other written law.

10.14 Application for permit

In addition to the requirements of clause 12.1(2), an application for a permit for the purposes of clause 10.13 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.

10.15 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 10.13 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.

10.16 Prohibitions on burning

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 10.13 is not to be approved by the local government –

- (a) for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna; or
- (b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.

Division 7 - Firebreaks

10.17 Firebreaks on thoroughfares

A person shall not construct a firebreak on a thoroughfare.

Division 8 - Commercial wildflower harvesting on thoroughfares

10.18 General prohibition on commercial wildflower harvesting

Subject to clause 10.19, a person shall not commercially harvest native flora on a thoroughfare.

10.19 Permit for revegetation projects

- (1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.
- (2) The local government may approve an application for a permit under subclause (1) only where –
 - (a) the seed is required for a revegetation project in any part of the district; and
 - (b) the thoroughfare, or the relevant part of it, is not a special environmental area.
- (3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions –
 - (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
 - (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

PART 11—TRADING IN PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY

Division 1—Traders and street markets

11.1 Restrictions and requirement to obtain a permit

- (1) A person must not carry on trading on local government property or in a public place unless—
 - (a) subject to clause 11.1(2), that person is—
 - (i) the holder of a permit for that purpose; or
 - (ii) an assistant specified in a permit for trading; and
 - (b) if required by the local government, public liability insurance in respect of the trading activity has been taken out by the relevant permit holder; and
 - (c) if the person is trading in food, the place of trading must have access to a supply of potable water and/or a sewer for the disposal of waste water.
- (2) The local government may by written notice exempt a person or class of persons from the need to obtain a permit.
- (3) In determining whether to grant an exemption under clause 11.1(2), the local government may have regard to the matters set out in any local government policy.

11.2 Exemptions from requirement to pay a fee

- (1) The local government may waive any fee required to be paid by an applicant for a permit for the purpose of trading on the application if the trading is carried on—
 - (a) at a portion of local government property or a public place adjoining the normal place of business of the applicant; or

- (b) by a charitable organisation that—
 - (i) does not sublet space to commercial participants;
 - (ii) does not involve commercial participants in the conduct of the stall or trading; and
 - (iii) operates under a permit where any assistants specified in the permit are members of that charitable organisation.
- (2) In this clause 11.2, **commercial participant** means any person who is involved in operating or in conducting any trading activity for personal gain or profit.

11.3 Insurance

If required by the local government to hold public liability insurance in respect of the permit holder's trading activities, a permit holder must produce to an authorised person a current certificate of insurance upon the direction of that authorised person.

11.4 When a permit is required for a street market

A person must not conduct a street market on a public place or on local government property—

- (a) without a valid permit for that purpose; and
- (b) unless, if required by the local government, the holder of the permit has taken out public liability insurance in respect of the street market.

Division 2—Street entertainers

11.5 When a permit is required

A person must not perform on or in local government property or a public place without a permit for the purpose of street entertaining.

11.6 Variation of permitted area and permitted time

- (1) The local government may by notice in writing to a person holding a permit for the purpose of street entertaining vary—
 - (a) the permitted area;
 - (b) the permitted time; or
 - (c) both the permitted area and the permitted time.
- (2) The local government or an authorised person may direct a holder of a permit for street entertaining to move from one permitted area to another permitted area if more than one area is specified in the permit.

11.7 Duration of a permit for street entertaining

A permit for street entertaining is valid for the period of time specified in the permit, unless it is cancelled earlier in accordance with this local law.

11.8 Cancellation of a permit for street entertaining

The local government may cancel a permit for street entertaining if, in its opinion or in the opinion of an authorised person—

- (a) the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons or businesses in a public place; or
- (b) the performance otherwise constitutes a nuisance.

11.9 Obligations of a permit for street entertaining

A person holding a permit for street entertaining shall not, except with the written approval of the local government, in a public place or on local government property—

- (a) perform wearing dirty or ragged clothing;
- (b) use or fire any weapon or object with sharp edges;
- (c) perform any act that endangers the safety of the public;
- (d) perform any act of cruelty to an animal or dog;
- (e) have more than 4 people perform, unless otherwise authorised by the permit;
- (f) unless otherwise authorised by the permit, allow any person under the age of 14 years to perform—
 - (i) during school hours on school days; and
 - (ii) between 7.00pm and 6.00am;
- (g) sell or permit the sale of any music tapes, recordings, compact discs or merchandise unless authorised by the local government;
- (h) act in an offensive or obscene manner;
- (i) 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; or
- (j) solicit money from members of the public.

Division 3— Alfresco dining on or in local government property or public places

11.10 Permit required for alfresco dining area

- (1) In clause 11.10(2)(c)(ii), '**private property**' means any property which is not local government property or a public place.
- (2) Subject to clause 11.10(3), a person must not establish or conduct an alfresco dining area in or on local government property or a public place—
 - (a) unless the person has a permit for that purpose;
 - (b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business;
 - (c) other than in a portion of local government property or a public place which—
 - (i) adjoins a food business; or
 - (ii) is adjacent to or in the immediate vicinity of a food business, provided that if the portion of local government property or public place is adjacent to private property, the person has the permission of the owner and occupier of that private property to establish and conduct an alfresco dining area on that adjacent portion of local government property or public place; and
 - (d) unless the person has public liability insurance in respect of the establishment and conduct of the alfresco dining area; and
 - (e) other than in accordance with a permit.

- (3) The local government may exempt a person from any requirements in clause 11.10 on the application of that person.

11.11 Matters to be considered in determining an application

In determining an application for a permit to establish or conduct an alfresco dining area, the local government may consider, in addition to the relevant considerations described in clause 11.12, whether or not—

- (a) the abutting food businesses are registered in accordance with the Food Act and whether the use of the food premises is permitted under the planning scheme;
- (b) the alfresco dining area will comply with any other local law made by the local government under the Act;
- (c) users of the alfresco dining area will have access to proper and sufficient sanitary and ablutionary conveniences as per the Building Code of Australia;
- (d) alfresco dining area would—
 - (i) obstruct the visibility or clear sight lines for pedestrians and motorists at an intersection of thoroughfares; or
 - (ii) impede pedestrian access;
- (e) the proposed furniture is unsuitable, including whether or not the tables, chairs and other equipment to be used may obstruct or impede the use of the local government property or public place for the purposes for which it was designed;
- (f) any abutting food businesses provide sufficient car parking bays for customers of the alfresco dining area; and
- (g) the applicant is a fit and proper person.

11.12 Obligations of a permit holder for an alfresco dining area

- (1) A holder of a permit for an alfresco dining area must—
 - (a) display the permit in a conspicuous place in the alfresco dining area or in the abutting food business and when requested by an authorised person or employee of the local government, produce the permit to him or her;
 - (b) ensure that the alfresco dining area is conducted at all times in accordance with the provisions of—
 - (i) this local law;
 - (ii) any other local law made under the Act; and
 - (iii) the Food Act;
 - (c) ensure that the alfresco dining area is kept in a clean and tidy condition, including by maintaining the chairs, tables and other structures in the alfresco dining area in a good, clean and serviceable condition at all times;
 - (d) on the cancellation of the permit, the permit holder shall at his or her cost, reinstate or restore the local government property or public place on which the alfresco dining area is established or conducted, to a condition consistent with the condition prior to the commencement of the alfresco dining area; and
 - (e) present an authorised person with a copy of a current certificate of public liability insurance upon the request of the authorised person.
- (2) If, at the absolute discretion of the local government, any work is required to be carried out to an alfresco dining area, the local government may give notice to the permit holder to carry out that work specified within the notice within the time specified in the notice.

- (3) In this part, "work" includes the removal, alteration, repair, reinstatement or construction of a street or footpath or any part of a street or footpath arising from or in connection with the setting up or conduct of an alfresco dining area.

11.13 Conditions on an alfresco dining area

In addition to the conditions described in clause 12.4, the local government may impose conditions or grant an exemption on the grant of a permit for an alfresco dining area relating to—

- (a) the permit holder having non-exclusive rights to establish and conduct an alfresco dining area in the relevant area;
- (b) the colour, number, type, form and construction, as the case may be, of any furniture which may be used in the alfresco dining area;
- (c) the care, maintenance and cleaning of any furniture used in the alfresco dining area;
- (d) the removal and storage of all furniture used in the alfresco dining area prior to the close of business of the abutting food business on any day that the alfresco dining area is operating;
- (e) the removal of all furniture used in the alfresco dining area for the purposes of events or other activities of the local government;
- (f) the requirement to maintain pedestrian access between the alfresco dining area and an abutting food business;
- (g) the alfresco dining area not impeding or obstructing any local government property or public place used by either pedestrians or vehicles;
- (h) the obtaining of public liability insurance in an amount and or terms reasonably required by the local government;
- (i) the requirement to maintain clear sight lines for vehicles entering or leaving local government property, a thoroughfare or a vehicle crossing; and
- (j) the payment of costs associated with the local government preparing the local government property or public place for use as an alfresco dining area including the reshaping of footpaths and marking the boundaries of the alfresco dining area.

11.14 No smoking areas

Subject to this local law if a permit is granted under this local law in respect of an alfresco dining area—

- (a) the alfresco dining area is deemed to be a no smoking area; and
- (b) a person shall not smoke a tobacco product while in the alfresco dining area.

11.15 Removal of an unlawfully conducted alfresco dining area

- (1) Where an alfresco dining area is conducted without a permit or in contravention of the terms or condition of a permit—
 - (a) an authorised person may direct a person or the holder of the permit to remove any tables, chairs, umbrellas or other equipment; and
 - (b) any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.
- (2) If an authorised person directs a person or the holder of the permit to remove any tables, chairs, umbrellas or other equipment, that person must comply with the direction of the authorised person.

11.16 Temporary removal of an alfresco dining area

- (1) The holder of a permit for an alfresco dining area must temporarily remove the alfresco dining area 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 holder of a permit for an alfresco dining area may replace the alfresco dining area removed under clause 11.16(1) as soon as the person who directed him or her to remove it allows it to be replaced.

11.17 Change of ownership of an alfresco dining area

Where the ownership of a food business subject to an alfresco dining permit changes, the new owner must notify the local government within 2 weeks of the change of ownership.

11.18 Terms and validity of an alfresco dining permit

Except where otherwise stated in the local law or on the permit, an alfresco dining permit remains valid until—

- (a) the proprietor of the food business changes;
- (b) approved changes are made to an existing licence, including increase or reduction in area subject of the licence, or conditions under which the licence was granted;
- (c) the public liability insurance policy required in accordance with 13.4(h) lapses, is cancelled or is no longer in operation;
- (d) the permit is cancelled by the local government.

PART 12—PERMITS

Division 1—Applying for a permit

12.1 Application for a permit

- (1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with clause 12.1(2).
- (2) An application for a permit under this local law must—
 - (a) be in the form determined by the local government;
 - (b) state the full name and address of the applicant;
 - (c) be signed by the applicant;
 - (d) contain the information required by the form;
 - (e) contain any other information required for that particular type of permit under this local law; and
 - (f) be forwarded to the local government 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) An application for a permit for the purposes of conducting trading or a street market on or in local government property or a public place must contain the following additional information (as applicable)—
 - (a) the proposed number of assistants, if any, to be engaged by the applicant in trading or the street market, as well as their full names and addresses;
 - (b) details of any location in which the applicant proposes to trade or conduct a street market;
 - (c) the period of time for which the permit is sought, together with the proposed days and hours of operation of the street market;

- (d) the proposed goods and services which will be traded or sold by the trader or at a street market; and
 - (e) details of any proposed structure, stall or vehicle which may be used in conducting the trading or street market and a plan showing where any such structure, stall or vehicle will be located.
- (4) The local government may refuse to consider an application for a permit which does not satisfy the requirements within clause 12.1(2).
 - (5) The local government may require an applicant to give local public notice of the application for the permit.

12.2 Decision on application for permit

- (1) The local government may—
 - (a) approve an application for a permit;
 - (b) approve an application for a permit subject to conditions; or
 - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit with or without conditions, it must issue to the applicant a permit in the form approved by the local government.
- (3) Where the local government approves an application for a permit for an alfresco dining area with or without conditions, the local government must attach to the permit a plan showing the area where the alfresco dining area may be conducted, which will then form part of the permit.
- (4) If the local government refuses to approve an application for a permit, it must give written notice of that refusal to the applicant.
- (5) Where a clause of this local law refers to conditions which may be imposed on a permit or the grounds on which an application for a permit may be refused, the clause does not limit the power of the local government to impose other conditions on the permit or to refuse the application for a permit on other grounds.

12.3 Relevant considerations in determining application for granting a permit

- (1) In determining an application for a permit, the local government is to have regard to—
 - (a) any relevant local government policies;
 - (b) the Competition Principles Agreement;
 - (c) the desirability of the proposed activity;
 - (d) the location of the proposed activity, including safety and health requirements, and the character and function of, the location; and
 - (e) such other matters as the local government considers relevant.
- (2) A local government may refuse to approve an application for a permit on any one or more of the following grounds—
 - (a) the application is inconsistent with a local government policy or would result in an activity being carried out contrary to this local law or any other written law;
 - (b) the applicant has committed a breach of any provision of this local law or of any other written law relevant to the activity in respect of which the permit is sought;
 - (c) the applicant is not a desirable or suitable person to hold a permit;
 - (d) the applicant is insolvent or under administration;

- (e) the activity may result in traffic and pedestrian safety being adversely impacted;
- (f) the activity is not in keeping with the surrounding land uses; or
- (g) such other grounds as the local government considers relevant.

Division 2—Conditions on a permit

12.4 Examples of conditions

The local government may impose conditions on a permit relating to—

- (a) the payment of a fee;
- (b) the duration and commencement of the permit, including the days and hours within which the activity the subject of the permit may be carried out or is prohibited;
- (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 area or specific location within the district to which the permit applies, including any set back distances applicable to the activity;
- (f) the payment of a bond against possible damage, cleaning or other expenses;
- (g) the obtaining of public liability insurance in an amount and on terms reasonably required by the local government;
- (h) 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 or local government property by the permit holder;
- (i) if the permit relates to the trading of food, the provisions to be made for the storage of cooked and uncooked food, and the storage and disposal of waste water; and
- (j) any other matter that the local government considers fit or appropriate.

12.5 Compliance with and variations to terms and conditions

- (1) A permit holder must comply with any terms and conditions imposed on a permit, including any conditions as varied.
- (2) A permit holder may apply to the local government to vary or remove any conditions imposed on a permit.
- (3) In determining whether to vary any condition imposed on a permit, the local government must have regard to any relevant local government policy.

Division 3—General

12.6 Duration of permit

- (1) A permit is valid for one year from the date on which it is issued unless it is—
 - (a) otherwise stated in this local law or in the terms and conditions of the permit; or
 - (b) cancelled under clause 12.10.

12.7 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 a permit.
- (2) The provisions of this Part 12 regarding an application for a permit apply to an application for the renewal of a permit with any necessary modifications.

12.8 Transfer of permit

- (1) An application may be made to the local government to transfer a valid permit.
- (2) An application to transfer a permit must—
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee for 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 local government 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—
 - (a) approve an application for the transfer of a permit;
 - (b) approve an application for the transfer of a permit subject to conditions; or
 - (c) refuse an application to transfer a permit.
- (4) 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 Chief Executive Officer or an authorised person; or
 - (b) issuing to the transferee a permit in the form determined by the local government.
- (5) 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.
- (6) Alfresco dining permits are non-transferable.

12.9 Production of permit

A permit holder must produce to an authorised person his or her permit immediately on being directed to do so by that authorised person.

12.10 Cancellation or suspension of permit

- (1) Subject to clause 13.1, a permit may be cancelled by the local government if—
 - (a) the permit holder has not complied with a condition of the permit;
 - (b) the permit holder has not complied with a provision of any written law which relates to the activity regulated by the permit; or
 - (c) the permit holder has transferred or assigned or sought to transfer or assign the permit without the approval of the local government; or
 - (d) a law is amended or repealed in a manner which is inconsistent with the terms and conditions of the permit and which renders the permit invalid, ineffective or contrary to law.
- (2) If a permit is cancelled under clause 12.10(1), the permit holder—

- (a) must return the permit to the local government as soon as practicable; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.
- (3) The local government may cancel or suspend a permit if the local government or a utility requires access to or near the place to which a permit applies for the purposes of carrying out works in or near the vicinity of that place.
- (4) On the cancellation or suspension of a permit under clause 12.10(3), the permit holder is, subject to clause 12.10(5), to be taken to have forfeited any fees paid in respect of the permit.
- (5) Where a permit is cancelled or suspended under clause 12.10(3) through no fault of the permit holder, the local government may refund to the permit holder all or part of the fees paid in respect of what would otherwise have been the remaining term of the permit.

12.11 Nominee of permit holder

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 the 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 apply to the nominee as if he or she was the permit holder.

PART 13—OBJECTIONS AND APPEALS

13.1 Objection and appeal rights

Where the local government makes a decision as to whether it will—

- (a) grant a person a permit or consent; or
- (b) renew, vary or cancel a permit or consent that a person has under this local law, the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

PART 14—MISCELLANEOUS

Division 1—Authorised person

14.1 Authorised person to be obeyed

A person in or on local government property or a public place—

- (a) must obey any lawful direction of an authorised person; and
- (b) must not in any way obstruct or hinder an authorised person in the execution of his or her duties.

14.2 Persons may be directed to leave local government property or a public place

An authorised person may direct a person to leave local government property or a public place where he or she reasonably suspects that the person has contravened a provision of this local law.

Division 2—Notices

14.3 Liability for damage to local government property or a public place

- (1) Where a person unlawfully damages local government property or a public place, the local government may by notice in writing to that person require that person within the time specified in the notice to, at the option of the local government, pay the costs of—
 - (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) On a failure to comply with a notice issued under clause 14.3(1), the local government may recover the costs referred to in the notice as a debt due to it.

14.4 Notice to redirect or repair sprinklers

Where a lawn or 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 or an authorised person may give a notice to the owner or the occupier of the land abutting the lawn or the garden requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

14.5 Notice to remove thing unlawfully placed on thoroughfare

Where anything is placed on a thoroughfare contrary to this local law, the local government or an authorised person may give a notice to—

- (a) the owner or the occupier of the property which abuts that portion of the thoroughfare where the thing has been placed; or
- (b) such other person who may be responsible for the thing being so placed, requiring the relevant person to remove the thing.

14.6 Notice to repair damage to thoroughfare

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

14.7 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 the garden to remove, cut, move or otherwise deal with that plant so as to remove that hazard.
- (2) Clause 14.7(1) does not apply where the plant was planted by the local government.

Division 3—Lost property

14.8 Lost property and unclaimed property in a locker

- (1) A person who finds an article which may have been left on or lost by another person on local government property must immediately deliver that article to a manager, attendant or other employee of the local government.

- (2) If an article in a locker is not claimed or collected at the expiry of the period of hire or before the close of operations of the local government property or public place on the date of hire, the article may be removed by an attendant or authorised person.
- (3) In respect of any article removed from a locker or otherwise left on local government property, an authorised person, manager or attendant must record in the unclaimed property register—
 - (a) a description of the relevant article;
 - (b) the time and date when the article was removed from the locker or identified; and
 - (c) if an original receipt exists in respect of the hire of the locker, the time and date recorded on that original receipt.
- (4) An authorised person, manager or attendant must ensure that an article removed from the locker or otherwise left on local government property is stored at a place for storing lost property determined by the local government.
- (5) An authorised person, manager or attendant may deliver to a person an article recorded in the unclaimed property register provided that the attendant or authorised person has received—
 - (a) satisfactory evidence of the person's right to obtain the article;
 - (b) an accurate description of the article being claimed; and
 - (c) payment of any outstanding fees or storage charges.
- (6) A person who receives delivery of an article from the unclaimed property register must, by way of acknowledging receipt of the article, write his or her name and address and sign his or her name in the unclaimed property register.
- (7) If an article is not claimed or collected within a period of 1 month the local government may dispose of the article in any manner that the local government sees fit.
- (8) This clause will not apply where a local government considers an item left on local government property or a public place to be, in its absolute discretion, suspicious or dangerous.

PART 15—ENFORCEMENT

Division 1—Notices given under this local law

15.1 Offence to fail to comply with a notice

A person who fails to comply with a notice given to him or her under this local law commits an offence.

15.2 Local government may undertake requirements of a notice

If a person fails to comply with a notice given to him or her under this local law, the local government may do, or arrange to be done, the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in doing so.

Division 2—Offences and penalties

15.3 Offences and general penalty

- (1) A person who—
 - (a) fails to do anything required or directed to be done under this local law; or
 - (b) does an act or omits to do an act contrary to this local law,

commits an offence.

- (2) A person who commits an offence under this local law is liable, upon conviction to—
 - (a) a penalty not exceeding \$5,000; and
 - (b) if the offence is a continuing offence, an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

15.4 Prescribed offences

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

15.5 Form of notices

- (1) For the purposes of this local law—
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice give under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 3—Person to give name and address on demand

15.6 Requirement to give name and address on demand

- (1) An authorised person may—
 - (a) upon finding a person committing or having committed; or
 - (b) on reasonable grounds suspecting a person of having committed, an offence against this local law, demand from the person the person's name, place of residence and date of birth.
- (2) A person from whom information is demanded in accordance with clause 15.6(1) commits an offence if the person—
 - (a) refuses without lawful excuse to give the information; or
 - (b) gives information that is false or misleading in any material particular.

SCHEDULE 1—PRESCRIBED OFFENCES

Local Government Property and Public Places Local Law 2022

[Clause 15.4(1)]

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY
1.	2.4	Failure to comply with a determination	\$300
2.	3.1(1)(b)	Damaging a tree or plant etc. on local government property without a permit	\$300
3.	3.1(1)(c)	Cutting, collecting or removing timber, firewood etc. on local government property without a permit	\$300
4.	3.1(1)(d)	Planting any plant or sowing any seeds on local government property without a permit	\$300
5.	3.1(1)(e)	Erecting a sign on local government property without a permit	\$300
6.	3.1(1)(f)	Erecting a structure for public amusement etc. on local government property without a permit	\$300
7.	3.1(1)(g)	Erecting a building or a refuelling site on local government property without a permit	\$300
8.	3.1(1)(h)	Making an excavation on, erecting a fence or removing a fence on local government property without a permit	\$300
9.	3.1(1)(i)	Erecting or installing structures on local government for supplying power, water etc. services without a permit	\$300
10.	3.1(1)(j)	Depositing or storing anything on local government property without a permit	\$300
11.	3.1(1)(k)	Depasturing, tethering, driving or riding animals on local government property without a permit	\$300
12.	3.1(1)(l)	Launching an aircraft or helicopter from or landing an aircraft into local government property without a permit	\$300
13.	3.1(1)(m)	Camping on or lodging at local government property for the purpose of sleeping on local government property without a permit	\$300
14.	3.1(1)(n)	Occupying a structure on local government property at night for the purpose of sleeping without a permit	\$300
15.	3.1(1)(o)	Erecting a tent, camp, hut or similar structure on local government property in certain circumstances without a permit	\$300
16.	3.1(1)(p)	Teaching, coaching or training person, animal or dog for profit in or on local government property without a permit	\$300

17.	3.1(1)(q)	Conducting a function or undertaking a promotional activity on local government property without a permit	\$300
18.	3.1(1)(r)	Charging a person for entry to local government property without a permit	\$300
19.	3.1(1)(s)	Lighting a fire on local government property without a permit	\$300
20.	3.1(1)(t)	Lighting, setting off or conducting a display of fireworks on local government property without a permit	\$300
21.	3.1(1)(u)	Parachuting, hang-gliding, abseiling or base jumping from or onto local government property without a permit	\$300
22.	3.1(1)(v)	Gambling or betting etc. on local government property without permit	\$300
23.	3.1(1)(w)	Erecting, installing, operating or using devices for the emission and amplification of noise on local government property without a permit	\$300
24.	3.5	Failure of permit holder to comply with responsibilities	\$300
25.	4.1	Behaviour on local government property which interferes with others	\$300
26.	4.2	Behaviour on local government property detrimental to property	\$300
27.	4.3	Taking or injuring any fauna on local government property	\$300
28.	4.4	Entering or remaining on local government property while drunk or under the influence of a prohibited drug	\$300
29.	4.5	Taking or consuming a prohibited drug on local government property	\$300
30.	4.6	Smoking within a 5 metre radius of an entrance, exit or aperture of premises on local government property	\$300
31.	4.7(1)(a)	Failing to wear adequate clothing to prevent indecent exposure on local government property	\$300
32.	4.7(1)(b)	Loitering outside or acting in an inappropriate manner in a toilet block or change room facility on local government property	\$300
33.	4.7(1)(c)	Entering or attempting to enter an occupied toilet or other compartment without the consent of the occupier	\$300
34.	4.7(2)	Failing to comply with a direction to put on adequate clothing	\$300
35.	4.8	Unauthorised entry to local government property	\$300

36.	4.10(2)	Failure to comply with a sign on local government property regarding conditions of use	\$300
37.	5.1	Carrying out a prohibited activity at a public swimming pool or recreation facility	\$300
38.	5.5(1)	Conducting a controlled swimming or other sporting event, or carnival or competition without consent at a public swimming pool or recreation facility	\$300
39.	5.6	Unauthorised entry to fenced off or closed local government property	\$300
40.	5.7(1)	Gender not specified using entry of toilet block or change room on local government property	\$300
41.	5.8(2)	Storing a prohibited item in a locker on local government property	\$300
42.	5.9	Using a shower in a prohibited manner	\$300
43.	5.10	Using a camera device to record or transmit an image in a toilet, shower or change room	\$300
44.	6.1(1)	Entering local government property without paying the required fee	\$300
45.	7.1(a)	Planting a plant on a thoroughfare in a prohibited manner	\$300
46.	7.1(b)	Damaging a lawn or garden or removing any plant or part of a plant on or in a public place	\$300
47.	7.1(c)	Repairing or servicing any vehicle on a verge	\$300
48.	7.1(d)	Placing, allowing to be placed or allowing to remain on a thoroughfare or verge an obstructive or hazardous thing	\$300
49.	7.1(e)	Causing or permitting water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians	\$300
50.	7.1(f)	Playing games or sport in a prohibited manner on or in a thoroughfare	\$300
51.	7.1(g)	Riding a bicycle or wheeled recreational device within a mall, arcade or verandah of a shopping centre	\$300
52.	7.1(h)	Creating a nuisance on or in a public place	\$300
53.	7.2(1)(a)	Digging or creating a trench through or under a kerb or footpath without a permit	\$300
54.	7.2(1)(b)	Damaging or removing a street tree without a permit	\$300
55.	7.2(1)(c)	Damaging, removing or interfering with a thoroughfare, kerb, footpath or structure or sign erected on a thoroughfare without a permit	\$300
56.	7.2(1)(d)	Causing an obstruction to a thoroughfare without a permit	\$300

57.	7.2(1)(e)	Causing an obstruction to a water channel or a water course in a thoroughfare without a permit	\$300
58.	7.2(1)(f)	Lighting a fire or burning anything on a thoroughfare or verge without a permit	\$300
59.	7.2(1)(g)	Laying pipes under or providing taps on any verge without a permit	\$300
60.	7.2(1)(h)	Placing or installing prohibited materials on a thoroughfare without a permit	\$300
61.	7.2(1)(i)	Providing, erecting, installing or using a hoist or other thing for use over a thoroughfare without a permit	\$300
62.	7.2(1)(j)	Interfering with the soil of or anything in a thoroughfare or taking anything from a thoroughfare without a permit	\$300
63.	7.2(1)(k)	Driving any vehicle over or across a kerb or footpath except at a vehicle crossing without a permit	\$300
64.	7.2(1)(l)	Driving a vehicle or permitting a vehicle to be driven across a kerb or footpath without a permit	\$300
65.	7.2(1)(m)	Driving or taking a vehicle on a closed thoroughfare without a permit	\$300
66.	7.3	Depositing anything or causing an obstruction to a thoroughfare, kerb or footpath	\$300
67.	7.4(1)	Failure to obtain a permit for a temporary vehicle crossing	\$300
68.	7.7(2)	Failure to properly display and maintain street number	\$300
69.	7.7(3)	Placing or display a street number in a location causing confusion or which is misleading	\$300
70.	7.7(4)	Adopting, using or displaying a street number other than the street number assigned.	\$300
71.	7.10 (2)	Failure to comply with a sign on a public place	\$300
72.	8.1(2)	Erecting or placing etc. advertising sign in a prohibited manner	\$300
73.	8.2(1)	Erecting or displaying a public interest sign without a permit	\$300
74.	8.2(3)	Permit holder erecting or displaying a public interest sign in a prohibited manner	\$300
75.	8.3(1)	Erecting or displaying an other portable sign contrary to local law	\$300
76.	8.3(3)	Erecting or displaying more than one other portable sign per business	\$300
77.	8.3(4)	Erecting or displaying an other portable sign on a local government verge contrary to local law	\$300

78.	8.4(1)	Erecting or placing election advertising contrary to local law	\$300
79.	8.4(2)(e)	Failing to maintain election advertising in good condition	\$300
80.	8.4(2)(g)	Failing to remove election advertising within 72 hours of close of polls on election date	\$300
81.	8.4(2)(i)	Failing to securely install election advertising	\$300
82.	8.6	Erecting an advertising sign without marking a name	\$300
83.	9.1	Leaving an animal in a public place or local government property without a permit or authorisation	\$300
84.	9.2(2)(a)	Allowing an animal to enter or remain on a thoroughfare	\$300
85.	9.2(2)(b)	Allowing an animal with a contagious or infectious disease to enter local government property or a public place	\$300
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88.	9.2(3)	Leading, riding or driving a horse on a thoroughfare in a built-up area without a permit or authorisation	\$300
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113.	15.6(2)(b)	Giving false or misleading information regarding name and address etc.	\$300

Dated: _____

The Common Seal of the Shire of Dumbleyung was affixed by authority of a resolution of the Council in the presence of—

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

STANDING ORDERS LOCAL LAW 2022

LOCAL GOVERNMENT ACT 1995

SHIRE OF DUMBLEYUNG

STANDING ORDERS LOCAL LAW 2022

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SCHEDULE 1 - PETITION OF ELECTORS OF THE SHIRE OF DUMBLEYUNG

LOCAL GOVERNMENT ACT 1955

SHIRE OF DUMBLEYUNG

STANDING ORDERS LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1955* and under all other powers enabling it, the Council of the Shire of Dumbleyung resolved on _____ to make the following local law.

Part 1 – Preliminary

1.1 Citation

This local law may be cited as the *Shire of Dumbleyung Standing Orders Local Law 2022*.

1.2 Commencement

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

1.3 Purpose and intent

(1) The purpose of the local law is to provide for the conduct of meetings of the Council, Committees and electors.

(2) This local law is intended to result in:

- (a) better decision-making at meetings;
- (b) the orderly and efficient conduct of meetings;
- (c) greater community participation and understanding of the business of the Council; and
- (d) more open and accountable local government.

1.4 Application

All meetings of the Council, committees and the electors are to be conducted in accordance with the Act, the Regulations and this local law.

1.5 Repeal

This local law repeals the *Shire of Dumbleyung Standing Orders Local Law 2001* as published in the *Government Gazette* on 24 June 2002.

1.6 Interpretation

In this local law, unless the contrary intention appears-

absolute majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the Shire;

committee means a committee of the council (established under section 5.8 of the Act);

Council means the Council of the Shire;

Councillor has the same meaning as is given to it in the Act;

Deputy President means the deputy president of the Shire;

district means the district of the local government;

employee has the same meaning as is given to it in the Act;

Local Government means the Shire;

meeting means a meeting of the Council or of a committee, or an electors' meeting, as the context requires;

member has the same meaning as given to it in the Act;

Minister means the Minister responsible for administering the Act;

minor amendment in relation to a motion, means an amendment which does not alter the basic intent of the motion to which the amendment applies;

President means the president of the Shire;

presiding person means the person presiding at a meeting;

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

Shire means the Shire of Dumbleyung;

simple majority means more than 50% of the members present and voting;

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

Part 2 – Establishment and membership of committees

2.1 Establishment of committees

(1) The establishment of committees is dealt with in the Act.

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include-
- (a) the terms of reference of the committee;
 - (b) the number of Council members, employees and other persons to be appointed to the committee;
 - (c) the names or titles of the Council members and employees to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) This local law is to apply to the conduct of committee meetings.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

2.7 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.9 Committees to report

A committee-

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

Part 3 – Calling and convening meetings

3.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the President or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

A meeting of a committee is to be held –

- (a) If called for in a verbal or written request to the CEO by the President or the presiding member of the committee, advising the date and purpose of the proposed meeting;
- (b) If called for by at least one-third of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) In accordance with a decision of the Council or the committee.

3.5 Convening committee meetings

- (1) The CEO is to convene a committee meeting by giving each member of the committee notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of subclause (1), in convening a meeting of a committee.
- (3) Where, in the opinion of the President, the presiding member of the committee or at least one-third of the members of the committee, there is a need to meet urgently, the CEO may give a lesser period of notice of a committee meeting.

3.6 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

Part 4 – Presiding member and quorum

Division 1: Who presides

4.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

4.2 When the Deputy President can act

When the Deputy President can act is dealt with in the Act.

4.3 Who acts if no President

Who acts if there is no President is dealt with in the Act.

4.4 Election of presiding members of committees

The election of presiding members of committees and their deputies is dealt with in the Act.

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

4.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

4.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

Division 2 – Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the presiding member is-

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded

At any meeting-

- (a) at which there is not a quorum present; or which is adjourned for want of a quorum,
- (b) the names of the members then present are to be recorded in the minutes.

Part 5 – Business of a meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda or in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council, the business unresolved at the meeting that is adjourned is to be dealt with as soon as practicable after the confirmation of the minutes of the previous meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be dealt with as soon as practicable after the confirmation of the minutes of the previous meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclauses (4) or (5), no business is to be transacted at that later meeting other than that-
 - (a) is specified in the notice of the meeting that is adjourned; and

(b) which remains unresolved.

5.2 Order of business

- (1) The order of business of an ordinary meeting of the Council or a committee must be determined by the Council from time to time.
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 5 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO-
 - (a) with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of this local law or any other written law;
 - (b) must inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the meeting relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless-
 - (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
 - (b) the meeting on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the presiding member that is carried by the meeting, be raised without notice and decided by the meeting.

- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters–
 - (a) that have arisen after the preparation of the agenda that are considered by the presiding member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council or committee before the next meeting; and
 - (b) that, if not dealt with at the meeting, are likely to–
 - (i) have a significant adverse effect (financially or otherwise) on the Local Government; or
 - (ii) result in a contravention of a written law.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting–
 - (a) the presiding member is to ask the CEO to give; and
 - (b) the CEO, or the CEO's nominee, is to give, a verbal report to the meeting.
- (4) The minutes of the meeting are to include–
 - (a) a summary of the verbal report and any recommendations of the CEO or the CEO's nominee; and
 - (b) the reasons for any decision made at the meeting that is significantly different from any advice or recommendations of the CEO or the CEO's nominee.

5.5 Motions without notice

A motion moved without notice, must be worded so as to refer to a particular matter for investigation and report to a committee for consideration of the Council at a later date, or directly to Council.

5.6 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, recommendations from any committee or, for a number of specifically identified reports, the employee recommendation as the Council resolution.
- (2) Subject to subclause (3), the Council may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter–
 - (a) that requires an absolute majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a member wishes to make a statement; or
 - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

Part 6 – Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried-
 - (a) the presiding member is to direct everyone to leave the meeting except-
 - (i) the members;
 - (ii) the CEO;
 - (iii) any employee specified by the presiding member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including the vote of a member or members that is required under clause 13.4(3) to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

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

- (2) A question may be taken on notice by the Council or a committee for later response.
- (3) When a question is taken on notice the CEO is to ensure that-
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council or the committee.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to-
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Where a member of the public provides written questions then the presiding member may elect for the questions to be responded to as normal business correspondence.
- (6) The presiding member may decide that a public question must not be responded to where-
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the presiding member has taken reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the presiding member has taken reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (7) The presiding member may agree to extend public question time.
- (8) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.
- (9) In this clause: "**relevant person**" has the same meaning as in section 5.59 of the Act.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor must be recorded in the minutes.

6.9 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 President for approval; or
 - (b) with the approval of the presiding member, at the meeting, address the Council or a committee.
- (2) Any application for a deputation is to include details of the topic on which the deputation is to be made and a brief outline of the contents of the proposed submission which will be made during the deputation.
- (3) The President may either-

- (a) approve the request and invite the deputation to attend a meeting of the Council or committee; or
- (b) refer the request to the Council or the committee to decide by simple majority whether or not to receive the deputation.
- (4) Unless the Council or committee resolves otherwise, a deputation invited to attend a Council or committee meeting-
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council or a committee, although others may respond to specific questions from members;
 - (b) is not to address the Council or a committee for a period exceeding 10 minutes without the agreement of the Council; and
 - (c) an extension of time and the increase in number of speaking members of the deputation may be allowed with the leave of the presiding member.
- (5) Unless decided otherwise by the President or presiding member of a committee, the number of deputations approved for any meeting must not exceed four.
- (6) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or the committee until the deputation has completed its presentation.

6.10 Petitions

- (1) Where a member or the CEO receives a petition conforming to the requirements of clause 6.10 (2), that petition is to be presented to the next Council meeting.
- (2) Except where required by the Act, the Regulations or any other written law, any petition to the Council-
 - (a) must be addressed to the Council;
 - (b) state the name and address of the person to whom correspondence in respect of the petition may be served; and
 - (c) be in the form detailed in Schedule 1 of this local law.
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

6.11 Presentations

- (1) In this clause, a *presentation* means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the President.

6.12 Participation at committee meetings

- (1) In this clause a reference to a *person* is to a person who-
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.
- (2) Without the consent of the presiding member, no person is to address a committee meeting.

- (3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes on a recommendation contained in a report to the committee, with a maximum of 3 speakers for the recommendation and 3 speakers against the recommendation.
- (4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the President must set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the presiding member must-
 - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) must be conducted only to hear submissions but a member may, at any time with leave of the presiding member, ask a question to seek to clarify any aspect of a submission. The Council must not make resolutions at a meeting held under subclause (1).
- (5) At a meeting held under subclause (1), each person making a submission must be provided with the opportunity to fully state his or her case.
- (6) A member of the public must be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the presiding member.
- (7) Once every member of the public has had the opportunity to make a submission the presiding member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.

- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Shire's administration office, any Shire library or on the Local Government's website.

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be-
 - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed"; and
 - (b) marked "*Confidential*" in the agenda.
- (2) A member or an employee who has-
 - (a) confidential information under subclause (1); or
 - (b) information that is provided or disclosed during a meeting or part of a meeting that is closed to the public,is not to disclose any of that information to any person other than member employee to the extent necessary for the purpose of carrying out his or her functions.
- (3) Subclause (2) does not prevent a member or employee from disclosing the information-
 - (a) at a closed meeting;
 - (b) to the extent specified by Council and subject to such other conditions as the Council determines;
 - (c) that is already in the public domain;
 - (d) to an officer of the Department;
 - (e) to the Minister;
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.
- (4) The Council may by resolution declare that any information withheld under clause 6.15 (1) must remain confidential for a specified period or indefinitely.

6.16 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council, any committee or electors meeting without the permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), the presiding member 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.

6.17 Standard of conduct

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person at a meeting-
 - (a) addressing the Council or a committee must, when invited to speak, extend due courtesy and respect to the person presiding and others at the meeting;
 - (b) must not reflect adversely on the character or actions of any member or employee;
 - (c) must not impute any motive to a member or employee;
 - (d) must not use offensive or objectionable expressions;
 - (e) must not create a disturbance, by interrupting or interfering with the orderly conduct of the proceedings, whether expressing approval or dissent, by conversing or by any other means;
 - (f) must ensure that his or her mobile telephone or audible pager is not switched on or used; and
 - (g) must not behave in a manner that is contrary to section 75 of the Criminal Code.
- (3) The presiding person may warn a person who fails to comply with this clause.
- (4) If a person-
 - (a) after being warned, acts contrary to this clause, or to this local law; or
 - (b) 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.
- (5) A person who is ordered to leave the meeting room and fails to do so may, by order of the presiding person, be removed from the meeting room and, if the presiding person orders, from the premises.

6.18 Right of reply

- (1) A member who is aggrieved by a statement made (including a question asked) by a member of the public at a meeting may, with the leave of the presiding member, reply to that statement.
- (2) A reply under this clause is to be confined to a succinct response to the specific part of the statement in respect of which the member is aggrieved.

Part 7 – Questions by members

7.1 With due notice

- (1) A question on notice is to be given by a member in writing to the CEO at least four (4) clear business days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the presiding member.

7.2 Without due notice

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A member requesting general information from an employee at a Council or committee meeting may ask a question without notice and with the consent of the presiding member, may ask one or more further questions of that employee or another employee present at the meeting.
- (3) Where possible the employee must endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the employee may ask that–
 - (a) the question be placed on notice for the next meeting of Council; or committee and
 - (b) the answer to the question be given to the member who asked it within 14 days.
- (4) Every question and answer–
 - (a) is to be brief and concise; and
 - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, an employee may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

Part 8 – Conduct of members

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, or at any other time considered necessary, each member, other than the President, is to be allocated a seat at the Council table by a method determined by the Council from time to time.
- (2) In any set allocation, the President is to be seated next to the CEO.
- (3) Each member is to occupy his or her position allotted position at each Council or committee meeting.

8.2 Respect to the presiding member

After the business of a Council or a committee has been commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

8.3 Titles to be used

A speaker, when referring to the President, Deputy President or presiding member, or a member or employee, is to use the title of that person's office.

8.4 Advice of entry or departure

A member is not to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.5 Members to indicate their intention to speak

A member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

8.6 Priority of speaking

- (1) Where two or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.
- (3) A member is to cease speaking immediately after being asked to do so by the presiding member.

8.7 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the Council or a committee, subject to compliance with this local law.

8.8 Relevance

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

8.9 Speaking twice

A member is not to address the Council or a committee more than once on any motion or amendment except-

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.10 Duration of speeches

- (1) A member is not to speak on any matter for more than 5 minutes without the consent of the Council or a committee which, if given, is to be given without debate.

- (2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 10 minutes.

8.11 No speaking after conclusion of debate

A member is not to speak on any motion or amendment-

- (a) after the mover has replied; or
- (b) after the question has been put.

8.12 No interruption

A member is not to interrupt another member who is speaking unless-

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the member be no longer heard (see clause 11.1(e)).

8.13 Personal explanations

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.14 No reopening of discussion

A member is not to reopen discussion on any Council or committee decision, except to move that the decision be revoked or changed.

8.15 Adverse reflection

- (1) A member is not to reflect adversely on a decision of the Council or committee except-
 - (a) on a motion that the decision be revoked or changed; or
 - (b) where the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (2) A member is not-
 - (a) to reflect adversely on the character or actions of another member or employee; or
 - (b) to impute any motive to a member or employee, unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

- (3) A member is not to use offensive expressions in reference to any member, employee or other person.
- (4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes-
 - (a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council or committee may, by resolution, decide to record those words in the minutes.

8.16 Withdrawal of offensive language

- (1) A member who, in the opinion of the presiding member, uses an expression which-
 - (a) in the absence of a resolution under clause 8.15(2):
 - (i) reflects adversely on the character or actions of another member or employee; or
 - (ii) imputes any motive to a member or employee; or
 - (b) is offensive or insulting, must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may direct the member to refrain from taking any further part in the debate of that item, other than by voting, and the member must comply with that direction.

Part 9 – Preserving order

9.1 Presiding member to preserve order

- (1) The presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.
- (2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is to preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of-
 - (a) any of this local law; or
 - (b) any other written law.
- (2) Despite anything in this local law to the contrary, a point of order-
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A member who is addressing the presiding member is not to be interrupted except on a point of order.
- (2) A member interrupted on a point of order is to resume his or her seat until-
 - (a) the member raising the point of order has been heard; and
 - (b) the presiding member has ruled on the point of order, and, if permitted, the member who has been interrupted may then proceed.

9.4 Calling attention to breach

A member may, at any time, draw the attention of the Presiding Member to any breach of this local law.

9.5 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the presiding member on a point of order is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that-
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a member is out of order, the presiding member may require the member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a member-

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 9.5(3),

the presiding member may direct the member to refrain from taking any further part in the debate of that item, other than by voting, and the member is to comply with that direction.

9.7 Right of presiding member to adjourn

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the

second or subsequent adjournment may be to a later time on the same day or to another day.

Part 10 – Debate of members

10.1 Recommendations in reports

- (1) Recommendations contained in a committee or employee's report are to be given first priority consideration for adoption by the Council.
- (2) Any proposed amendment to a recommendation in a committee or employees' report that is significantly different to the recommendation, is not to be accepted unless a notice of motion in accordance with clause 5.3 has been given by the mover of the proposed amendment.
- (3) The Council may by majority decision dispense with requirements of clause 5.1 (2) where the Council is satisfied that the reason for the proposed amendment meets the criteria of "*extreme urgency or other special circumstances*" in clause 5.4 (2).
- (4) The requirements for recording of written reasons in the minutes of a meeting for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee are dealt with in the regulations.

10.2 Alternative motion

- (1) A member may submit an alternative motion for consideration by the Council that differs from a committee or employee's recommendation contained in the meeting agenda.
- (2) A member may submit an alternative motion for consideration by a committee that differs from an employee's recommendation contained in a meeting agenda.
- (3) A request for an alternative motion must be received by the CEO or their delegate no later than 9.00am on the day of the meeting.
- (4) The meeting may by absolute majority dispense with the requirement of clause 10.2 (3) where the meeting is satisfied that that the alternative motion does not-
 - (a) reflect a significant departure from the intent of the recommendation; or
 - (b) involve a determination of a matter or the exercise of a discretion under the Local Planning Scheme.

10.3 Motions to be stated in writing

Any member who wishes to move a substantive motion or an amendment to a substantive motion-

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the presiding member, is to put the motion or amendment in writing.
- (c) for complex amendments they must be in writing.

10.4 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.5 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting-
 - (a) if any member opposes it; or
 - (b) if any member wishes the mover to speak to the motion before deciding whether to oppose it.
- (2) If any member wishes the mover to speak to the motion, the presiding member may-
 - (a) call on the mover to speak to the motion; and
 - (b) after the mover has spoken to the motion, again ask the meeting if any member opposes it.
- (3) If no member opposes the motion, the presiding member may declare it carried without debate and without taking a vote.
- (4) A motion declared carried under this clause is to be recorded in the minutes as a "carried without dissent" decision of the Council.
- (5) If a member opposes a motion, the motion is to be dealt with under this Part.
- (6) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting.

10.6 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

10.7 Order of call in debate

The presiding member is to call speakers to a substantive motion in the following order-

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

10.8 Limit of debate

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

10.9 Member may require question to be read

A member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

10.10 Consent of seconder required for alteration

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

10.11 Order of amendments

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

10.12 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.13 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.14 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.15 Mover of motion may speak on amendment

Any member may speak during debate on an amendment in reference to the order set out in clause 10.7.

10.16 Effect of an amendment

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

10.17 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.18 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised-
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply-
 - (a) no other member is to speak on the question; and
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

10.19 Foreshadowing alternative motions

- (1) Should a member wish to negate a substantive motion and have a meeting consider a new substantive motion on the matter with different intent, the member is to foreshadow the new substantive motion prior to the right of reply.
- (2) Should a substantive motion be lost, the presiding member is to call upon the member who foreshadowed the new substantive motion to move the proposed motion.
- (3) Once moved and seconded, the foreshadowed motion becomes the substantive motion and the same procedures and rules of debate apply to this motion as any other motion.
- (4) If more than one foreshadowed motion is proposed for any item before a meeting, the presiding member is to deal with them in the order in which they were presented.

Part 11 – Procedural motion

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion, a member may move the following procedural motions-

- (a) that the motion be deferred;
- (b) that the meeting now adjourn;
- (c) that the debate be adjourned;
- (d) that the motion be now put;
- (e) that the motion lie on the table;
- (f) that the meeting proceed to the next item of business;
- (g) that the meeting be closed to members of the public;
- (h) that the ruling of the Presiding Member be overruled;
- (i) that the member be no longer heard; or
- (j) that the item be referred back to the (appropriate) Committee.

11.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (e), (f), (g), (i) and (j) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (h) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

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

11.4 Procedural motions - right of reply on substantive motion

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

11.5 Effect of procedural motions

11.5.1 The motion be deferred

- (1) If a motion "that the motion be deferred", is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.
- (2) A motion "that the motion be deferred" must not be moved in respect of the election of a Presiding Member or the Deputy President.

- (3) A member must not, at the same meeting, move or second more than one motion "that the motion be deferred" in respect of the same item.

11.5.2 The meeting now adjourn

- (1) If a motion "that the meeting now adjourn", is carried then the meeting is to be adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the Presiding Member declares, or to the next ordinary meeting.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1)—
 - (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
 - (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (c) the provisions of clause 8.9 apply when the debate is resumed.
- (3) If a motion "that the meeting now adjourn" is lost, no similar motion is to be moved until—
 - (a) after the conclusion of the business under discussion at the time the motion was moved; or
 - (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
 - (c) after the conclusion of any other business allowed precedence by the meeting.
- (4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

11.5.3 The debate be adjourned

- (1) If a motion "that the debate be adjourned", is carried —
 - (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
 - (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (c) the provisions of clause 8.9 apply when the debate is resumed.
- (2) A motion "that the debate be adjourned" must not be moved in respect of the election of a Presiding Member or the Deputy President.
- (3) A member must not, at the same meeting, move or second more than one motion "that the debate be adjourned" in respect of the same item.

11.5.4 The motion be now put

- (1) If a motion "that the motion be now put", is carried during discussion of a primary motion, the Presiding Member is to offer the right of reply and then immediately put the motion to the vote without further debate.
- (2) If the motion "that the motion be now put" is carried during debate of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) If the motion "that the motion be now put" is lost, debate is to continue.

11.5.5 The motion lie on the table

- (1) If a motion "that the motion lie on the table", is carried, debate on the primary motion and any amendment must cease and the meeting is to proceed to the next item of business.
- (2) Debate on the motion laid on the table is to be adjourned until such time (if any) as the meeting resolves to take the motion from the table.
- (3) Where debate on a motion is interrupted by laying a motion on the table under subclause (1)—
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 7.11 apply when the debate is resumed.
- (4) A motion "that the motion lie on the table" must not be moved in respect of the election of a Presiding Member or the Deputy President.
- (5) A member moving the taking of the motion from the table is entitled to speak first on the resumption of the debate.

11.5.6 Meeting to proceed to the next business

- (1) The motion "that the meeting proceed to the next item of business", if carried has the effect that—
 - (a) the debate on the substantive motion or amendment ceases immediately;
 - (b) no decision is made on the substantive motion;
 - (c) the meeting moves to the next item of business; and
 - (d) there is no requirement for the matter to be raised again for consideration.
- (2) A motion that "the meeting proceed to the next item of business" must not be moved in respect of the election of a Presiding Member or the Deputy President.

11.5.7 Meeting be closed to members of the public

If a motion "that the meeting be closed to members of the public" is carried then the Presiding Member is to close the meeting in accordance with clause 6.2.

11.5.8 Ruling by the Presiding Member be overruled

If a motion "that the ruling of the Presiding Member be overruled" is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

11.5.9 Member be no longer heard

If a motion "that the member be no longer heard" is carried, the speaker against whom the motion has been moved must not speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion.

11.5.10 Item be referred back to Committee

- (1) If a motion "that the item be referred back to Committee" is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate Committee for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

Part 12 – Disclosure of interests

12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

Part 13 – Voting

13.1 Question - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the presiding member-
 - (a) is to put the question to the Council; and
 - (b) if requested by any member, is to again state the terms of the question.
- (2) A member is not to leave the meeting when the presiding member is putting any question.

13.2 Voting

Voting is dealt with in the Act and the Regulations.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the presiding member-
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and
 - (d) is, subject to this clause, to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) Unless decided otherwise by a decision of Council or a committee the details of the members vote or votes for or against, a matter, as the case may be, is to be recorded in the minutes.

Part 14 – Minutes of meetings

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11 of the Regulations, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in Regulations.

14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council, the member who provided the alternative wording must, at the time for confirmation of minutes-
 - (a) state the item or items with which he or she is dissatisfied; and

- (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 15 - Adjournment of meeting

15.1 Meeting may be adjourned

The Council or a committee may adjourn any meeting-

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law-

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 apply when the debate is resumed.

Part 16 – Revoking or changing decisions

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision-
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause-
 - (a) *authorisation* means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) *implement*, in relation to a decision, includes-

- (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
- (c) ***valid notice of revocation motion*** means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the local laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the morning of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person-
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation-
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 17 – Suspension of local law

17.1 Suspension of local law

- (1) A member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is-
 - (a) seconded; and
 - (b) carried by an absolute majority,
 is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting unless the meeting earlier resolves otherwise.

17.2 Where local law does not apply

- (1) In situations where-
 - (a) one or more provisions of this local law have been suspended; or
 - (b) a matter is not regulated by the Act, the Regulations or this local law,

- the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

Part 18 – Meetings of electors

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

18.8 Participation of non-electors

A person who is not an elector of the Local Government must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

Part 19 - Enforcement

19.1 Penalty for breach

A person who breaches a provision of this local law commits an offence.
Penalty: \$1,000.00 and a daily penalty of \$500.00.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated: _____

The Common Seal of the Shire of Dumbleyung was affixed by authority of a resolution of the Council in the presence of —

Julie Ramm
Shire President

Gavin Treasure
Chief Executive Officer

10.5.43 COUNCIL POLICY MANUAL REVIEW

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Dumbleyung
FILE REFERENCE:	Council Policy Manual
AUTHOR:	Governance & Compliance Officer
DISCLOSURE OF INTEREST:	Impartiality and Financial Interest as some policies relate to staff.
REVIEWED BY:	Chief Executive Officer
DATE:	13 April 2022
ATTACHMENT:	Draft Amended Council Policies
VOTING REQUIREMENT:	Absolute Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/038

That Council adopt the amendments to the current Council Policies and adopt the proposed new Council Policies as indicated and that the Policy Manual be updated accordingly.

Moved Cr Doney

Seconded Cr Watkins

Carried 6/0

PURPOSE

Council is requested to adopt the amendments to the current Council Policies and adopt the proposed new Council Policies as indicated and that the Policy Manual be updated accordingly.

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Council Policy 2.1 – Annual Review of Policies

Local Government Act 1995 S2.7 – Council role to determine the policies of the local government.

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*

- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) **determine the local government's policies.**

FINANCIAL AND STAFFING IMPLICATIONS

Nil

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low**. Policies will provide for the more efficient and effective use of the Shire's resources and enable the Shire to make decisions based on the principles of equity, fairness, natural justice, transparency of decision making and good government, as well as meeting statutory requirements.

COMMUNITY ENGAGEMENT AND CONSULTATION

Chief Executive Officer

Director of Corporate Services
 Director of Infrastructure
 Project Manager
 Payroll/Rates Officer
 Administration/Tenancy Officer

BACKGROUND

The Policy Manual is the compiled decisions of Council to the Chief Executive Officer (CEO), employees and other officers, detailing how specific matters are to be administered, the standards to apply, etc.

Council Policy is overridden by –

- Commonwealth and State legislation and regulations
- Local Planning Schemes
- Local Laws
- Council Resolutions
- Delegations

Council Policy overrides –

- Executive Instructions
- Local Government Guidelines – although they are not decisions of Council, close observance is strongly recommended
- Administrative directions/instructions

The decisions can be made at any time and may be varied at Council’s discretion. Council Policy is not binding on the Council, but is binding on employees and officers, unless discretion is stated. Council Policy is to be considered as Council’s standing or permanent instructions.

COMMENT

Under Council Policy, a review of the Policy Manual must be undertaken each year in April. The review has been undertaken and is now presented to Council for adoption.

The policies that require amendments or new proposed policies are attached and all changes are highlighted for ease of reference. Any words that require removal from the current adopted Policy Manual have a strikethrough and any new policies, words, sentences or paragraphs that are a change or an addition are in red font.

The table below shows the proposed changes to the current Policy Manual

#	POLICY	ACTION	REASON
1.4	Bain Estate Future Fund	Amend	- Amend incorrect date of close of applications.
1.18	Council Member Acknowledgement, Recognition and Gift Guidelines	Amend	- Amend grammatical error from “#100” to “\$100”
2.4	Complaint Handling	Amend	- Amend reference of “Executive Secretary” to “Records Officer”
2.14	Freedom of Information Statement	Amend	- Amend number of Council from “9” to “7” - Amend previous Council Committees, Advisory Committees etc to reflect to the current and correct ones. - Add in that Agendas and Minutes are available on the Shire of Dumbleyung website.

2.18	Emails to Councillors and WhatsApp	New Policy	- Adopt the new proposed Council Policy 2.18 to provide guidelines and procedures for sending emails and WhatsApp messages to Councillors.
3.14	Purchase of Goods and Services	Amend	- There are extensive amendments to this Policy as shown in the attachment provided. This is to ensure the integrity and confidence in the purchasing system is strengthened and that the Shire of Dumbleyung is compliant with all regulatory obligations.
3.6	Sundry Debtors	Amend	- There are extensive amendments to this Policy as shown in the attachment provided. This is to ensure that clear and appropriate debt recovery procedures are undertaken.
3.15	Family Violence Policy	New Policy	- The policy outlines the Shire of Dumbleyung approach to address family violence, as required by the Water Services Code of Practice (Family Violence) 2020 and applies to customers and staff of the Shire of Dumbleyung who have been, or are being, affected by family violence.
8.6	Christmas Bonus	Amend	- Amend the policy to include that the reference to staff assessments and remove the condition on the pro rata basis of hours worked per week.
8.18	Housing Allowance	Amend	- To provide proof of the guidelines as per advice from the Shire of Dumbleyung auditors for the current housing allowance paid to employees.
11.2	Hall Bookings & Hall Equipment Hire	Amend	- There are extensive amendments to the Policy to reflect better practices and further improved and relevant guidelines.
11.3	Shire Housing Prioritisation	New Policy	- This Policy is to provide guidelines for the prioritisation of available Shire owned housing.
12.1	Construction and Maintenance of Crossovers	Amend	- There are extensive amendments to this Policy to provide specifications and guidance regarding the design, installation and rebating of Crossovers as well as the implementation of a Crossover Application Form.

HISTORY SUMMARY

NOTE: A full Policy Manual Review was conducted and a new formatting introduced. All policies were updated and amended on 19 August 2021 (Council Resolution 2021/1110) to include the following:

- *Responsible Officer*
- *Policy Statement*
- *Forms & Templates*

NOTE: All policies were updated and amended on 19 August 2021 (Council Resolution 2021/1110) to change the following throughout the document:

- *Renumber any policies as required after deletion of policies*
- *Amend any reference of “Councillor/s” to “Council Member/s”*
- *Amend any reference of “Manager or Works & Services” to “Director of Infrastructure”*
- *Amend any reference of “Elected Member/s” to “Council Member/s”*
- *Amend any reference of “Manager of Finance” to “Director of Corporate Services”*

ITEM	DATE	ACTION	DESCRIPTION
1.5	19 August 2021	Amendment	Council Resolution 2021/1110 - Amend grammatical error
1.12	19 August 2021	Amendment	Council Resolution 2021/1110 - New Policy Statement and Guidelines
1.13	19 August 2021	Amendment	Council Resolution 2021/1110 - Addition of new paragraph in Guidelines
1.15	19 August 2021	Amendment	Council Resolution 2021/1110 - New Guidelines
1.20	19 August 2021	New Policy	Council Resolution 2021/1110 - Policy 1.20 – Acknowledgement of Noongar People
1.21	19 August 2021	New Policy	Council Resolution 2021/1110 - Policy 1.21 – Reference Checks – Recruitment and Employment with the Shire
	19 August 2021	Deleted	Council Resolution 2021/1110 - Deleted Policy 2.5 – Council Catering. To be included in staff procedures and Annual Budget.
2.5	19 August 2021	Amended	Council Resolution 2021/1110 - Addition of new paragraph in Guidelines under “Email as Official Records”
2.8	19 August 2021	Amended	Council Resolution 2021/1110 - Amend any reference of “Corporate Coordinator” to “Records Officer”
2.14	19 August 2021	Amended	Council Resolution 2021/1110 - Remove last paragraph in Policy Statement - Amend “2pm” to “3.30pm” - Remove paragraph referencing commencement time of December Meeting - Amend Standing Committees - Amend Working Parties and Groups
2.17	19 August 2021	Amended	Council Resolution 2021/1100 - Amend any reference of “Landcare Zone” to “Landcare Inc” - Amend item 8. to include the words “and that the financial report(s) be presented to Council prior to the Annual Budget”

ITEM	DATE	ACTION	DESCRIPTION
3.1	19 August 2021	Amended	Council Resolution 2021/1110 - Include the words "whichever is lesser"
3.4	19 August 2021	Amended	Council Resolution 2021/1110 - Addition of new paragraph under Further Guidelines
3.6	19 August 2021	Amended	Council Resolution 2021/1110 - Amend "them" to "they"
3.7	19 August 2021	Amended	Council Resolution 2021/1110 - Amend Guideline 1. "unless Council resolves this policy not apply" to "unless Council resolves this policy does not apply"
3.8	19 August 2021	Amended	Council Resolution 2021/1110 - Amend policy title to "Royalties for Gravel and Sand Supplied, Rehabilitation and Restoration" - Amend wording under heading "Rehabilitation" from "one (1) month" to five (5) years" - Insert new paragraph under "Rehabilitation" from previous Policy 12.1
3.9	19 August 2021	Amended	Council Resolution 2021/1110 - New Guidelines
3.12	19 August 2021	Amended	Council Resolution 2021/1110 - Change financial years
5.10	19 August 2021	Amended	Council Resolution 2021/1110 - Amend spelling error
7.1	19 August 2021	Amended	Council Resolution 2021/1110 - Amend to remove dot point 4 in guidelines
	19 August 2021	Deleted	Council Resolution 2021/1110 - Deleted Policy 8.2 – Above Award Allowance Policy
8.3	19 August 2021	Amended	Council Resolution 2021/1110 - Amend b) under heading "Travelling" - Add new paragraph d) under heading "Travelling" - Amend last paragraph
8.4	19 August 2021	Amended	Council Resolution 2021/1110 - Insert the word "Also" prior to "discrimination in employment is allowed where:"
8.6	19 August 2021	Amended	Council Resolution 2021/1110 - New Guidelines
8.7	19 August 2021	Amended	Council Resolution 2021/1110 - Amend any reference of "Council staff" to "shire staff" - New Terms and Conditions
8.15	19 August 2021	Amended	Council Resolution 2021/1110 - Amend under Guideline 2. to include the words "who will liaise with WALGA for advice and support" - Amend spelling error
10.2	19 August 2021	Amended	Council Resolution 2021/1110 - Add new paragraphs

ITEM	DATE	ACTION	DESCRIPTION
	19 August 2021	Deleted	Council Resolution 2021/1110 - Deleted Policy 12.1 – Gravel Pit Fencing & Restoration. Relevant paragraphs included in Policy 3.8
	19 August 2021	Deleted	Council Resolution 2021/1110 - Deleted Policy 12.3 – Floodway Height. Is an internal procedure
12.3	19 August 2021	Amended	Council Resolution 2021/1110 - Amend spelling error
12.4	19 August 2021	Amended	Council Resolution 2021/1110 - Amend any reference of “audit” to “inspection”
12.7	19 August 2021	Amended	Council Resolution 2021/1110 - Amend “3 tonnes” to “4.5 tonnes”
12.10	19 August 2021	New Policy	Council Resolution 2021/1110 - Policy 12.10 – Restricted Access Vehicles on Shire Roads
8.16	16 Sept 2021	New Policy	Council Resolutions 2021/1133 - Policy 8.16 – Annual, Personal / Carers and Long Service Leave
8.17	16 Sept 2021	New Policy	Council Resolution 2021/1134 - Policy 8.17 – Code of Conduct for Employees
1.22	21 Oct 2021	New Policy	Council Resolution 2021/1155 - Policy 1.22 – Council Member Uniform
1.6	16 Dec 2021	Amended	Council Resolution 2021/1191 - Remove Guideline 3
3.14	16 Dec 2021	New Policy	Council Resolution 2021/1192 - Policy 3.14 – Write Off Small Balances
1.4	21 April 2022	Amended	Council Resolution 2022/038 - Amend incorrect date of close of applications.
1.18	21 April 2022	Amended	Council Resolution 2022/038 - Amend grammatical errors.
2.4	21 April 2022	Amended	Council Resolution 2022/038 - Amend reference of ‘Executive Secretary’ to ‘Records Officer’.
2.14	21 April 2022	Amended	Council Resolution 2022/038 - Amend number of Council from “9” to “7” - Amend previous Council Committees, Advisory Committees etc to reflect to the current and correct ones. - Add in that Agendas and Minutes are available on the Shire of Dumbleyung website.

ITEM	DATE	ACTION	DESCRIPTION
2.18	21 April 2022	New Policy	Council Resolution 2022/038 - Policy 2.18 – Emails to Councillors and WhatsApp
3.14	21 April 2022	Amended	Council Resolution 2022/038 - Extensive amendments to the Policy. This was to ensure the integrity and confidence in the purchasing system was strengthened and that the Shire of Dumbleyung is compliant with all regulatory obligations.
3.6	21 April 2022	Amended	Council Resolution 2022/038 - There were extensive amendments to this Policy to ensure that clear and appropriate debt recovery procedures are undertaken.
3.15	21 April 2022	New Policy	Council Resolution 2022/038 - Policy 3.15 – Family Violence Policy
8.6	21 April 2022	Amended	Council Resolution 2022/038 - Amended the policy to include that the reference to staff assessments and to remove the condition on the pro rata basis of hours worked per week.
8.18	21 April 2022	New Policy	Council Resolution 2022/038 - To provide proof of the guidelines as per advice from the Shire of Dumbleyung auditors for the current housing allowance paid to employees.
11.2	21 April 2022	Amended	Council Resolution 2022/038 - Extensive amendments to the Policy to reflect better practices and further improved and relevant guidelines.
11.3	21 April 2022	New Policy	Council Resolution 2022/038 - Policy 11.3 – Shire Housing Prioritisation
12.1	21 April 2022	Amended	Council Resolution 2022/038 - Extensive amendments to the Policy to provide specifications and guidance regarding the design, installation and rebating of Crossovers as well as the implementation of a Crossover Application Form.

AMEND

1.4 Bain Estate Future Fund

Policy Number: 1.4

Policy Subject: Bain Estate Future Fund

Responsible Officer: Rates/Payroll Officer

Policy Statement: This policy is established in order to provide a governance structure for the Bain Estate Future Fund.

The intention of Council is for the Bain Estate Distribution to be used for the benefit of the shire over a thirty year period of time. The aim is to distribute the money to the community in similarly equal distributions over the thirty year period, taking into account the time value of money.

Council wish for the distribution to be made to the community, taking into account Council's long held principle that those coming to Council should come with something in their hand.

The amount available to be distributed each year will be determined through the annual budget process, taking into account past decisions and the current financial climate. Applications to the fund will be closed the first week in April. These will be processed and taken to the May Ordinary Meeting of Council. Applicants will be informed of the outcome following the meeting and staff will then work with successful applicants to ensure the funds are used in the right manner.

- 1st July each year Applications open
- ~~1st week in April Applications close~~
- 3rd week in March Applications close
- 2nd week in April Ranking of applications by staff
- 3rd week in April Council to view applications at the April Information Session. Applicants must be available to attend, to present their project and answer questions if required.
- 3rd week in May Applications presented at May Council meeting
- 3rd week in June Applicant advised of Council Decision on their application

Guidelines: In May 2013 the Shire of Dumbleyung was the sole beneficiary to the Estate of Ian Bain. The will contained a wish that the money be used to assist sporting groups, emergency organisations and hospital services within the shire; however the wish does not impose an obligation to restrict spending to these three areas. Therefore there is no legal restriction on what the money can be spent on.

While the estate was being settled, Council started investigating and discussing the best way to ensure the largest community benefit from the estate. Council settled upon setting up a 'future fund' so that the money could

be used for the benefit of many generations of persons living in the Shire of Dumbleyung. Council took this idea to the community in 2014, who strongly supported the idea, with a preference for the fund lasting over a 30 year timeframe.

The first round of the future fund was run in 2015, the year in which the estate was finalised. This was a smaller pilot round which allowed Council to ensure that the future fund process ran in a straightforward manner.

The following principles have been developed by Council to guide the distribution of the Bain Estate Future Fund.

Principle 1 –

Matching funds from the application are required. The level of matching funds required will be dependent on the ability of the applicant to raise funds.

Principle 2 –

Projects that come under recreation, health or emergency service will gain in preference.

Principle 3 –

Projects that align with the shire's strategic plans will gain in preference.

Principle 4 –

The ability of the applicant to fund any future requirements of the project or the need to draw on the fund in the future will be taken into consideration.

Principle 5 –

The fund is not to be used for shire capital or maintenance costs of roads, plant and equipment, footpaths, depot & administration buildings, housing, shire employee costs, overheads or plant operating costs.

Forms & Templates: Nil

First Adopted: 19 December 2019, Motion 2019/812

Amended: 19 December 2019, Motion 2019/812
19 August 2021, Motion 2021/1110
21 April 2022, Motion 2022/038

AMEND

1.18 Council Members Acknowledgement, Recognition and Gift Guidelines

Policy Number: 1.18

Policy Subject: Council Members Acknowledgement, Recognition and Gift Guidelines

Responsible Officer: Governance & Compliance Officer

Policy Statement: To provide guidelines for acknowledgement and recognition of Council Members including gift presentations.

To provide a consistent and equitable approach to acknowledgement of Council Member occasions such as weddings, engagements, births, illness/accidents, deaths, service milestones and staff resignations.

Guidelines:

ADMITTANCE TO HOSPITAL DUE TO ILL HEALTH OR ACCIDENT

- Flowers delivered to hospital to a maximum value of \$100 at the discretion of the President plus delivery as appropriate
- Get well card from the President/Council Members/Chief Executive Officer as appropriate

DEATH OF CURRENT COUNCIL MEMBER

- Bereavement notice in the newspaper.
- Flowers delivered to family to a maximum value of \$100 at the discretion of the President plus delivery as appropriate
- Attendance at funeral by relevant colleagues
- Sympathy card to family from the President/Council Members
- Sympathy card to family from the Chief Executive Officer and Staff
- Paid attendance of staff at the funeral during normal hours for the service only (at the discretion of the Chief Executive Officer)

DEATH OF COUNCIL MEMBER'S HUSBAND, WIFE, CHILD OR PARTNER

- Bereavement notice in the newspaper
- Attendance at funeral by relevant colleagues (if appropriate)
- Sympathy card to family from the President/Council Members /Chief Executive Officer

DEATH OF EX-COUNCIL MEMBER (SERVICE OVER 10 YEARS)

- Bereavement notice in the newspaper.
- Attendance at funeral by relevant colleagues (if appropriate)
- Sympathy card to family from the President/Council Members /Chief Executive Officer

DEATH OF ELECTED MEMBER'S MOTHER, FATHER, BROTHER OR SISTER

- Attendance at funeral by relevant colleagues (if appropriate)
- Sympathy card to family from the President/Councillors/Chief Executive Officer

DEATH (OTHER THAN PREVIOUSLY MENTIONED)

- At the discretion of the President

BIRTHS

- Flowers delivered to hospital to a maximum value of #100 \$100 at the discretion of the President plus delivery as appropriate
- Contributions to a present at elected member discretion

RECOGNITION OF DEPARTURE (RESIGNATION/END OF TERM)

- This is covered under the *Local Government Act 1995* s5.100A Gifts to council members, and *Local Government (Administration) Regulations 1996* s34AC Gifts to council members, when permitted etc. The prescribed amount is currently a minimum of \$100 per year of service up to a \$1,000 total maximum.

Under Four Years

- Card Only
- Contributions to a present at elected member discretion

Over Four Years (At Least One Full Four Year Term)

- Card
- Contributions to a present at elected member discretion
- Farewell function to be as part of a Council dinner or function (at the discretion of the President)
- Presentation of a gift voucher for \$100 per year of service

Over Ten Years

- Card
- Contributions to a present at elected member discretion
- Farewell function at the choice of departing elected member (either no event or a function to the maximum value of \$500 at the discretion of the President)
- Presentation of a certificate of service
- Presentation of a gift voucher for \$1,000 (minus value of function)

Over Ten Years

- Card
- Contributions to a present at elected member discretion
- Farewell function at the choice of departing elected member (either no event or a function to the maximum value of \$500 at the discretion of the President)
- Presentation of a framed certificate of service
- Presentation of a gift voucher for \$1,000 (minus value of function)

RECOGNITION ON LENGTH OF SERVICE

Any recognition of length of service will be via the Western Australian Local Government Association (WALGA) awards system

Forms & Templates: Nil

First Adopted: 15 August 2019

Amended: 17 December 2020, Motion 2020/993
19 August 2021, Motion 2021/1110
21 April 2022, Motion 2022/038

AMEND

2.4 Complaint Handling

Policy Number: 2.4

Policy Subject: Complaint Handling

Responsible Officer: Administration/Records Officer

Policy Statement: That the Shire of Dumbleyung will provide a consistently high level of customer service and that a complaints system will be used to monitor that service.

The primary objective of this policy is to turn dissatisfied customers into satisfied customers.

The secondary objectives are:

- 1) To monitor performance.
- 2) Identify the need for improvement or new services.
- 3) To avoid potential litigation.

Guidelines: The complaints procedure allows the customers/general public to provide written detail of their complaint.

All complaints received will be forwarded to the Chief Executive Officer.

A monthly report summarising any complaints received will be provided to Council via the Information Session. Complaints relating to staff will be summarised to the Chief Executive Officer. Complaints referring to the Chief Executive Officer will be referred to the Shire President. Complaint letters received anonymously will not be processed.

COMPLAINTS PROCEDURE

1) Verbal Complaints

Listen carefully and maintain a positive approach. Repeat your understanding of the problem to the customer to check that you have understood. Write this down to document the issue. If the complaint is unclear, it can be helpful to ask "What is it that you would like to happen?", or "How can we help you with your concern?"

Decide if there is any action you can take to resolve the complaint. If there is, inform the customer and resolve the issue. If you are unable to resolve this issue, advise the customer that a Council Officer will contact them within 5 working days. The officer will either obtain more information and/or advise when the matter will be resolved.

Ask the complainant if they would prefer to put their complaint in writing. Advise the complaint to the Chief Executive Officer.

2) Written Complaints

When letters of complaints are received they will be referred to the Chief Executive Officer. A letter will be sent advising that their complaint has been received and thanking them for providing feedback to Council. It will also advise that a Council officer will contact them within 5 working days. The officer will either obtain more information and/or advise when the matter will be resolved.

RESOLVING COMPLAINTS

3) Record of Complaint

- a) The Chief Executive Officer will record the complaint and issue a complaints file number and file in a Complaints Register.
- b) The Chief Executive Officer will assign the complaint to the relevant officer for resolution.

4) Dealing with Complaints

- a) The officer receiving the complaint will contact the customer and inform them what is happening to their complaint within 5 working days of receiving the complaint.
- b) If the complaint is resolved satisfactorily, record the action taken on the complaint and send it to the ~~Executive Secretary~~ **Records Officer** for filing.

5) Unresolved Complaints

- a) If the complaint has not been resolved within 10 working days, the relevant officer will advise the Chief Executive Officer.
- b) The Chief Executive Officer will then contact the officer handling the complaint and determine what action can be taken to resolve the complaint.
- c) If the matter cannot be resolved at officer level, the matter will be referred to Council for resolution.
- d) Once Council has made a determination on the issue, the customer will be informed.
- e) A copy of the relevant page from the Minutes will be attached to the complaint's notation/letter by the Chief Executive Officer and then processed through the Complaints Register.
- f) If the complaint is still unresolved, the customer should be informed the matter can be referred to an external body such as the Local Government Department or Ombudsman.

6) Reviewing Complaints

On a monthly basis, a report of all complaints received, and the action taken to resolve the complaints will be forwarded to Council via the Information Bulletin. It will list the nature of the complaint, date received, action taken to resolve the complaint, whether the complaint was verbal or written and the date the complaint was resolved.

Forms & Templates: Nil

First Adopted: 20 November 2008

Amended: 19 August 2021, Motion 2021/1110
21 April 2022, Motion 2022/038

AMEND

2.14 Freedom of Information Statement

Policy Number: 2.14

Policy Subject: Freedom of Information Statement

Responsible Officer: Governance & Compliance Officer

Policy Statement: This information statement is published by the Dumbleyung Shire Council in accordance with the requirements of the *Freedom of Information Act 1992 Part 5, Section 94*.

The Dumbleyung Shire Council is pleased to comply with the legislation and welcomes enquiries.

Guidelines:

Structure and Functions of Council

The Shire of Dumbleyung is constituted under the *Local Government Act 1995* as amended and is empowered by the said Act to carry out the functions of a municipality as stated in the Act.

Council consists of ~~nine~~ **seven** Council Members who elect a Shire President. Full Council is the decision making body on all policy matters.

Ordinary meetings of the full Council are held on the third Thursday of each month at 3.30pm with the following exceptions:

- There is no Council meeting held in January unless necessary as per Council Policy – Council Meetings in January.

Members of the public are welcome to attend as observers.

Standing Committees

Council have the following Committees:

- Chief Executive Officer Review & Recruitment Committee
- Finance and Audit Committee
- Works and Engineering Committee
- ~~Kukerin Townscape, Tourist and Tidy Towns Committee~~
- ~~Dumbleyung Townscape, Tourist and Tidy Towns Committee~~
- Fence Road Drain Committee
- ~~Stubbs Park Development Advisory Committee~~
- ~~Historical Committee~~
- ~~Dumbleyung Hospital Watch Committee~~

Advisory Committees

Council have established the following advisory Committees and have delegates to them:

- Local Emergency Management Committee
- **Dumbleyung Hospital Watch Committee**
- Bush Fire Advisory Committee

Working Parties and Groups

Council have delegates to the following community and regional groups:

- ~~Central Country Zone WALGA~~
- ~~WALGA, annual and other conferences~~
- ~~Regional Road Group Lakes Sub-Group~~
- ~~Stubbs Park Board of Management~~
- ~~Nenke Park Board (Kukerin Agricultural Society)~~
- ~~Dumbleyung Landcare Zone~~
- ~~DAP (Development Assessment Panel)~~
- ~~4WDL~~
- ~~Robert & Daphne McIntyre Award Selection Panel~~
- ~~School Bus Committee (Dumbleyung and Kukerin)~~

Working Groups

Council have delegates to the following working groups:

- Stubbs Park Development Project Working Group
- Dumbleyung Swimming Pool Project Working Group

Project Advisory Groups

Council have delegates to the following project advisory groups:

- Kukerin Townscape, Tourist & Tidy Towns Project Advisory Group
- Dumbleyung Townscape, Tourist & Tidy Towns Project Advisory Group

Representation on External Organisations

Council have delegates to the following external organisations:

- Regional Road Sub Group
- Central Country Zone WALGA
- Dumbleyung Landcare Inc.
- Dumbleyung LCDC
- 4WDL
- Robert & Daphne McIntyre Award Selection Panel
- Development Assessment Panel (DAP)

Council Agendas and Minutes

Agendas of all full Council meetings are available to those who attend Council meetings and the Minutes of the meetings are available for public inspection at the Shire Office, [available on the Shire of Dumbleyung official website](#) and can also be subscribed to annually.

Delegation of Authority

The Chief Executive Officer and other Shire officers have delegated authority from Council to make decisions on a number of specified administrative and policy matters.

Council makes decisions which direct and/or determine its activities and functions. These decisions include the approval of works and services to be undertaken and the resources which are to be made available to undertake such works and services.

Decisions are also made to determine whether or not approvals are to be granted for applications from residents and others for various forms of development. These decisions are in accordance with legislative requirements of ordinary business of Councils, as per the *Local Government Act 1995*.

Statement of Objective

The Shire of Dumbleyung is devoted to providing high quality services to the community via the various service orientated programs that it has formulated.

Mission Statement

The Council will strive to provide the community with the necessary services and facilities to meet the needs of the residents that will enable them to enjoy a pleasant and healthy way of life.

Services to the Community

Full Council makes decisions on policy issues relating to services that are provided for members of the public. The services Council currently provide include the following:

- Roads/footpaths/kerbing/drainage/bridges
- Traffic Control
- Refuse collection and disposal
- Recycling Service
- Parks, gardens and reserves
- Community halls
- Community recreation grounds and pavilions
- Child health and medical services
- Animal control
- Fire protection and prevention
- Environmental health
- Street lighting
- Litter bins
- Public conveniences
- Playground equipment
- Library facilities
- Building controls
- Planning controls
- Health controls
- Community housing
- Caravan parks
- Standpipes
- Noxious weeds and vermin control

Public Participation

Council Meetings

Members of the public have a number of opportunities to put forward their views on particular issues to Council.

- ***Council Members***

Members of the public can contact their Council Members of Council to discuss any issue relevant to Council.

- ***Written Requests***

A member of the public can write to Council on any Council policy, activity or service.

- ***Deputations***

With the permission of the Shire President, a member of the public can address the Council for a period of time determined by Council on any issue relevant to Council.

- **Written Petitions**
Can be addressed to Council on any matters within Council's jurisdiction.
- **Presentations**
Can be made to Council, where prior notification has been given to Council and approval received, on any issue relevant to Council.
- **Question Time**
Members of the public can attend monthly full Council meetings and pose questions during public question time as provided for in the Standing Orders.

Community Consultation

The Dumbleyung Shire Council consults with its residents on particular issues which affect them. The following is an example:

Bushfire Fire Break Order

A survey/questionnaire was sent to all rural landholders to obtain their view on voluntary/compulsory firebreaks, before setting the 1994-1995 regulations.

Access to Council Documents

Documents available for Inspection

In accordance with *Section 5.94 of the Local Government Act 1995*, the following documents are available for public inspection at the Council office free of charge or can be viewed on Council's website. Members of the public may purchase copies of these documents at the current rates as charged by Council for photocopies:

- Council Minutes
- Policy Manual
- Annual Council Budget
- Annual Report
- Council Local Laws
- Allowances and Benefits
- Rates Book and Property Register
- Electoral Roll
- Register of public streets and roads
- Local Government Act
- Vouchers and payments
- Code of Conduct
- Register of Financial Interests
- Schedule of Fees and Charges
- Plan for the Future
- Minutes of Electors Meeting
- Notice papers and Agendas

Section 5.95 of the Local Government Act 1995 provides that certain information is excluded from public inspection.

Requests for other information not included in *Clause 11.1* above, will be considered in accordance with the provisions of the *Freedom of Information Act 1992*. Under this legislation an application fee and a search fee must be submitted with the completed request application form unless the information requested is personal information about the applicant or the applicant has been granted an exemption.

Forms & Templates: Nil

First Adopted: 20 April 2017

Amended: 19 August 2021, Motion 2021/1110
21 April 2022, Motion 2022/038

NEW PROPOSED POLICY

2.18 Emails to Councillors and WhatsApp

Policy Number: 2.18

Policy Subject: Emails to Councillors and WhatsApp

Responsible Officer: Chief Executive Officer

Policy Statement: To provide guidelines and procedures for sending emails to Councillors, whether it be to an individual Councillor email, multiple Councillor emails or using the group Councillor contact email.

Guidelines: **Emails with No Response Required**
If an email sent to a Councillor/s does not require a response, the subject line is to include “FYI” at the beginning of the subject line and then the description eg:

FYI – April Agenda

Emails with a Response Required
If an email sent to a Councillor/s requires a response, the subject line is to include “PLEASE RESPOND” at the beginning of the subject line and then the description eg:

PLEASE RESPOND – Annual Budget

Email Subjects
Only one subject is to be discussed in an email, if you have more than one thing to discuss or if you have an email that requires a response and one that doesn't, then they must be sent in separate emails with subject lines as above.

Email Timeframes
If an email requires a response, do not give a lengthy timeframe for the Councillor/s to respond. Doing this could result in the Councillor/s delaying their response until they have had more time to read the information and send an informed reply and then possibly fail to remember that they have needed to reply to the email. On occasion a follow up PLEASE RESPOND email may be required.

WhatsApp
A Shire of Dumbleyung WhatsApp Group has been set up with all Councillors, Executive Staff and the Governance & Compliance Officer. If an email has been sent that requires a response, a WhatsApp message is to be sent to the Group informing them that they have an email that requires a response. Example of WhatsApp message to be sent below –

“An email has been sent with subject line PLEASE RESPOND – Annual Budget, that requires a response by no later than 12.00pm, Friday 8 April 2022.”

Any staff that are not in the WhatsApp group that require a WhatsApp message to be sent to the group, please ask either one of the Executive Staff or the Governance & Compliance Officer to send a WhatsApp message.

Forms & Templates: Nil

First Adopted: 21 April 2022, Motion 2022/038

Amended:

CURRENT POLICY (See proposed amended policy)

3.4 — Purchase of Goods and Services

Policy Number: ~~3.4~~

Policy Subject: ~~Purchase of Goods and Services~~

Responsible Officer: ~~Director of Corporate Services~~

Policy Statement: ~~To provide guidelines in obtaining best value in procurement of goods and services to the Shire of Dumbleyung through the competitive process of calling for expressions of interest, public tenders and quotations.~~

Guidelines: ~~Purchase of Goods and Services — \$250,000 or more~~

~~All contracts for the purchase of goods and services with the value of \$250,000 or more shall be by public tender and made in accordance with the provisions for the *Local Government (Functions and General) Regulations 1996*.~~

~~Council will also enforce the following additional requirements:~~

- ~~• Acceptance of a tender for construction projects will be subject to the execution of a contract based on the standard contract supplied by the Master Builders' Association; and~~
- ~~• Any decision not to call tenders for Goods or Services valued at more than \$250,000 because of one of the exceptions listed in Regulation 11(2) shall be by Council resolution.~~

~~Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold.~~

~~Purchase of Goods and Services — \$50,000 — \$250,000~~

~~Goods valued at over \$50,000 and less than \$250,000 staff will seek three (3) written quotes from alternative suppliers.~~

~~The following conditions will also apply:~~

- ~~• Staff will allow a minimum of ten (10) working days for a quote to be provided. If more than ten (10) working days are provided, all suppliers will be allowed that same time to respond. Shorter periods to provide quotations may be approved by the CEO should circumstances require. These circumstances shall be documented.~~
- ~~• The request for quotation should include as a minimum the following:
 - ~~o Written Specification~~
 - ~~o Price Schedule~~
 - ~~o Conditions of responding~~
 - ~~o Validity period of offer~~~~

- ~~• Offer to all prospective suppliers at the same time any new information that is likely to change the requirements.~~
- ~~• Respondents should be advised in writing as soon as possible after the final determination is made and approved.~~
- ~~• If staff are unable to obtain three (3) written quotes this should be documented, and the purchase approved by the CEO.~~

Purchase of Goods and Services – \$5,000 – \$50,000

~~Goods and services valued at over \$5,000 and less than \$50,000 staff will obtain quotes from two (2) suppliers, whenever possible.~~

~~The following conditions will also apply:~~

- ~~• If staff are unable to obtain two (2) quotes this should be documented and **reported to a Manager/CEO for a decision on further action.**~~
- ~~• All quotations will be documented.~~

Purchase of Goods and Services – \$1,500 – \$5,000

~~Goods and services valued at up to \$5,000 may be purchased with a single satisfactory quotation.~~

Purchase of Goods and Services – up to \$1,500

~~Quotations are not required for items of minor recurrent nature such as groceries, stationery, hardware, mechanical, reticulation, consumables, etc.~~

~~Staff must be satisfied that the price is competitive.~~

Exemptions: ~~A quotation is to be obtained and a purchase order is required to be issued, except for –~~

- ~~• Reimbursement of expenses incurred by a Council Member or employee on approved Shire business, where receipts are provided or a statutory declaration is made eg: parking fees, taxi fares, meals.~~
- ~~• Non-contracted or non-contestable utilities (eg. electricity, water, telephone)~~
- ~~• Regulatory or statutory expenses of a periodic nature (eg. rates & taxes, insurance, licences, superannuation etc)~~
- ~~• Employee/Council Member allowances.~~
- ~~• Other payments as determined by the Chief Executive Officer.~~

~~Examples include but are not limited to –~~

- ~~• All freight companies for delivery fees (below \$1,500)~~
- ~~• Fuel Card Purchases~~

~~Purchases of road making materials (fill, rock, gravel, water etc) from a landowner is exempt from the requirement to obtain quotes.~~

~~A specific exemption is the purchasing of fuel where a request for quotation will only operate for one (1) day and verbal quotations will be accepted.~~

Further Guidelines: ~~Staff engaged in procurement should ensure that they obtain value for money and be accountable for their action.~~

~~If staff have any doubt about whether value for money is being obtained, additional quotes should be sought.~~

~~There is to be an “arm’s length” approval process so that all staff that could benefit/or potentially benefit from a purchase are unable to authorise/approve the same purchase.~~

Forms & Templates: Verbal and Written Quotation Form

First Adopted: ~~21 November 2019, Motion 2019/792~~

Amended: ~~18 June 2020, Motion 2020/906~~
~~19 August 2021, Motion 2021/1110~~

PROPOSED AMENDED POLICY

3.4 Purchase of Goods and Services

Policy Number: 3.4

Policy Subject: Purchase of Goods and Services

Responsible Officer: Director of Corporate Services

Policy Statement: To provide guidelines in obtaining best value in procurement of goods and services to the Shire of Dumbleyung through the competitive process of calling for expressions of interest, public tenders and quotations.

Guidelines: **Purchasing**
The Shire of Dumbleyung is committed to applying the objectives, principles and practices outlined in this Policy, to all purchasing activity and to ensuring alignment with the Shire of Dumbleyung's strategic and operational objectives.

Objectives

The Shire of Dumbleyung's purchasing activities will:

- (a) Achieve best value for money that considers sustainable benefits, such as; environmental, social and local economic factor;
- (a) Foster economic development by maximising participation of local businesses in the delivery of goods and services;
- (b) Use consistent, efficient and accountable purchasing processes and decision-making, including; competitive quotation processes, assessment of best value for money and sustainable procurement outcomes for all purchasing activity, including tender exempt arrangements;
- (c) Apply fair and equitable competitive purchasing processes that engage potential suppliers impartially, honestly and consistently;
- (d) Commit to probity and integrity, including the avoidance of bias and of perceived and actual conflicts of interest;
- (e) Comply with the *Local Government Act 1995*, *Local Government (Functions and General) Regulations 1996*, other relevant legislation, Codes of Practice, Standards and the Shire of Dumbleyung's Policies and procedures;
- (f) Ensure purchasing outcomes contribute to efficiencies (time and resources) for the Shire of Dumbleyung.
- (g) Identify and manage risks arising from purchasing processes and purchasing outcomes in accordance with the Shire of Dumbleyung Risk Management framework;
- (h) Ensure records evidence purchasing activities in accordance with the *State Records Act 2000* and the Shire of Dumbleyung's Record Keeping Plan;
- (i) Ensure confidentiality that protects commercial-in-confidence information and only releases information where appropriately approved.

Why do we need a Purchasing Policy?

The Shire of Dumbleyung is committed to setting up efficient, effective and economical and sustainable procedures in all purchasing activities. This policy:

- Provides the Shire of Dumbleyung with a more effective way of purchasing goods and services.
- Ensures that purchasing transactions are carried out in a fair and equitable manner.
- Strengthens integrity and confidence in the purchasing system.
- Ensures the Shire of Dumbleyung receives value for money in its purchasing.
- Ensures that the Shire of Dumbleyung considers the environmental impact of the procurement process across the life cycle of goods and services.
- Ensures the Shire of Dumbleyung is compliant with all regulatory obligations.
- Promotes effective governance and definition of roles and responsibilities.
- Uphold respect from the public and industry for the Shire of Dumbleyung's purchasing practices that withstands probity.

Ethics & Integrity

All officers and employees of the Shire of Dumbleyung shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Dumbleyung.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- Full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- All purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Dumbleyung policies and code of conduct;
- Purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- All processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- Any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the Shire of Dumbleyung by a supplier shall be treated as commercial-inconfidence and should not be released unless authorised by the supplier or relevant legislation.

Value for Money

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Dumbleyung. It is

important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, and service benchmarks.

An assessment of the best value for money outcome for any purchasing should consider:

- All relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- The technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

Sustainable Procurement

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

Shire of Dumbleyung is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Dumbleyung's sustainability objectives.

Practically, sustainable procurement means the Shire of Dumbleyung shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling;
- Demonstrate environmental best practice in water efficiency;
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;

- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste;
- For motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range;
- For new buildings and refurbishments – where available use renewable energy and technologies.

Purchasing Thresholds and Staff Limits

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or expected to be:

Amount of Purchase	Policy	Authorised Officers
Up to \$3,000	<p>Direct purchase from supplier – no formal process</p> <p>Quotations are not required for items of minor recurrent nature such as groceries, stationary, hardware, mechanical, reticulation, consumables etc. Staff must be satisfied that the price is competitive.</p>	<p>CEO, Director of Corporate Services, Director of Infrastructure, Mechanic, Landcare Officer, Economic Development Officer, Governance & Compliance Officer, Payroll/Rates Officer, Admin/Tenancy Officer</p>
\$3,000 - \$9,999	<p>Request at least one (1) verbal or written quotation where possible</p> <p>At least one (1) verbal or written quotation is to be requested. A “Verbal and Written Quotation Form” must be completed. Where one (1) verbal or written quotation is not received or is not available, it must be noted on the Verbal and Written Quotation form and signed by the Authorising Officer.</p> <p>If purchasing from a WALGA Preferred Supplier Arrangement or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</p> <p>Record keeping requirement must be maintained in accordance with record keeping policies.</p>	<p>CEO, Director of Corporate Services, Director of Infrastructure, Mechanic, Landcare Officer (up to \$5,000)</p>

<p>\$10,000 - \$74,999</p>	<p>Request at least two (2) written quotations where possible</p> <p>For the procurement of goods and services where the value exceeds \$10,000 but is less than \$75,000, at least two (2) written quotations are to be requested. A “Verbal and Written Quotation Form” must be completed. Where two (2) written quotes are not received or not available or where multiple quotes are not practical eg. Due to limited suppliers, it must be noted on the Verbal and Written Quotation form and signed by the Authorising Officer.</p> <p>If purchasing from a WALGA Preferred Supplier Arrangement or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</p> <p>Record keeping requirement must be maintained in accordance with record keeping policies.</p>	<p>CEO, Director of Corporate Services, Director of Infrastructure</p>
<p>\$75,000 - \$249,999</p>	<p>Request at least three (3) written quotations where possible</p> <p>For the procurement of goods and services where the value exceeds \$75,000 but is less than \$249,000, at least three (3) written quotations are to be requested. A “Verbal and Written Quotation Form” must be completed. Where three (3) written quotes are not received or not available or where multiple quotes are not practical eg. Due to limited suppliers, it must be noted on the Verbal and Written Quotation form and signed by the Authorising Officer.</p> <p>The following conditions will also apply:</p> <ul style="list-style-type: none"> • Staff will allow a minimum of ten (10) working days for a quote to be provided. If more than ten (10) working days are provided, all suppliers will be allowed that same time to respond. Shorter periods to provide quotations may be approved by the CEO should the circumstance require. These circumstances shall be documented. • The request for quotation should include as a minimum the following: <ul style="list-style-type: none"> - Written Specification - Price Schedule - Conditions of responding - Validity period of offer 	<p>CEO, Director of Corporate Services, Director of Infrastructure</p>

	<ul style="list-style-type: none"> • Offer to all prospective suppliers at the same time, any new information that is likely to change the requirements. • Respondents should be advised in writing as soon as possible after the final determination is made and approved. <p>If purchasing from a WALGA Preferred Supplier Arrangement or other tender exempt arrangement, a minimum of one (1) written quotation is to be obtained.</p> <p>Record keeping requirement must be maintained in accordance with record keeping policies.</p>	
\$250,000 and above	<p>Tender Exempt arrangements (i.e. WALGA PSA, CUA or other tender exemption under <i>F&G Reg.11(2)</i>) require at least three (3) written responses from suppliers by invitation under a formal Request for Quotation.</p> <p>or</p> <p>By public tender undertaken in accordance with the Local Government Act 1995.</p> <p>Council will also enforce the following additional requirements;</p> <ul style="list-style-type: none"> • Acceptance of a tender for construction projects will be subject to the execution of a contract based on the standard contract supplied by the Master Builders' Association; and • Any decision not to call tenders for goods and services valued at more than \$250,000 because of one of the exceptions listed in Regulation 11(2) shall be made by a Resolution of Council. 	Full Council

The authorising officer, before signing off on a purchase order, is to ensure written or email quotations are recorded and attached to the purchase order when applicable.

The Chief Executive Officer or Director of Corporate Services will conduct regular checks of purchase orders to ensure verbal and written quotations are recorded and attached to purchase orders when applicable.

The Chief Executive Officer or Director of Corporate Services will conduct regular checks of invoices to ensure the correct authorised staff have signed purchase orders and authorised accounts for payment within their authorised spending limit.

Exemptions to Purchasing Requirements

A quotation is to be obtained and a purchase order is required to be issued, except for:

- Reimbursement of expenses incurred by a Council Member or employee on approved Shire business, where receipts are provided or a statutory declaration is made eg. Parking fees, taxi fares, meals.
- Non-contracted or non-contestable utilities (eg. Electricity, water, telephone).
- Regulatory or statutory expenses of a periodic nature (eg. Rates and taxes, insurance, licences, superannuation etc).
- Employee/Council Member allowances.
- Other payments as determined by the Chief Executive Officer (written documentation must be provided)

Examples include but are not limited to:

- All freight companies for delivery fees (below \$3,000)
- Fuel Card Purchases

In the following instances, public tenders or quotation procedures are not required (regardless of the value of the expenditure):

1. Purchases of road making materials (fill, gravel, water etc.) from a landowner is exempt from the requirement to obtain quotes.
2. A specific exemption is the purchasing of fuel where a request for quotation will only operate for one (1) day and verbal quotations will be accepted.
3. Purchases of Goods and/or Services under:
 - Current Western Australian Local Government Association (WALGA) Preferred Supplier Contracts
 - Current WA Department Finance Common Use Agreements (CUA's)

Procurements made under CUA or WALGA Preferred Supplier Contracts shall be checked for currency of contract at the time of quotation. The contract number of the CUA or WALGA Preferred Supplier contracts must be quoted at the time of quote sourcing and ordering in order to identify Council to the supplier as party to the contract pricing structure.

Any decision not to call tenders for goods and services valued at more than \$250,000 because of one of the exceptions listed in Regulation 11(2) **must be made by a Resolution of Council.**

4. Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

A decision to approve a sole source of supply arrangement for purchasing activity with a consideration above the tender threshold **must be made by Council Resolution** unless Functions and General Regulations 11(2)(f) has been delegated to the CEO.

5. The purchase is made under public auction which has been authorised by Council.
6. An emergency situation as defined by the Local Government Act 1995.

Arm's Length Process

There is to be an "arm's length" approval process so that all staff that could benefit, or potentially benefit, or perceive to benefit from a purchase are unable to authorise/approve the same purchase.

Regulatory Compliance

Tender Exemption

Exceptions to purchase requirements – Purchase value \$250,000 or greater
Where the purchase value exceeds \$249,999, the Regulations provide for a range of exceptions to the requirement to publicly invite tenders. These are set out in regulation 11(2) of the Regulations.

The exceptions include but are not limited to:

- (a) The supply of goods or services authorised as an emergency under s 6.8(1)(c) of the Act;
- (b) The supply of goods or services is associated with a state of emergency;
- (c) The supply of goods or services obtained through the WALGA Preferred Supplier Program.
- (d) Where the Shire has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier;
- (e) The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- (f) Where the contract is a renewal or extension of the term of an original contract in certain circumstances related to a state of emergency.
- (g) Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

Time constraints, administrative omissions and errors do not qualify for definition as an emergency purchase. Instead, every effort must be made to research and anticipate purchasing requirements in advance and to allow sufficient time for planning and scoping proposed purchases and to then obtain quotes or tenders, as applicable.

Sole Source of Supply (Monopoly Suppliers)

The procurement of goods and/or services available from only one private sector source of supply, (i.e. manufacturer, supplier or agency) is permitted without the need to call competitive quotations provided that there must genuinely be only one source of supply. Every endeavour to find alternative sources must be made. Written confirmation of this must be kept on file for later audit.

Note: The application of provision "sole source of supply" should only occur in limited cases and procurement experience indicates that generally more than one supplier is able to provide the requirements.

A decision to approve a sole source of supply arrangement for purchasing activity with a consideration above the tender threshold **must be made by Council Resolution** unless Functions and General Regulations 11(2)(f) has been delegated to the CEO.

Anti-Avoidance

The Shire of Dumbleyung shall not enter two or more contracts of a similar nature for the purpose of splitting the value of the contracts to take the value of consideration below the level of \$250,000 thereby avoiding the need to publicly tender.

Tender Criteria

The Shire of Dumbleyung shall, before tenders are publicly invited, determine in writing the criteria for deciding which tender should be accepted.

The evaluation panel shall be established prior to the advertising of a tender and include a mix of skills and experience relevant to the nature of the purchase.

For Requests with a total estimated (Ex GST) price of:

- \$ 250,000 and above, the panel must contain a minimum of 2 members.

Issuing Tender Documentation

Tenders will not be made available (counter, mail, internet, referral, or other means) without a robust process to ensure the recording of details of all parties who acquire the documentation.

This is essential as if clarifications, addendums or further communication is required prior to the close of tenders, all potential tenderers must have equal access to this information in order for the Shire of Dumbleyung not to compromise its Duty to be Fair.

Tender Deadline

A tender that is not received in full in the required format by the advertised Tender Deadline shall be rejected.

Opening of Tenders

No tenders are to be removed from the tender box or opened (read or evaluated) prior to the Tender Deadline.

Tenders are to be opened in the presence of the Chief Executive Officer delegated nominee and at least one other Shire Officer. The details of all tenders received and opened shall be recorded in the Tenders Register.

Tenders are to be opened in accordance with the advertised time and place.

There is no obligation to disclose or record tendered prices at the tender opening, and price information should be regarded as commercial-in-confidence to the Shire of Dumbleyung. Members of the public are entitled to be present.

The Tenderer's Offer form, Price Schedule and other appropriate pages from each tender shall be date stamped and initialled by at least two Shire of Dumbleyung Officers present at the opening of tenders.

No Tenders Received

Where the Shire of Dumbleyung has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis of the following:

- A sufficient number of quotations are obtained;
- The process follows the guidelines for seeking quotations between \$75,000 & \$249,999 (listed above);
- The specification for goods and/or services remains unchanged;
- Purchasing is arranged within 6 months of the closing date of the lapsed tender.

Tender Evaluation

Tenders that have not been rejected shall be assessed by the Shire of Dumbleyung by means of a written evaluation against the pre-determined criteria. The tender evaluation panel shall assess each tender that has not been rejected to determine which tender is most advantageous.

Addendum to Tender

If, after the tender has been publicly advertised, any changes, variations or adjustments to the tender document and/or the conditions of tender are required, the Shire of Dumbleyung may vary the initial information by taking reasonable steps to give each person who has sought copies of the tender documents notice of the variation.

Minor Variation

If after the tender has been publicly advertised and a successful tenderer has been chosen but before the Shire of Dumbleyung and tenderer have entered

into a Contract, a minor variation may be made by the Shire of Dumbleyung. A minor variation will not alter the nature of the goods and/or services procured, nor will it materially alter the specification or structure provided for by the initial tender. Any amendments must be incorporated into the contract with the preferred tenderer for the supply of the varied requirement.

A decision to approve a contract variation **must be made by Council Resolution**, unless Functions and General Regulations 20 and/or 21A have been delegated to the CEO.

Any major variation will require a new and separate tender.

Contract Renewals, Extensions and Variations

Where a contract has been entered into as the result of a publicly invited tender process, then *Functions and General Regulation 21A* applies.

For any other contract, the contract must not be varied unless:

- (a) The variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract; or
- (b) The variation is a renewal or extension of the term of the contract where the extension or renewal options were included in the original contract.

Upon expiry of the original contract, and after any options for renewal or extension included in the original contract have been exercised, the Shire of Dumbleyung is required to review the purchasing requirements and commence a new competitive purchasing process in accordance with this Policy.

A decision to approve a contract variation **must be made by Council Resolution**, unless Functions and General Regulations 20 and/or 21A have been delegated to the CEO.

Notification of Outcome

Each tenderer shall be notified of the outcome of the tender following Council resolution. Notification shall include:

- The name of the successful tenderer
- The total value of consideration of the winning offer

The details and total value of consideration for the winning offer must also be entered into the Tenders Register at the conclusion of the tender process.

Records Management

All records associated with the tender process or a direct purchase process must be recorded and retained. For a tender process this includes:

- Tender documentation;
- Internal documentation;
- Evaluation documentation;
- Enquiry and response documentation;
- Notification and award documentation.

For a direct purchasing process this includes:

- Quotation documentation;
- Internal documentation;
- Order forms and requisitions.

Record retention shall be in accordance with the minimum requirements of the State Records Act, and the Shire of Dumbleyung's internal records management policy.

Purchasing Policy Non-Compliance

The Purchasing Policy is mandated under the *Local Government Act 1995* and Regulation 11A of the *Local Government (Functions and General) Regulations 1996* and therefore the policy forms part of the legislative framework in which the Local Government is required to conduct business.

Where legislative or policy compliance is not reasonably able to be achieved, records must evidence the rationale and decision making processes that substantiate the non-compliance.

Purchasing activities are subject to internal and external financial and performance audits, which examine compliance with legislative requirements and the Shire of Dumbleyung's policies and procedures.

If non-compliance with legislation, this Purchasing Policy or the Code of Conduct, is identified it must be reported to the Chief Executive Officer or the Director of Corporate Services.

A failure to comply with legislation or policy requirements, including compliance with the Code of Conduct when undertaking purchasing activities, may be subject to investigation, with findings to be considered in context of the responsible person's training, experience, seniority and reasonable expectations for performance of their role.

Where a breach is substantiated it may be treated as:

- (a) an opportunity for additional training to be provided;
- (b) a disciplinary matter, which may or may not be subject to reporting requirements under the *Public Sector Management Act 1994*; or
- (c) where the breach is also identified as potentially serious misconduct, the matter will be reported in accordance with the *Corruption, Crime and Misconduct Act 2003*.

Forms & Templates: Verbal and Written Quotation Form

First Adopted: 21 November 2019, Motion 2019/792

Amended: 18 June 2020, Motion 2020/906
19 August 2021, Motion 2021/1110
21 April 2022, Motion 2022/038



VERBAL AND WRITTEN QUOTATION FORM

For Quotes above \$3,000 (see Council Policy 3.4)

Shire of Dumbleyung

PO Box 99
Dumbleyung WA 6350
Phone: 08 9863 4012
ABN: 76 703 105 276

PROCUREMENT DESCRIPTION

The following suppliers were asked to quote as per Policy 3.4 Purchases of Goods & Services

DATE	NAME AND CONTACT NUMBER OR EMAIL	TOTAL	VERBAL/WRITTEN

The recommended supplier is _____

Justification: _____

Signed: _____

Date: _____

Purchase Order Issued: YES/NO

Purchase Order #: _____

Is the supplier/contractor a local business? YES/NO

Signed: _____
Approving Officer

Date: _____

AMEND

3.6 Sundry Debtors

Policy Number: 3.6

Policy Subject: Sundry Debtors

Responsible Officer: Director of Corporate Services

Policy Statement: ~~To provide guidelines for sundry debtors.~~

This policy outlines clear and appropriate debt recovery procedures which will be undertaken by the Shire of Dumbleyung and to ensure effective control over all invoiced debts owed to the Shire whilst being sympathetic to those debtors suffering genuine financial hardship.

Guidelines: ~~Debts owed to the shire do have an effect on all ratepayers of the Shire of Dumbleyung as they must subsidise this non-payment. To ensure fairness, the following measures will be applied:~~

Interest

~~Interest at the rate of 11% is to be charged on all overdue Sundry Debts.~~

Shire Services

~~Any person with outstanding debts to the shire will be prevented from using any shire service that has a fee or charge associated with it. Where the debt is in relations to rates, this rule will apply to any person residing at the property on which the rates debt is owed.~~

Library Debtors

~~Any person who resides at an address of a person with a library debt shall also be prohibited from accessing shire services including library services.~~

~~Staff are to maintain a list of persons with outstanding debts, including person who have had a debt written off, so that the above rules can be applied.~~

Debts owed to the Shire do have an effect on all ratepayers to the Shire of Dumbleyung as they subsidise this non-payment. The objectives of this policy are to:

1. Ensure the monies owed to the Shire of Dumbleyung are received in a timely, efficient and effective manner in order to finance the Shire of Dumbleyung's operations and ensure effective cash flow management.
2. Fulfil statutory requirements of the Local Government Act 1995 and other relevant legislation in relation to the recovery of outstanding debts.

During the debt recovery process, the Shire of Dumbleyung will treat people fairly, consistently, and in a confidential and professional manner.

Debt Management – Excluding Infringement Notices

If the invoice is not paid by the due date, then the following procedure will take place:

1. Sundry debtors accounts become overdue if not paid within 30 days of issuing of the invoice.
2. For amounts outstanding from 30 days, the issuing Debtors Officer is to issue a Statement to the debtor with an 'overdue' sticker attached to the Statement.
3. For amounts outstanding from 60 days, the issuing Debtors Officer is to issue a Statement to the debtor with a 'Final Notice payment within 7 days' sticker attached to the Statement.
4. For amounts outstanding for greater than 90 days, the issuing Debtors Officer is to issue a 'letter of demand' to the debtor advising them that recovery action through the courts may be taken unless the debtor makes payment in full within 7 days or enters and complies with an overdue payment arrangement agreement. The debtor will also be advised that any fees incurred in recovering the debt will be passed on to the debtor. Any such payment arrangement agreement must ensure that payment of the overdue amount is fully recovered by the 30 June of that current financial year unless exceptional circumstances exist.
5. Before any third party is engaged to take legal action to recover an outstanding debt, the Director of Corporate Services is to be consulted to ensure that this action is appropriate giving due consideration to all issues that have led to the debt being overdue and not paid.
6. The Chief Executive Officer may determine other suitable treatment options to deal with sundry debtors in the case of demonstrated financial hardship.
7. Once all reasonable attempts as above to either locate the debtor or obtain payment have failed, the responsible officer for raising the debt will be asked to submit a written request for the invoice to be considered for write off.
8. Approval will be sought from the Chief Executive Officer and subsequently Council for approval for the debt to be written off. Once Council approval has been received, the appropriate entries will be made into the Accounts Receivable Ledger.

Debt Management – Infringement Notices

Infringements are issued by authorised officers of the Shire of Dumbleyung. There is no provision for part payments or payment arrangements with the Shire of Dumbleyung for infringements due to making them enforceable with the Fines Enforcement Registry (FER). If the infringement is not paid by the due date, then the following procedure will take place:

1. Where the payment is not received within 28 days from the date of the infringement, the issuing officer is to issue a Final Demand Notice (approved by the Fines Enforcement Registry) to the debtor.
2. If not paid by 28 days, an authorised Prosecuting Officer is to register the outstanding infringement notice with the Fines Enforcement Registry where further charges will be incurred.
3. The Shire of Dumbleyung has no control over the collection process undertaken by the Fines Enforcement Registry and cannot take any action of its own.
4. If the infringement requires a withdrawal due to being issued incorrectly, in error or a payment had been received, an authorised Prosecuting Officer will be able to withdraw the infringement from the Fines Enforcement Registry.
9. From time to time, write off of debts will be required when the Fines Enforcement Registry deem the fines and/or costs uncollectible. Approval will be sought from the Chief Executive Officer, and

subsequently Council for approval for the debt to be written off. Once Council approval has been received, the appropriate entries will be made into the Accounts Receivable Ledger.

Debt Management – Tenancy/Rentals

The Shire of Dumbleyung can have a tenancy terminated if the tenant presents a bad cheque or falls behind in their rent and cannot make up the payment within an agreed time. It is important to remember there are procedures which must be followed. Landlords cannot just evict or force a tenant out, no matter what the circumstances.

The Shire of Dumbleyung will abide by the legislation in the *Residential Tenancies Act 1987 (WA)* and the *Residential Tenancies Regulations 1989*.

Procedures for overdue rent will be followed as per the link below on the Government of Western Australia Department of Mines, Industry Regulation and Safety website:

<https://www.commerce.wa.gov.au/consumer-protection/breaches-tenancy-agreement>

Debt Raised in Error or Debt Adjustment

If a debt has been raised in error or requires an adjustment, then an explanation will be sought from the relevant staff members. Once this has been received, a credit note request form will be raised which is to be authorised by both the staff member who raised the initial invoice and the Director of Corporate Services.

Interest on Overdue Charges

Council may elect to impose interest on outstanding debts. The rate of interest imposed is to be determined by Council in accordance with section 6.13 of the *Local Government Act 1995*.

Forms & Templates: Nil

First Adopted: 17 September 2015

Amended: 19 August 2021, Motion 2021/1110
21 April 2022, Motion 2022/038

NEW PROPOSED POLICY

3.15 Family Violence Policy

Policy Number: 3.15

Policy Subject: Family Violence Policy

Responsible Officer: Chief Executive Officer

Policy Statement: This policy outlines the Shire Dumbleyung approach to addressing family violence, as required by the *Water Services Code of Practice (Family Violence) 2020*.

Scope

This policy applies to customers and staff of the Shire of Dumbleyung who have been, or are being, affected by family violence.

Guidelines:

Legislation

The *Water Services Code of Practice (Family Violence) 2020* requires water service providers to have and implement a family violence policy and stipulates the minimum requirements that policy must address.

This policy meets these requirements and has been informed by the Department of Water and Environmental Regulation's *Guidance for water service providers in addressing family violence*.

Context

Family violence is the intentional and systematic use of violence and abuse to control, coerce and create fear. It can be physical, emotional/psychological, sexual, financial, spiritual or social in nature. Further information on what is considered family violence is available at:

<https://www.wa.gov.au/organisation/departments-of-communities/family-and-domestic-violence-services-and-resources>

Perpetrators of family violence can use control over their victims as a form of economic abuse, such as incurring debt in the victim's name, refusing to contribute to costs, refusing to pay bills or having the service disconnected when they leave the family home.

Victims of family violence may suffer significant psychological and emotional impacts while attempting to resolve debts at the same time as ensuring their personal safety.

In addition, perpetrators may gain access to the victims' confidential information such as their whereabouts; for example, through their knowledge of the personal details of the victim.

Our role in addressing family violence

At the Shire of Dumbleyung we have zero tolerance for family violence and will do everything we can (within our control) to support customers affected by family violence.

We have implemented systems and staff training so that customers who disclose to us that they have been, or are being, affected by family violence:

- are heard and need only make this disclosure once
- have confidential and respectful interactions with our staff
- can be certain their personal information is kept confidential and safe
- are provided with information about financial support and assistance available, including specialised support networks
- are provided with time and information to help them consider their options and make informed decisions
- can enter into The Shire of Dumbleyung Financial Hardship program and be supported by our family violence process.

Support available

Customers can be referred into external support networks and resources including: [Department of Communities' website](#)

Complaints procedure

Please refer to our complaints procedure available at: <https://www.dumbleyung.wa.gov.au/contactform> if you are not satisfied with how we have handled your situation.

If you wish to access a hard copy (at no charge) of this policy, please contact us via: Shire of Dumbleyung, 32 Harvey Street Dumbleyung, PO Box 99 Dumbleyung WA 6350 or phone (08) 9863 4012.

Next review by 18 March 2027

Forms & Templates: Nil

First Adopted: 21 April 2022, Motion 2022/038

Amended:

AMEND

8.6 Christmas Bonus

Policy Number: 8.6

Policy Subject: Christmas Bonus

Responsible Officer: Payroll/Rates Officer

Policy Statement: To provide guidelines for the Christmas bonus paid to Shire employees.

Guidelines: ~~Employees who are not full time, but meet the criteria, are to receive the bonus on a pro-rata basis depending on length of service during that calendar year and hours worked per week.~~

~~At the discretion of the Chief Executive Officer, a bonus of up to a maximum of \$1,000, shall be paid during December each year to staff who meet the following criteria:~~

At the discretion of the Chief Executive Officer, after satisfactory staff performance assessments have been completed, employees who meet the following criteria are to receive a Christmas bonus of up to \$1,000, to be paid during December:

1. Must be a permanent employee (i.e. not being paid casual rates)
2. Work a minimum of 15 hours per week; **and**
3. Do not have a negotiated salary package (such as a contract)

~~To be eligible to receive the bonus, the Chief Executive Officer and other relevant senior staff will assess the performance of each staff member. After the reviews are held, it will be at the discretion of the Chief Executive Officer, based on individual performance throughout the year, the amount each individual employee will receive.~~

Employees who have been employed for less than 12 months at the time of the bonus payment, are to receive their bonus on a pro-rata basis depending on length of service during that calendar year.

Forms & Templates: Nil

First Adopted: 19 December 2019, Motion 2019/820

Amended: 19 August 2021, Motion 2021/1110
21 April 2022, Motion 2022/038

NEW PROPOSED POLICY

8.18 Housing Allowance

Policy Number: 8.18

Policy Subject: Housing Allowance

Responsible Officer: Payroll/Rates Officer

Policy Statement: To provide guidelines for the Shire Housing Allowance paid to Shire employees, recognising Shire staff that own and reside in a Shire located housing property whilst employed with the Shire of Dumbleyung.

Guidelines: The allowance is set at \$10.00 per week for full time employees and pro rata to part time / casual employees. This allowance is not applicable for negotiated salary package (such as a contract).

Forms & Templates: Nil

First Adopted: 21 April 2022, Motion 2022/038

Amended:

AMEND

11.2 Hall Bookings & Hall Equipment Hire

Policy Number: 11.2

Policy Subject: Hall Bookings & Hall Equipment Hire

Responsible Officer: Administration Officer

Policy Statement: To provide guidelines for hall booking and equipment hire.

Guidelines: ~~That five (5) days' notice is required for hall bookings and that the public be regularly reminded of this requirement with the exception of extraordinary events or functions.~~

~~That individuals and groups hiring hall equipment be charged the appropriate hire deposit in addition to the set hire fee as applicable.~~

That five (5) days' notice is required for all bookings to ensure availability, with the exception of extraordinary events or functions (Funerals/Memorials exempt).

That individuals and groups hiring hall equipment be charged the appropriate hire deposit in addition to the set hire fee as set out in the Shire of Dumbleyung Fees and Charges.

HALL EQUIPMENT – OLD STOCK FOR EXTERNAL HIRE

That only hall equipment items e.g. chairs, tables, crockery considered to be 'old stock' rather than 'new stock' be available for external hire, i.e. away from Shire owned property. Hirers shall return the equipment in good time or be fined **charged** accordingly.

~~HALL HIRE – DEPOSIT AND CONDITIONS~~

~~That the deposits for hall hire where permits for liquor consumption have been issued, is as per the fees and charges. Otherwise the minimal bond set in the fees and charges is to apply, the bond is to be paid to the Shire Office or the Kukerin caretaker prior to the issue of keys, and that the building hired is to be clean and tidy in compliance of the following:~~

- ~~• All floors are vacuumed/mopped.~~
- ~~• All bench and table surfaces are wiped and clean.~~
- ~~• All urns are emptied.~~
- ~~• All rubbish is collected and deposited in outside bins.~~
- ~~• Spillage on all furniture is wiped prior to stacking chairs and tables away. Please ensure chairs and tables are left stacked neatly away where they came from.~~
- ~~• Any crockery and cutlery used is washed and put away.~~
- ~~• All ovens are cleaned after use.~~
- ~~• All decorations are removed.~~
- ~~• The bar area, if used, left in a clean and tidy state.~~
- ~~• All lights, heaters and air conditioners to be turned off.~~
- ~~• All toilets are left in a clean and tidy state. Council's caretaker will mop the toilet area following the use of the facility.~~

- ~~All doors, both internal and external, are locked before leaving.~~
- ~~Additional cleaning costs will be recoverable from the hirer of the facility and/or deducted from bond monies held by the Council.~~
- ~~The building be inspected prior/after use with the hirer by the Chief Executive Officer or delegated staff member.~~

HALL AND EQUIPMENT HIRE – FEES, BONDS AND CONDITIONS

The fees and bonds for hall hire and equipment will be as per the Shire of Dumbleyung Fees and Charges. All fees and bonds are to be paid to the Shire of Dumbleyung prior to the issue of keys and prior to the event.

Prior approval must be obtained from the Shire of Dumbleyung if you plan to consume or sell alcohol as it may be necessary to obtain a liquor licence from the Department of Racing, Gaming and Liquor WA. The hirer will be responsible for obtaining any liquor licence required. Copies of all permits must be provided to the Shire of Dumbleyung and a copy must be on display at the event.

1. The booking is not confirmed until the full bond is paid.
2. Full payment is required prior to the event date, or the booking will be automatically cancelled.
3. The Facility Hire Form as attached to this policy must be completed, signed and submitted before an invoice can be issued.
4. The facility is to be entered and vacated by the nominated booking time.
5. Any late amendments to bookings will be deducted from the bond or met by the hirer.
6. The facility is to be left in a clean and tidy condition:
 - Lights and electrical appliances are to be switched off (excluding refrigeration).
 - All doors locked and all windows secured.
 - Tables and chairs should be cleaned and returned to their original position.
 - All bench and table surfaces are wiped and cleaned.
 - Floor to be swept.
 - All rubbish is to be placed in the wheelie bins provided outside the building.
 - All kitchen amenities are cleaned and put away, including cleaning of the oven/stove.
 - All decorations are removed.
 - The bar area, if used, left in a clean and tidy state.
 - All toilets are left in a clean and tidy state. Council's cleaner will mop the toilet area following use of the facility.
7. All costs for losses, damage or extra cleaning required inside and/or outside the facility will be deducted from the bond or met by the hirer. The hirer must inform the Shire of any damage discovered prior to the commencement of the booking. Failure to do so may jeopardise the bond. The hirer must inform the Shire of any damage caused during their booking. Any unreported damage may also be deducted from the bond or met by the hirer.
8. The driving of tacks, nails, screws or fixing of blu-tak etc into or onto any woodwork, walls or any part of the building, furniture or fixtures is strictly prohibited. No internal or external decorations are permitted to be erected without prior approval from the Shire.
9. The use of candles or smoke devices within Shire facilities is used at the supervision of the hirer, all wax is to be properly cleaned without damage

- to the facility or equipment and facility is to be properly aired after usage of smoke devices.
10. The Shire has a NO SMOKING POLICY in all Shire owned and controlled buildings and within 5 metres of all building entrances and openings.
 11. It is the key responsibility of the hirer to ensure that no person behaves in a disorderly manner which causes a nuisance or annoyance. The hirer is to ensure that guests behave in a decent manner at all times, both inside and outside of the facility. If police are called out due to excessive noise, to maintain order or disperse a disorderly crowd, the bond may be forfeited.
 12. In the event of a breakdown of services, utilities, equipment etc. no responsibility will be accepted by the Shire. However, every care and precaution will be taken in this regard.
 13. It may be necessary for maintenance work to be carried out on grounds and venues during your booking time. You will be contacted and advised of the nature of the work and proposed timeframe. Every effort will be made to find an alternative venue for the hirer, however no guarantee can be given.
 14. If alcohol is consumed, you must follow the restrictions as noted on your approved Liquor Licence.
 15. Each building is equipped with a limited number of tables and chairs. Any additional equipment required is to be provided at the hirer's expense.
 16. The Shire reserves the right to require the presence of security/crowd control. This would involve the hiring of a licenced security firm at a ratio of 1:40 guests. Proof of the booking would be required in writing from the security company no later than 7 days prior to the booking date.
 17. Bookings may be declined at the discretion of the Shire of Dumbleyung.
 18. If a breach of the Terms and Condition of hire is made, the hirer may automatically forfeit the full bond.

Forms & Templates: ~~NH~~ Shire of Dumbleyung Facility Hire Form

First Adopted: 17 May 2018

Amended: 19 August 2021, Motion 2021/1110
21 April 2022, Motion 2022/038



FILE NO. _____
REFERENCE: _____

Shire of Dumbleyung - FACILITY HIRE FORM

APPLICANT'S DETAILS

CONTACT NAME:		
ORGANISATION:		ABN:
ADDRESS:		
TELEPHONE:		
EMAIL:		

Is the applicant an individual hiring for private purposes?

Yes

No. *If no, please attach a copy of a certificate of Public Liability Insurance to this bookings form.*

Are you a Community Facility Hire Member?

Yes

No – Fees apply. *If you are a local club, community, or sporting group you are eligible for the annual hire fee of \$50.00/year. Please contact the Shire Office if you wish to register, fee covers all facility and equipment hire fees. **A bond may be required***

BILLING DETAILS

Same as above

CONTACT NAME:		
ORGANISATION:		ABN:
ADDRESS:		
EMAIL:		

BOND REFUND DETAILS

*** Information provided below will be destroyed after Bond has been returned ***

BANKING:	BANK BRANCH:	
	ACCOUNT NAME:	
	BSB:	ACCOUNT NUMBER:

CREDIT CARD:	CARD NUMBERS:	
	EXPIRY:	CCV:

BOOKING DETAILS

Tick	DUMBLEYUNG / KUKERIN TOWN HALL	HIRE	BOND
	COMMERCIAL COMPANY	\$200	\$250
	COMMUNITY EVENT	\$100	\$150
	COMMUNITY MEETING	\$50	\$40
	PRIVATE EVENT (wedding/funeral/party etc)	\$175	\$250

Tick	DONGOLOCKING / MOULYINNING TOWN HALL	HIRE	BOND
	COMMERCIAL COMPANY	\$100	\$150
	COMMUNITY EVENT	\$50	\$100
	COMMUNITY MEETING	\$15	\$50
	PRIVATE EVENT (wedding/funeral/party etc)	\$87.50	\$150

	COMMUNITY ANNUAL FACILITY HIRE MEMBERSHIP (Local club, community, or sporting group, only). <i>Payable by 1st July each year, this membership allows clubs, community groups and sporting groups unlimited use to any shire-controlled facility at no further charge for the year, excluding the swimming pool and squash courts.</i> <i>Membership includes general equipment but not additional plant hire or delivery.</i>	\$50.00	**Bonds may still be required**
--	---	---------	--

EVENT TYPE:		NO. OF ATTENDEE/S:	
DATE/S:			
ACCESS TIMES/S:			
EVENT TIME/S:			

IS THIS EVENT OPEN TO PUBLIC ATTENDANCE?

Note: All events must comply with the facility capacity and Covid restrictions.

YES NO

WILL ALCOHOL BE CONSUMED?

YES NO

IF YES, WILL THE ALCOHOL BE:

SOLD (INCLUDES IF IT'S PART OF A TICKET SALE)

SUPPLIED

BYO

Prior approval must be obtained from the Shire of Dumbleyung. If you plan to sell alcohol separately or by way of an inclusive charge it is necessary to obtain a liquor licence from the Department of Racing, Gaming and Liquor WA. The hirer will be responsible for obtaining any liquor permit required. Copies of all permits must be provided to the Shire of Dumbleyung and a copy must be on display at the event.

KEY REQUIRED

Note: The Shire of Dumbleyung’s administration building is open 8.30am – 4.30pm, Monday to Friday for **collection and return of keys** to the premises. Functions requiring collection or return of keys outside of these times will need to make arrangements at the time of booking.

OTHER REQUIREMENTS/SPECIFICATIONS/COMMENTS:

--

ADDITIONAL FEES & CHARGES

GL	TYPE	FEE	TOTAL
Dumbleyung / Kukerin Hall, Only			
3110120	Kitchen Hire Only – Full Day	\$40	\$
3110120	Kitchen Hire Only – Half Day	\$20	\$
3110120	Kitchen Hire Only – Full Day (registered food business only)	\$10	\$
9341524	Kitchen Hire Only – BOND	\$150	\$
Town Hall Equipment			
9341524	Equipment Hire BOND	\$100	\$
3110120	Cutlery each	\$0.15	\$
3110120	Crockery each	\$0.50	\$
3110120	Trestle Tables each	\$10	\$
3110120	Chairs each (plastic, external use only)	\$2	\$
3110120	Bain Marie – Commercial Function	\$100	\$
3110120	Bain Marie – Private Use	\$50	\$
3110120	Bain Marie – Community Use	\$25	\$
3140120	Delivery Fee (Private Works Request – per hour)	\$87	\$
		TOTAL	\$

TERMS & CONDITIONS

- (a) The booking is not confirmed until the **full bond is paid**.
- (b) **Full payment is required prior to the event date**, or the booking will automatically be cancelled.
- (c) This form must be completed, signed, and submitted before an invoice will be issued.
- (d) The facility is to be entered and vacated by the nominated booking time.
- (e) Any late amendments to bookings will be deducted from the bond or met by the hirer.
- (f) The facility is to be left in a **clean and tidy** condition:
 - Lights and electrical appliances are to be switched off (excluding refrigeration).
 - All doors locked and all windows secured.
 - Tables and chairs should be cleaned and put back to their original position.
 - All bench and table surfaces are wiped and cleaned.
 - Floor to be swept.
 - All rubbish is to be placed in the wheelie bins provided outside the building.
 - All kitchen amenities are cleaned and put away, including cleaning of the oven/stove.
 - All decorations are removed.
 - The bar area, if used, left in a clean and tidy state.
 - All toilets are left in a clean and tidy state. Council’s cleaner will mop the toilet area following use of the facility.
- (g) All costs for losses, damage or extra cleaning required inside and/or outside the facility will be deducted from the bond or met by the hirer. The hirer must inform the Shire of any damage discovered prior to the commencement of their booking. Failure to do so may jeopardise the bond. The hirer must inform the Shire of any damage caused during their booking. Any unreported damage may also be deducted from the bond or met by the hirer.

- (h) The driving of tacks, nails, screws or fixing of blu-tack etc into or onto any of the woodwork, walls or any part of the building, furniture or fixtures is strictly prohibited. No internal or external decorations are permitted to be erected without prior approval from the Shire.
- (i) The use of candles or smoke devices within Shire facilities is used at the supervision of the hirer, all wax is to be properly cleaned without damage to the facility or equipment and facility is to be properly aired after usage of smoke devices.
- (j) The Shire has a NO SMOKING POLICY in all Shire owned and controlled buildings and within 5 metres of all building entrances and openings.
- (k) It is the responsibility of the hirer to ensure that no person behaves in a disorderly manner which causes a nuisance or annoyance. The hirer is to ensure that guests always behave in a decent manner, both inside and outside the facility. If police are called out due to excessive noise, to maintain order or disperse a disorderly crowd, the bond may be forfeited.
- (l) In the event of a breakdown in services, utilities, equipment, etc. no responsibility will be accepted by the Shire. However, every care and precaution will be taken in this regard.
- (m) It may be necessary for maintenance work to be carried out on grounds and venues during your booking time. You will be contacted and advised of the nature of work and proposed timeframe. Every effort will be made to find an alternative venue for the hirer however no guarantee can be given.
- (n) If alcohol is consumed, you must follow the restrictions as noted on your approved Liquor Licence.
- (o) Each building is equipped with a limited number of tables and chairs. Any additional equipment required is to be provided at the hirer's expense.
- (p) The Shire reserves the right to require the presence of security/crowd control. This would involve the hiring of a licensed security firm at a ratio of 1:40 guests. Proof of the booking would be required in writing from the security company **no later than 7 days prior to the booking date.**
- (q) Bookings may be declined at the discretion of the Shire of Dumbleyung.
- (r) If a breach of the Terms and Conditions of hire is made the hirer will automatically forfeit the full bond.

I hereby acknowledge that I have read and agree to abide by the above conditions of hire.

APPLICANT:

FULL NAME:	
SIGNATURE:	
DATE:	

On completion of this form, please return to the Shire of Dumbleyung:

- Email: enquiries@dumbleyung.wa.gov.au
- In Person: Administration Office, 32 Harvey Street, Dumbleyung WA 6350.

OFFICE USE ONLY

FEE PAYABLE:	HIRE \$	FACILITY HIRE MEMBER? Yes No
	BOND \$	IF A FACILITY HIRE MEMBER, A BOND MAY BE REQUIRED
RECEIPT NO:		BOOKED IN CALENDAR & INVITED CLEANER:
KEY NO:		Yes No
OFFICER NAME & SIGNATURE:		
DATE:		

<u>AFTER THE EVENT</u>			
KEY RETURNED:	Yes	No	DATE:
VENUE CHECKED:	Yes	No	NOTES:
BOND RETURNED:	Yes	No	REASON FOR NOT FULL RETURN:
OFFICER NAME & SIGNATURE:			
DATE:			

NEW PROPOSED POLICY

11.6 Shire Housing Prioritisation

Policy Number: 11.6

Policy Subject: Shire Housing Prioritisation

Responsible Officer: Chief Executive Officer

Policy Statement: To provide guidelines for the prioritisation of available Shire owned housing.

Guidelines: Shire owned housing access will be prioritised under the following criteria:

1. Shire Employees (Priority One)
Sufficient stock of reasonable quality residential housing is to be set aside for Shire staff access use. It is prudent to ensure that allowance is made for future housing stock contingencies in the event of staff changes, particularly staff owned residences.
2. Key Workers (Priority Two)
Any Shire owned residences considered surplus to current requirements, may be considered for commercial lease to the Federal/State Government or to the private sector as key worker housing.

All requests for use of Shire owned housing to go through the Chief Executive Officer for approval.

Whilst it is acknowledged that the Shire of Dumbleyung has a key Social Development focus and agenda, this does not include the provision of Social Housing, which is a State Government led responsibility.

Forms & Templates: Nil

First Adopted: 21 April 2022, Motion 2022/038

Amended:

AMEND

12.1 ~~Crossovers and Driveways~~ **Construction and Maintenance of Crossovers**

Policy Number: 12.1

Policy Subject: ~~Crossovers and Driveways~~ **Construction and Maintenance of Crossovers**

Responsible Officer: Director of Infrastructure

Policy Statement: ~~To provide guidelines for crossovers and driveways.~~

To provide specifications and guidance regarding the design, installation and rebating of crossovers.

Guidelines: ~~Council will subsidise one standard crossover per lot to the landowner who applies in writing and will pay 50% of the cost of the standard crossover. This subsidy shall be applied only if the crossover is constructed in accordance with these specifications and is based on being 50% of the cost of a crossover to the minimum dimensions. Additional work (width, length, material) shall be at the sole expense of the landowner.~~

~~Payment of the subsidy will be in line with the annual fees and charges.~~

~~*Note: A sealed surface may consist of sprayed bitumen, asphalt, concrete or brick paving.*~~

PAYMENTS

~~Payments shall be made after completion of all works and inspection by a Council Officer, confirming compliance with Council's requirements.~~

Definition

A "crossover" is the part of the vehicular access to a property, between the property boundary and the edge of the road carriageway.

Application for Crossovers

Applications shall be made in writing by the landowner/s or their appointed agent to the Shire of Dumbleyung before any crossover is constructed/upgraded, and the Shire shall respond, either disallowing or approving the crossover, and setting conditions if appropriate (such as culverts or surfacing). This applies to any crossover, whether eligible for a Shire contribution or not.

The Shire approval to any application shall have a two (2) year limit from the date of approval. Once the two (2) year limit expires then the Shires approval lapses and landowners will need to re-apply. Crossovers started within this two (2) year period must also be completed within the same period. The Shire must be notified within 21 days of the completion of a crossover construction/upgrade.

Temporary Cross Overs

The Shire does not recognise "temporary" crossovers, however, to address the issue of a crossover being required to gain access to a building site this policy allows the partial construction of an approved

crossover (e.g. formed and compacted sub-base) that can be used by vehicles during the construction phase of a dwelling followed by the final surface (final gravel layer/concrete/asphalt or two coat bitumen seal) once the dwelling has been completed provided the crossover construction has been concluded within the two (2) year time limit as per this policy. Any gravel/roadbase/sand or other debris which is transported by vehicle movement, storm water etc. or in any other matter onto the road and/or road drainage system as a result of the crossover being in a temporary 'unfinished' state shall be removed from the road way (and associated drainage structures) to the satisfaction of the Director of Infrastructure prior to any further work being carried out on the crossover.

All new or modified crossovers which join an existing sealed road shall be sealed, either with a 2-coat bitumen seal (normally using 10mm aggregate first coat, and 7mm aggregate second coat) or concrete/asphalt/brick. All crossovers which have an overall vertical grade greater than 1 in 6 (either up or down) are to be sealed.

General

The owner, or his nominated contractor, shall construct/upgrade the crossover to the Shires specifications.

The owner, or his nominated contractor, shall give a minimum of 24 hours' notice prior to construction/work commencing in the first instance.

All unsealed, bituminised or asphalt crossovers shall be constructed of 200mm thick (minimum) compacted gravel or road base.

All brick paved and concrete crossovers shall be constructed on a 100mm (minimum) compacted sand base/metal dust (less than 5mm particle size).

For all crossovers, satisfactory compaction shall be by a minimum of 10 complete passes of an industrial type roller/compactor. Material shall hold adequate but not excessive moisture content so as to aid compaction. The general test for compaction will be that the surface shall not show any depressions when a pick handle is dropped from waist height when tested over various areas of the crossover. Gravel and road base shall be finished to a tightly water bound surface, free of loose stones or excessive slurry. Crossovers which are to be sealed shall be inspected prior to any seal being applied.

Where compaction has not been achieved as determined by the Director of Infrastructure, the owner may be requested to carry out formal geotechnical testing and to provide a copy of those results to ensure compaction is greater than 92% Modified Maximum Dry Density (MMDD) for a residential crossover, and 98% MMDD for a commercial crossover.

The gravel or road base material shall be evenly graded and free of large stones, roots and other deleterious materials.

Moisture shall be maintained through the entire depth of material whilst constructing the crossover, watering the surface prior to compacting is not acceptable. Where fill is required in the construction/upgrade of a crossover, compaction will be required in layers no greater than 300mm.

No changes shall be made to any existing road drainage without prior agreement from the Director of Infrastructure.

Non-Standard Headwalls

All structures other than standard precast concrete culvert headwalls (such as cemented stone pitched) shall be subject to approval prior to construction. Upon prior approval the structure then becomes the responsibility of the owner, i.e. the Shire will not accept responsibility for any liable event, costs of maintenance of this structure.

Rural Crossovers

A standard crossover is either:

A gravel crossover with culvert no pipes, or

A gravel crossover culvert pipe (minimum 375mm diameter) pipes as determined by the Director of Infrastructure to suit the location of the crossover and is 7.2m wide (nominally 3 pipes).

Gravelled and/or sealed as per policy requirements with headwalls (if appropriate) and two white guideposts (with reflectors) as per Australian Standards.

It will be at the discretion of the Director of Infrastructure to determine if pipes are required and the standard specification can be modified i.e. should roadside drainage conditions warrant a pipe of alternate diameter.

Urban Crossovers

The culvert pipe size shall be a minimum 300mm diameter. It will be at the discretion of the Director of Infrastructure to determine if culvert pipes are required and the standard specification can be modified i.e. should roadside drainage conditions warrant a larger diameter culvert pipe.

For residential crossovers:

Minimum width 3.0m, maximum 6.0m.

Minimum turnout to be 1.5m, anything greater will require the approval of the Director of Infrastructure.

For commercial crossovers:

Minimum width 4.5m, maximum 12.0m

Minimum turnout to be 1.5m, anything greater will require the approval of the Director of Infrastructure.

Location of Crossovers

No part of the crossover (this includes the crossover turnout and culvert headwalls) shall be adjacent to the adjoining property or within a corner truncation (of next to an adjoining road), desirably it shall be at least 1m clear of the property line. Any variation must have prior approval from the Director of Infrastructure.

Shared crossovers for dual use by two adjoining properties will be considered subject to the location having acceptable sight distances and complying with the normal engineering requirements for a crossover. The required width of a shared crossover will be determined on a case by case basis.

When determining the location of a crossover, the following factors shall be taken into account:-

Site Distance

Drivers on the passing road must be able to see a vehicle on the crossover in time to avoid collision, and the driver of a vehicle on the crossover must be able

to see approaching vehicles on the road with sufficient distance to safely enter the road. The location of the crossover shall have a minimum sight distance relative to the stopping distance of a vehicle in an emergency situation; this is related to the posted speed of the road where the crossover is to be located.

Where sight distance is restricted then the crossover shall be positioned to give the best possible sight distance, on prior approval from the Director of Infrastructure. The applicant may be requested to carry out additional works in the road reserve to ensure a safe sight line for entering vehicles.

Where there is ample sight distance then the following factors may determine the crossover location:

House Location

Crossovers to houses will not be allowed if they compromise sight distance and it is possible to redesign the driveway layout to get better sight distance.

Vegetation

If it is necessary to clear native vegetation to allow for construction/upgrade or safe sight distance then the Shire will state any objection if so determined. It is the landowner/s responsibility to obtain any/all approvals to remove vegetation (e.g. relevant Environmental Regulatory Agency). Clearing must be kept to a minimum and may be conditional on replacing any removed vegetation with the same or similar vegetation at the request of the Director of Infrastructure. All vegetation cleared for the crossover/upgrade or to improve sight distance must be removed from the road reserve. All vegetation clearing and removal is at the landowner's expense unless otherwise agreed by the Director of Infrastructure as part of the Shire's contribution to the construction/upgrade.

Drainage

If the construction/upgrade of a crossover requires a culvert pipe to be installed, the position and size of the culvert must not interfere with the flow characteristics of the existing storm water/drain course. Culvert pipes must be installed with their classification stamp facing up and the pipes must not be covered until inspected and approved. Pipes must be installed to manufacturer's specification (including the depth of cover). Spigot and socket pipes shall be installed with the socket or 'bell' end facing 'upstream'.

Other

Other factors, such as existing services, must also be considered when determining the location of crossovers. It is highly recommended that the applicant locate the service utilities by contacting Dial-Before-You-Dig on 1100 prior to commencing earthworks.

Occupational Safety & Health, Traffic Management

All works performed within the road reserve must comply with the Occupational Safety & Health Act 1984, Occupational Safety & Health Regulations 1996 and The Manual of Uniform Traffic Control Devices AS 1742.3 – 2019 (Part 3).

Levels of Crossovers

Crossovers shall be constructed to tie into the level of the "edge of the road".

For gravel roads, or bitumen roads with gravel shoulders, the “edge of the road” is the outer edge of the gravel shoulder.

For kerbed roads it is the top of the kerb where mountable kerbing is to be used across the crossover, or the bottom of the kerb if the kerb is to be taken around the crossover turnout.

Crossovers shall be graded back from the “edge of the road” at a grade no greater than 1 in 6, so that there is a reasonably level area of 5m for a car (residential crossover), and 8m or 15m for a truck and semi-trailer respectively (commercial crossover), unless prior approved by the Director of Infrastructure.

Any crossovers given special approval with a gradient greater than 1 in 6, must be bituminised, asphalt, concrete or brick paved.

For crossovers that fall away from the road the level area shall not be steeper than 1 in 6 unless prior approved by the Director of Infrastructure.

For crossovers on kerbed roads where the kerbing is to be removed, the crossover shall rise to the same level as the top of the road kerb within the first 2m. This is to avoid road water running into the crossover. The remainder of the “reasonably level” area shall not be steeper than 1 in 6 unless prior approved by the Director of Infrastructure.

Number of Crossovers

Normally only one crossover per property will be approved. Where there is a request for two crossovers to one property (for example to allow a “U” shaped driveway so that backing into the road may be avoided or alternate access to a shed/carport or a corner block) then a second crossover may be approved. Any approval will be dependent on the two crossovers being accommodated within the property frontage. Approval will also be dependent on the owner accepting the full cost of the second crossover.

Additional crossovers per property require an application to be lodged with the Shire and subsequently approved prior to construction/upgrade commencing. No Shire crossover subsidy is available for second or subsequent crossovers. Such additional crossovers must still comply with the Shires specifications.

Non-Compliant Crossovers

Crossovers that are deemed not to comply with conditions set and/or this policy may be required to be rectified or removed. Crossovers that need to be removed will also require the road reserve to be re-instated to a condition of similar appearance immediately to either side of the crossover. All remedial work will be at the expense of the person who constructed the crossover and/or the current property owner.

Shire Contribution

The property owner shall be eligible for a 50% subsidy (to a maximum value of \$800 for a new crossover without culvert or to a maximum of \$1,500 for a new crossover with new culvert & headwall) for the construction cost of a Standard Crossover provided the following compliance criteria has been met:

- The crossover rebate must be made in writing to the Shire by the owner of the land within 6 months of the construction of the crossover.
- The crossover complies with the approval, any associated conditions and Shire’s Technical Specifications.

- The crossover constructed is the first crossover constructed in relation to the land.
- The owner produces receipts verifying the actual cost of the crossover.

The subsidy applies to industrial, rural, commercial and grouped dwellings as well as single residential.

A standard residential crossover shall have the following dimensions:

Length (verge width)	7m
Width (at boundary line)	3m
Width (at edge of road)	6m
Area	31.5m ²

Maintenance Costs

Landowners are fully responsible for all maintenance of crossovers to their property, that is, the portion which they have constructed (being the sealed surface and gravel base). The Shire is responsible for the street or roadside drains which front the property and will repair any damage associated with water runoff from Council's roads or verges.

If a crossover has become unsafe or in a state of disrepair, the Shire may require a person to repair a crossover by issuing a written notice. If that person fails to make those repairs the Shire may do so and may recover the full cost as a debt due from that person/entity.

Reconstruction/upgrade of one crossover to a property will attract a second subsidy where that crossover has exceeded its expected life (taken as 15 years) as determined by the Director of Infrastructure.

Minor repairs that equate to 20% or less of total crossover square area and that does not require the use of driven machinery (e.g. Bobcat/Skidsteer, Backhoe etc.) will not need prior approval from the Shire.

Non-Approved Works

Written approval (in the form of an approved crossover application form or otherwise) MUST be obtained from the Shire prior to carrying out any works on a crossover within the Shire road reserve. Any landowner/contractor or other party carrying out non-approved works will be issued with an immediate stop work order and may be instructed to repair all disturbance and/or remove all works until such time as an application is made and approval granted.

Traffic Management

A traffic management plan conforming to Australian Standard 1742.3 must be submitted to the Shire prior to any works commencing.

Forms & Templates: ~~Nil~~ [Crossover Application Form](#)

First Adopted: 15 April 2010

Amended: 19 August 2021, Motion 2021/1110
21 April 2022, Motion 2022/038



PO Box 99
 Dumbleyung WA 6350
 Ph: (08) 9863 4012
 Email: enquiries@dumbleyung.wa.gov.au
 Website: www.dumbleyung.wa.gov.au

CROSSOVER APPLICATION FORM

BUILDING PERMIT NO: _____

APPLICANT NAME & CONTACT INFORMATION

Landowners Name: _____
 (Applicant) (First Name) (Last Name)

Postal Address: _____

Contact Number: _____ Email: _____

PROPERTY ADDRESS FOR CROSSOVER APPLICATION

House No: _____ Lot No: _____ RSN: _____ Locality: _____

Road/Street Name: _____

TYPE OF CROSSOVER APPLYING FOR

RURAL TYPE

GRAVEL

SEALED

URBAN TYPE

SEALED

CONCRETE

PAVED

COMMERCIAL TYPE

SEALED

CONCRETE

PAVED

CONTRACTORS DETAILS FOR CROSSOVER APPLICATION

Contractors Company Name: _____

Contact Name: _____ Contact No: _____

Sub-Division

Does this application form part of a sub-division application or condition? YES NO

SKETCH PLAN OF BLOCK SHOWING PROPOSED CROSSING TO THE PROPERTY (Attach any additional information on a separate page)

- SHOW CROSSING WIDTH (Minimum width at property boundary as per Council Policy)
- SHOW DISTANCE FROM SIDE BOUNDARY (Minimum distance 1m)

APPLICANTS DECLARATION

I/We wish to apply to construct a crossover as per this application. I/We understand that the crossover must be constructed in accordance with Council's Policies and to the satisfaction of the Shire of Dumbleyung.

Inspections must be arranged to ensure compliance with Council Policy – Construction and Maintenance of Crossovers. Failure to arrange required inspections may result in non-payment of any applicable crossover contribution.

Applicants Signature: _____ Date: _____

10.5.44 DELEGATION 2.93 – PURCHASE OF GOODS AND SERVICES

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Dumbleyung
FILE REFERENCE:	Delegations Register
AUTHOR:	Governance & Compliance Officer
REVIEWED BY:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Impartiality Interest as delegations have been sub-delegated
DATE:	13 April 2022
ATTACHMENT:	Proposed Amended Delegation 2.93 – Purchase of Goods and Services
VOTING REQUIREMENT:	Absolute Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/039

That Council adopt the proposed amendments to Delegation 2.9.3 – Purchase of Goods and Services and that the Delegations Register be updated accordingly.

Moved Cr Lukins

Seconded Cr Watkins

Carried 6/0

PURPOSE

For Council to adopt the proposed amendments to Delegation 2.9.3 – Purchase of Goods and Services.

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Local Government Act 1995

FINANCIAL AND STAFFING IMPLICATIONS

There are no known meaningful financial implications relative to this matter.

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low**. Policies are in place to ensure the effective use of the Shire's resources and enable the Shire to make decisions based on the principles of equity, fairness, natural justice, transparency of decision making and good government, as well as meeting statutory requirements.

COMMUNITY ENGAGEMENT AND CONSULTATION

Nil

BACKGROUND

Section 5.42 of the Local Government Act allows Council to delegate some its powers under the Local Government Act 1995. Section 5.43 provides limits on the delegations of power. Other Acts also allow Council to delegate some of its power.

COMMENT

Delegations form part of the Shire's decision making approach. Delegations entrust certain types of decisions to the CEO, employees or committees. Delegates exercise the delegated decision making function in their own right, in other words they have discretionary decision making powers.

The use of delegated authority means that a large volume of routine work can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community. Delegated authority allows Council to concentrate on policy development, representation, strategic planning and community leadership.

The Shire's delegation register contains all current delegations from Council to the CEO and committees and from the CEO to employees. It sets out unequivocally which statutory power and function are delegated, which part of the legislation allows such delegation and what the conditions and policy requirements are.

The proposed amendment to Delegation 2.9.3 – Purchase of Goods and Services will be consistent with the previously proposed amendments to Council Policy 3.4 – Purchase of Goods and Services.

The amendments are highlighted in the attached delegation for Council's ease of reference.

2.9.3 PURCHASE OF GOODS AND SERVICES

<p>Function to be performed <i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions (see below)</i></p>	<p>Authority to issue purchase orders for the purchase of goods or services.</p>	
<p>Legislative power or duty delegated</p>	<p>Nil</p>	
<p>Legislative power to delegate</p>	<p><i>Local Government Act 1995</i> Section 5.42</p>	
<p>Delegation to</p>	<p>Chief Executive Officer</p>	
<p>Conditions and exceptions</p>	<p>Delegation Limits of:</p> <p>Chief Executive Officer</p> <p>Director of Corporate Services</p> <p>Director of Infrastructure</p> <p>Mechanic</p> <p>Landcare Officer</p> <p>Corporate Coordinator</p> <p>Governance & Compliance Officer</p> <p>Payroll/Rates Officer</p> <p>Community Development Officer</p> <p>Economic Development Officer</p> <p>Administration/Tenancy Officer</p>	<p>\$250,000</p> <p>\$150,000</p> <p>\$150,000</p> <p>\$10,000</p> <p>\$5,000</p> <p>\$1,500</p> <p>\$3,000</p> <p>\$3,000</p> <p>\$1,500</p> <p>\$3,000</p> <p>\$3,000</p> <p>\$1,500</p>
<p>Sub-delegated to</p>	<p>Director of Corporate Services</p> <p>Director of Infrastructure</p> <p>Mechanic</p> <p>Landcare Officer</p> <p>Corporate Coordinator</p> <p>Governance and Compliance Officer</p> <p>Payroll/Rates Officer</p> <p>Community Development Officer</p> <p>Economic Development Officer</p> <p>Administration/Tenancy Officer</p>	
<p>Delegation delegated</p>	<p>The CEO sub-delegates the authority to issue purchase orders for goods or services up to the limits declared in the conditions and exceptions.</p> <p>This authority cannot be delegated.</p>	
<p>Reporting requirements</p>	<p>Nil</p>	

10.6 ADMINISTRATION/TENANCY OFFICER REPORT

Nil

10.7 PROJECT MANAGER REPORT

Declaration of Indirect Financial Interest in Item 10.7.14 – Mr Darryn Watkins

Prior to any consideration in Item 10.7.14 – New Shed – Lot 245 (28) Dawson Street, Dumbleyung, Mr Darryn Watkins declared an Indirect Financial Interest as he resides at the premises, and it forms part of his remuneration package. Mr Darryn Watkins is not required to leave the room as he is not a voting member and will not be participating in the discussion.

10.7.14 NEW SHED – LOT 245 (28) DAWSON STREET, DUMBLEYUNG

LOCATION/ADDRESS:	Lot 245 (No.28) Dawson Street, Dumbleyung
NAME OF APPLICANT:	Shire of Dumbleyung
FILE REFERENCE:	A245 – Rates & Property
AUTHOR:	Project Manager
REVIEWED BY:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	24 March 2022
ATTACHMENT:	Shed elevations, site location
VOTING REQUIREMENT:	Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/040

That Council approval the construction of a new steel framed shed 7 metres long x 5 metres wide x 2.8 metres high with a Fielders TL5 /Fielders corri (Surf-mist) roof and Fielders TL5 /Fielders corri (Surf-mist) walls for private storage at Lot 245 (30) Dawson Street, Dumbleyung. The approval is subject to compliance with the following conditions and advice notes:-

Conditions

1. The development to be undertaken in a manner consistent with the supporting plans submitted with the application unless otherwise approved by Council.
2. The oversize shed is of steel frame, construction with a total floor area not exceeding the 35m² (as show on the submitted plan).
3. The new oversize shed shall have a side elevation wall height of no greater than 2.8 metres height and a maximum ridge height of 3.2 metres.
4. All stormwater generated by the new shed shall be managed and disposed into Council street drainage.
5. The shed is not to be amended without further approval of Council.
6. The shed is for the purpose of private storage.

Advice Notes

1. A completed building permit must be approved by the Shire's Building Surveyor.
2. The development on the land is required to comply with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire with the required building permit application.

Moved Cr Watkins

Seconded Cr Knight

Carried 6/0

PURPOSE

The purpose of this report is for Council to consider the construction of a new steel framed, shed 7 metres long x 5 metres wide x 2.8 metres high with a Fielders TL5 /Fielders corri (Surf-mist) roof and Fielders TL5 /Fielders corri (Surf-mist) walls for private storage at Lot 245 (28) Dawson Street, Dumbleyung subject to conditions and advice notes.

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

The location has been assessed as public use as detailed in the Shire of Dumbleyung Local Planning Scheme No.1 2003.

FINANCIAL AND STAFFING IMPLICATIONS

Value of the shed is detailed in the attached docs with a further estimate of \$4,500 site preparation and supply of concrete slab.

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low** as funding is already budgeted and the approval is subject to conditions and the report has been submitted to ensure that Council approval has been sought prior to the build of a new shed.

COMMUNITY ENGAGEMENT AND CONSULTATION

Nil required.

BACKGROUND

The shed is to be located at the side/rear of the property with a setback of 1.0m from the eastern boundary and 1.2m from the southern boundary to allow future access to the sewer connection.

The structure is of steel frame, construction with Fielders TL5 /Fielders corri cladding and a total floor area not exceeding 35m² (as show on the submitted plan).

The oversize shed has a side elevation of 2.8 metres in height and a maximum ridge height of 3.2 metres. Hence does not comply with the Residential Design Codes.

OFFICER'S COMMENT

When considering the proposal Council should also be mindful of the following key points:

Outbuilding/Shed - approval requirements

State Planning Policy 7.3: Residential Design Codes Volume 1 (R-Codes) and the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) apply to this application.

The Residential Design Codes (R-Codes) define a Shed/outbuilding as:

'An outbuilding is defined by the R-Codes as an enclosed non-habitable structure that is detached from any dwelling. Based on this definition, an outbuilding requires a dwelling. Outbuildings are also known as sheds, barns and workshops, with varying design, size and construction materials. They may be pre-constructed, transported to and then placed on land, and are capable of being adapted for various uses'.

In a residential setting, outbuildings are assessed against the R-Codes and local planning scheme. The R-Codes are applied in local planning schemes as if they were part of the scheme and principally apply to residential zoned land. R-Code requirements and outbuilding standards may be applied to other zones if prescribed by the local planning scheme. Local planning policies can also provide exemptions from development approval and be used to vary the R-Codes.

Clause 5.4.3 of the R-Codes sets out the outbuildings design principle and deemed-to-comply requirements. This is to protect the streetscape and visual amenity by requiring outbuildings to have a relatively small floor area, be low in height, and located away from view. The deemed-to-comply requirements are satisfied if the outbuilding is:-

- (1) not attached to a dwelling
- (2) non-habitable
- (3) maximum area 60m² (aggregate) or 10% of site (whichever is less)
- (4) maximum wall height of 2.4m
- (5) maximum ridge height of 4.2m
- (6) located behind street front setback
- (7) private open space requirements are met
- (8) boundary setbacks achieved, and
- (9) the area of the proposed outbuilding, together with the area of all existing buildings on the site (including the house), does not exceed 50%

The State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes) Table 1 primary street set back is 4 metres for R/30 and 7.5 metres for R/10 and 1 metre from the boundary.

Full advertising does not apply if the local government is satisfied that the non-compliance with the requirements of this Scheme is of a minor nature.

As previously stated, this structure does not comply with the required size or height, hence adjoining property owners' comment is required. The applicant has complied with this requirement and the adjoining properties form with nil owners' comment and is as an attachment to this report.

The construction does allow an unobstructed view between the dwelling and the street, right-of-way or equivalent.

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties can be approved by Council.

Under the terms of the Shire of Dumbleyung TPS No.1, the development and use of any land classified Residential Zone is to provide for residential development at a range of densities with a variety of housing which includes carports to meet the needs of different household types through the application of the R-Codes.

OFFICER'S COMMENT

The report has been submitted to ensure that Council approval has been sought prior to the build of a new shed at the Lot 245 (28), as the premises is currently owned by the Shire of Dumbleyung and is allocated to the Shire of Dumbleyung Director of Infrastructure.

Following an assessment of the application in the context of the specific standards and requirements of TPS No.1, the reporting officer has concluded that the construction of a new steel framed, oversized shed 7 metres long x 5 metres wide x 2.8 metres high with a Fielders TL5 /Fielders corri (Surf-mist) roof and Fielders

TL5 /Fielders corri (Surf-mist) walls for private storage at Lot245 (28) Absolon Street, Dumbleyung can be approved subject to compliance with the above conditions and advice notes.

As the structure is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council, subject to the imposition of a number of conditions to ensure the development proceeds in a proper and orderly manner.

Map of Bush Fire Prone Areas

powered by SLIP

SLIP

FAQs

Instructions for Use

Status Page

Please Zoom in for property information



0 3 6m

117.74088302 -33.31097653 Degrees

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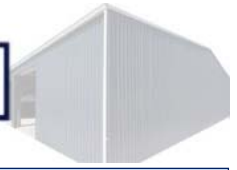
Date: 31/01/2022

Quote Number: ASHAW52258

Quoted By: Anthony Wandell

Date Quoted: 31/01/2022

QUOTATION



CUSTOMER DETAILS

Name: Sarah-Jane Robertson-Hall

Address: 26 Dawson Street

Suburb: Dumbleyung

State: WA

P/C: 6350

Phone (H):

Mobile: 98634012

Phone (O):

Email: ao@dumbleyung.wa.gov.au

SITE ADDRESS

Address: 26 Dawson Street

Suburb: Dumbleyung

State: WA

P/C: 6350

YOUR ENDURANCE SHED DETAILS

Structure Type: Premier Garage

Wind Region: A

Open Design: No

Terrain Category: 2.5

Vsite: 39.2 m/s

Importance Level: 2

Ms: 1.00

Mt: 1.00

COLOUR CHOICES

Main Shed	Options
Roof Colour: Surfmist	Window Colour: Not Applicable
Wall Colour: Surfmist	PA Door Colour: Woodland Grey
Barge / Fascia Colour: Woodland Grey	Roller Door Colour: Woodland Grey
Gutter Colour: Woodland Grey	Sliding Door Colour: Not Applicable
Downpipe Colour: Woodland Grey	Dividing Wall Colour: Not Applicable

SPECIFICATIONS:	Main Shed	Awning Front	Awning Back
Span (Width):	5000 mm	#N/A	#N/A
Height:	2800 mm	#N/A	#N/A
Roof Pitch:	10 deg	#N/A	#N/A
Nominal Bay Spacing:	3500 mm	#N/A	#N/A
No. of Bays:	2	#N/A	#N/A
Length:	7000 mm		
Wall Sheeting Type:	0.42 TL-5		
Roof Sheeting Type:	0.42 TL-5		
Downpipe Type:	Steel		
Base Type:	On Slab		
Footing Type:	Chemset		

OPTION ITEMS LIST:

- 1 x PA Door
- 1 x Light 180° (650/37 + 1100 lock)
- 1 x Roller Door
- 1 x H2300xW4200 - AA Curtain - Windlocks
- 2 x Skylights
- 2 x F/gl 8oz 2400gsm Opal
- (F1) 1 x each x Vent - Spinaway 300 dia
- (E1) 1 x Eng - Certificate (WA) - Enduro

QUOTE NOTES:

- Please confirm with your council or building certifier that the "Design Criteria" is correct

- Please confirm with your council if a BAL assessment will be required. Roller door heights are nominal and subject to minor change during manufacturing drawing production.

Fielders Extra Charges or Notes

- Free PA Door - Open Out LHH

- The price is subject to price increases in accordance with engineering changes and/or steel price rises announced by Bluescope from an effective price rise date . Final price can only be confirmed once 50% payment is made and shed goes into production.

Signed:

Date:

THIS QUOTATION INCLUDES:	
Council Fees:	No
Engineering Costs:	Yes
Rubbish Removal:	No
Delivery:	Yes
Demolition:	No
Stormwater and Earthworks:	No
Labour:	No
Accommodation:	No

DEPOSIT:	\$2,530.72 (incl GST)
PROGRESS PAYMENT:	\$2,530.72 (incl GST)
BALANCE:	\$5,061.43 (incl GST)
SUPPLY KIT ONLY:	\$10,122.86 (incl GST)

TOTAL PRICE: (incl extra charges listed)
\$10,122.86
(incl GST)

Name: **Sarah-Jane Robertson-Hall**

Suburb: **Dumbleyung**

<u>Description</u>				<u>Amount Inc. GST</u>
<u>Shed Kit as per supply quotation</u>				
Length	Width	Height	Pitch	
7.00	5.00	2.80	10.00	
<u>Kit Supply</u>				
<i>Supplied by Action Sheds Australia as per Quotation</i>				\$10,122.86
				\$0.00
<u>Installation of Building</u>				
<i>Total cost for installation</i>				\$5,090.10
Owner to supply concrete Slab as per Engineering Requirements				
Cost for Machinery/lifting equipment hire and/or extra labour costs if machinery isn't used.				\$300.00
Install To be paid directly to contractor as per payment schedule				
Erecting cost is subject to erectors site inspection				
<u>Installation Payment Schedule</u>				
Structural Steel completion				\$3,503.57
Sheeting Completed				\$1,347.53
Shed Lock up and completed				\$539.01
<u>Notes</u>				
Local Council Applications (Includes Standard Fees Only)				\$0.00
Owner to pay verge bond & Watercorp application if required				\$0.00
				\$0.00
Total cost for supply of Kit & Installation Including GST				\$15,512.96

Notes:

*New Regulations which allows the owner of the property to become an "owner Builder" if the job total is over \$20,000.00. Please ask one of our friendly staff about this cost saving alternative.

***We can provide a registered builder If your project requires one, contact us for further information.**

***Due to building demands and fluctuating commodity the prices for concrete and erecting may increase.**

***No allowance for site bin(s) or temporary fencing during installation - if required please let us know.**

***Install cost is based on minimum 500mm boundary/fences, please notify us if distance will be closer.**

Terms & Conditions

*Quotation is valid for 30 Days

*Shed Edge Area to be Clear , Level & hard soil. 1mtr for sheds between 2.4Mtr to 3.5Mtr High & 3mtr for machinery access on sheds above 4Mtr in height

*Concrete slab to be laid by owner

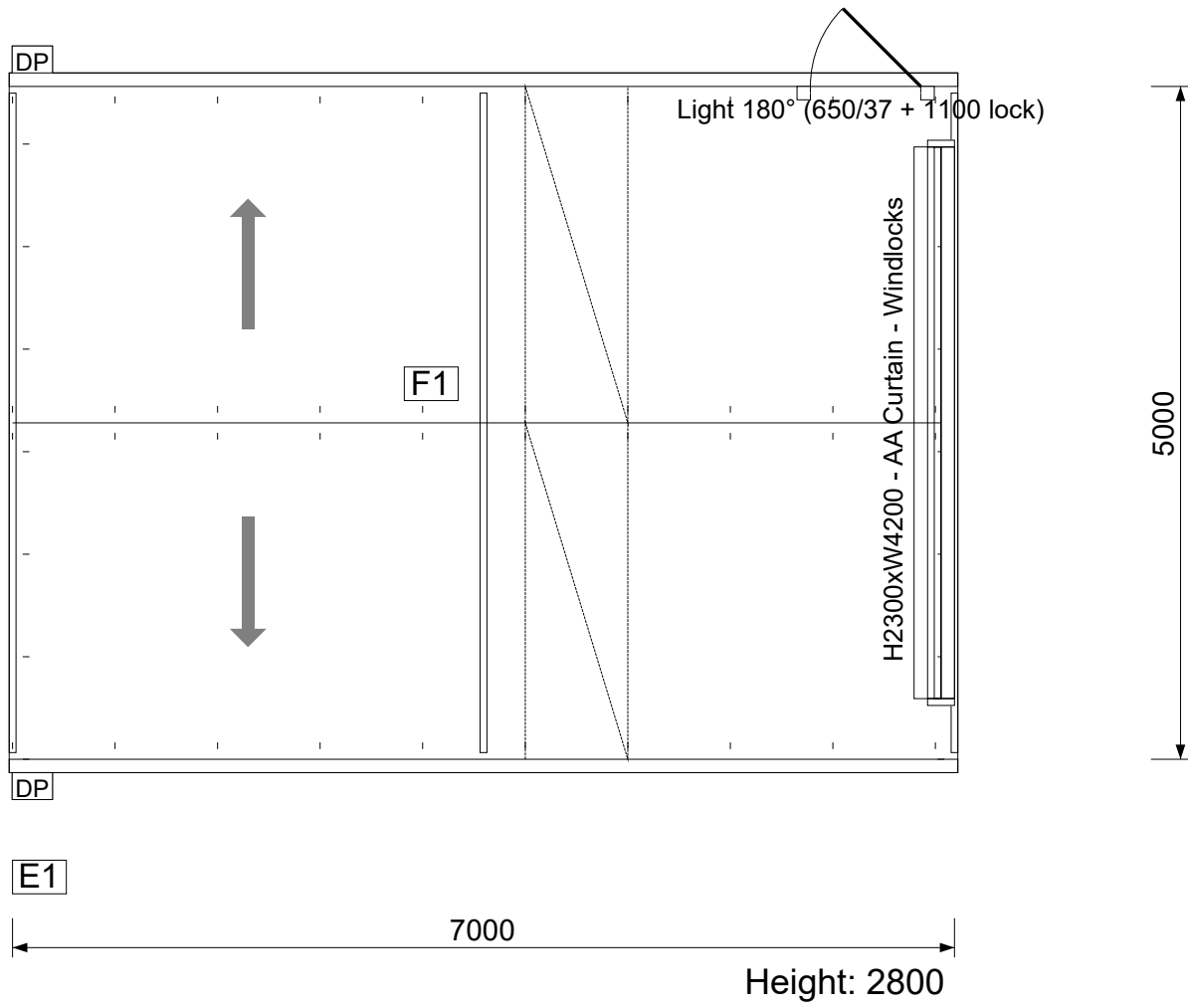
*Earthworks by owner

*Site area to be clear & Flat

*Rubbish to be disposed by client

*Site to have Power & Water

*When customer is providing their own windows and/or doors extra charges will apply



- OPTION ITEMS LIST:**
- 1 x PA Door
 - 1 x Light 180° (650/37 + 1100 lock)
 - 1 x Roller Door
 - 1 x H2300xW4200 - AA Curtain - Windlocks
 - 2 x Skylights
 - 2 x F/gl 8oz 2400gsm Opal
 - (F1) 1 x each x Vent - Spinaway 300 dia
 - (E1) 1 x Eng - Certificate (WA) - Enduro

Company: Action Sheds Australia PTY LTD
 Address: 55 Erceg Road
 Phone: 6559 1970
 Email: Anthony@actionsheds.com.au

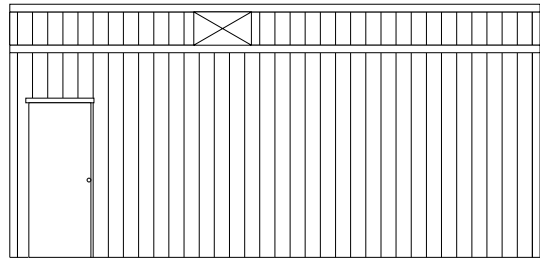


CLIENT NAME: Sarah-Jane Robertson-Hall
 SITE ADDRESS: 26 Dawson Street
 Dumbleyung, WA, PC: 6350

CLIENT SIGNATURE:

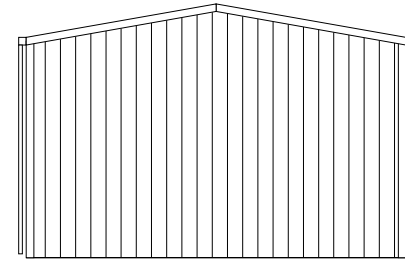
TITLE: Plan View		
QUOTE No: ASHAW52258	SCALE: NTS	REV. A
DATE: 31/01/2022	PAGES: 1 of 2	

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7000

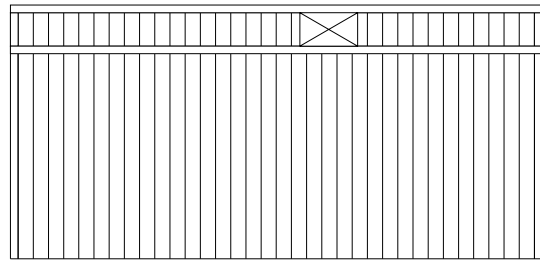
Back



5000

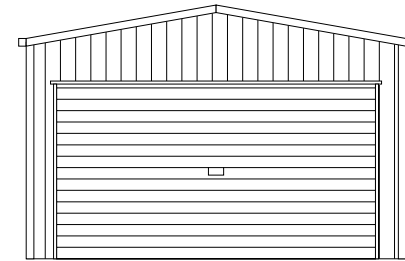
2800
3241

Left



7000

Front



5000

2800
3241

Right

Company: Action Sheds Australia PTY LTD
 Address: 55 Erceg Road
 Phone: 6550 1970
 Email: Anthony@actionsheds.com.au



CLIENT NAME: Sarah-Jane Robertson-Hall
 SITE ADDRESS: 26 Dawson Street
 Dumbleyung, WA, PC: 6350

CLIENT SIGNATURE:

.....

TITLE: Elevations View		
QUOTE No: ASHAW52258	SCALE: NTS	REV.:
DATE: 31/01/2022	PAGES: 2 of 2	Page 374 A



GENERAL SPECIFICATION

1. **BUILDING UPGRADES.** Due to ongoing development Endurance reserves the right to modify the design from the date of quotation and up to the date of delivery modification.
2. **STANDARDS & CODES.** All buildings are designed in accordance with the following standards:
 - AS/NZS1170.1 - Dead & Live Loads
 - AS/NZS1170.2 - Wind Loads
 - AS/NZS4600 - Cold-formed Steel Structures
 - AS1397 - Steel Sheet & Strip
3. **WIND REGION.** It is the customers responsibility to check with the local Authority of the correct design criteria. The building quoted has been designed to the wind category stated on the attached quotation.
4. **ADDITIONAL LOADINGS.** No allowance has been made for Snow Loading, Ceiling Loads and earthquakes unless specifically stated on the attached quotation.
5. **DIMENSIONS SHEDS.** The dimensions stated are nominal sizes only, but generally they are from the overall girts for the width and length and to the top of fascia for the height. We reserve the right to adjust these dimensions slightly due to door/ window combinations etc. The exact dimensions are those shown on the plans issued when the building goes to production. On the Carports, the dimensions stated are: span over columns and length overall dimension from the outside of the end columns.
6. **ROOF AND WALL CLADDING.** The Building Roof can be clad with a choice of two profiles. Fielders TL5 or Fielders Corri. Minimum thickness 0.42 BMT. Thicker Steel is available on request. The Building Walls can be clad in the choice of 3 wall profiles Fielders TL5 0.42 or 0.35 BMT. Fielders Corri 0.42BMT or Fielders Low Profile 0.35BMT. All these profiles are available in the base Zincalume finish or Colorbond finish. Thicker profiles special coatings are available on request. Check your Quotation for details. The sheeting fixings to be accordance with manufacturer's recommendations.
7. **FLASHINGS.** All flashings are manufactured from 0.55mm BMT material. The profile is selected from one of our standard profiles designed to suit the application. Should additional or non standard profiles are requested than an additional charge will apply.
8. **GUTTERS.** A wide selection of gutter profiles are available (dependant on State). Please check your Quotation for details.
9. **DOWNPIPES.** A choice of either 100 x 75 or 90mm diameter PVC downpipes are supplied (check your Quotation for details). Downpipes discharge at ground level.
10. **GALVANISED STEEL SECTIONS.** All Cold Rolled sections specified have a minimum coating of 350g/m2. SHS & RHS sections have a pre-Galvanized minimum coating of 125g/m2.
11. **FASTENERS & SCREWS.** All screws supplied are a Class 4 and in accordance with the Engineering design. All in accordance with AS/NZ 3566. Cyclone screws are use in Region C & D. Most major connections are bolted. These bolts to be 16 diameter 8.8. All other bolts ie Purlin & Girt fixings to be 12 diameter 4.6 bolts.
12. **PORTAL FRAMES.** Endurance has a large selection of frame designs. Including Knee Brace and NO knee brace (Haunch Design). Apex Plate with or without a collar tie. Plus a varied selection of Base Plate Types ie On-Slab or In-Slab. Check your Quotation and Engineering plans for details.
13. **BRACING.** Our designs use either strap bracing of various sizes and or a combination of threaded rod. These braces are positioned in locations shown on the standard engineering plans. Should these braces have to be repositioned to your special requirements then additional costs shall apply.
14. **FOOTINGS & SLAB.** The foundation sizes and slab details provided are for Soil Types except Type E and type P. Refer to the Engineering Plan for details.
15. **ACCESSORIES.**
 - **ROLLER DOORS.** All Roller Doors are steel wrapped to prevent damage with delivery. There are three types of Roller doors – Series A and Series AA (centre lift lock-no chains) and Series B – chain operation. (open from inside). The size shown on the Quotation is the curtain size. All doors are available with electric motors and or windlocks.
 - **PA DOORS.** There is a wide selection of PA Doors. Check your Quotation for type quoted.
 - **WINDOWS.** There is a selection of window sizes available. A header flashing is supplied as standard. Class 1 windows are fully flashed and fully framed. All windows are positioned with the head at approx 2100mm from top of slab.
 - **SLIDING DOORS.** There is a vast variety of sliding door combinations available. Top Hung Standard on all Premier and Z Series Buildings. Bottom Rail System for Aircraft Hangars. Sliding Doors are not wind rated.
 - **SKYLIGHTS.** They are available in either Fiberglass (2400gm/m2) or Polycarbonate (maximum length 8m) to match the profile of the roof. Safety mesh is included if stated in the quote otherwise to be supplied by others.
 - **INSULATION.** Either Fiberglass Wool or Bubble included mesh if included in quote.
 - **VENT RIDGE.** A selection of ridge vents is available. Check Quotation for size. The vent ridge colour is to match the roof finish.
 - **MEZZANINE FLOOR.** Supply is for bearers & joists only. No flooring or balustrade is supplied. The mezzanine floor generally is based on the grid to match the position of the end wall columns. Check column locations are suitable for your layout. Standard floor assumes 1.5kpa Live Load. Heavier loads available on request.

CONDITIONS OF SALE

1. The attached price is valid for a period of 30 days from the date of this quotation.
2. The price is based on data listed on the layout plans & engineering plan number nominated on the quotation.
3. It is the clients responsibility to gain Council approval unless stated on the quotation.
4. The price is based on 'site unseen'. If the price includes delivery to site we assume the site is accessible for a semi trailer and the goods can be unloaded within 3m of the building area. We do not accept any cost or consequential damages to the purchaser for damage to access driveways, landscape and the like.
5. The dimensions stated on the quotation and shown on the plans included Engineering Plans are nominal and are not to be used for construction. ONLY the dimensions shown on the construction plans are to be used for building.
6. Any variation to the quotation must be in writing and agreed by all parties.
7. Should the cancellation occur we reserve the right to charge a cancellation fee based on the amount of work done at the time of cancellation. Minimum fee 10% of contract price.
8. Should a delivery date be stated it is done in good faith and intentions. We will not be held responsible for any consequential damages should we fail to deliver on the stated date.
9. Any claim for shortages or damage to material in transit are to be made within 3 days of delivery. These claims to be in writing with photos of damaged items attached.
10. Payment terms require a 50% deposit at the time of placing the order into manufacture. This deposit is non refundable. The remaining balance must be paid prior to delivery.

Client Signature:

10.7.15 DEVELOPMENT APPLICATION – RELOCATION OF BLUEBIRD LODGE FROM SHIRE OF DUMBLEYUNG CARAVAN PARK TO THE SHIRE OF DUMBLEYUNG WORKS DEPOT

LOCATION/ADDRESS:	Lot 64(32) Harvey Street and Lot 38(29) Harvey Street, Dumbleyung
NAME OF APPLICANT:	Shire of Dumbleyung (Landowner)
FILE REFERENCE:	A960 and A1030 – Rates & Property
AUTHOR:	Project Manager
DISCLOSURE OF INTEREST:	Nil
REVIEWED BY:	Chief Executive Officer
DATE:	6 April 2022
ATTACHMENT:	Site locations, Photos of current buildings
VOTING REQUIREMENT:	Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/041

That the relocation of the Bluebird Lodge from Lot 38(29) Harvey Street (the Shire of Dumbleyung Caravan Park) to Lot 64(32) the Shire of Dumbleyung works depot be approved subject to the following:

- 1. A completed building permit must be approved by the Shire’s Building Surveyor.**
- 2. The development on the land is required to comply with the National Construction Code of Australia.**
- 3. Plans and specifications which reflect these requirements must be submitted to the Shire with the required building permit application.**

Moved Cr Knight

Seconded Cr Watkins

Carried 6/0

PURPOSE

The purpose of this report is for Council to approve the relocation of the Bluebird Lodge from Lot 38(29) Harvey Street (the Shire of Dumbleyung Caravan Park) to Lot 64(32) the Shire of Dumbleyung works depot for use as an office and amenities room.

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Nil

FINANCIAL AND STAFFING IMPLICATIONS

Minor Statutory fees and charges apply for the Building permits. Council has allocated \$100K towards a new amenities room for the Works Depot. Cost to relocate the Blue Bird Lodge and refit have been estimated at \$7K for relocation, \$7k for fit-out and \$4K for disconnection and reconnection of services. Remaining funds \$80k could then be allocated to a replace accommodation unit at the caravan park.

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung’s Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low** as funding is already budgeted and the Bluebird Lodge has been accessed by Council officers as an ideal replacement for the current amenities room.

COMMUNITY ENGAGEMENT AND CONSULTATION

Nil

BACKGROUND

The old works depot amenities building was built in the early 70s as a two-lift transportable and was originally used as an accommodation building at another site.

The interior and exterior cladding of the Work depot amenities building, and facilities have deteriorated to such an extent that it would cost more to repair and replace than it would to have a suitable replacement building. Photos and site location of each building are attached for Council information.

The Bluebird Lodge is a Cavalier sandwich panel skid mounted transportable without any toilet, laundry or showering facilities.

Councils' Director of Infrastructure (DOI) has endeavoured to source other suitable buildings locally, online and in Perth without a suitable building being located. The DOI has viewed and assessed the Bluebird Lodge as a suitable replacement for the aged work depot amenities room.

A transportable building relocater has been approached to uplift and remove the old works depot amenities building and uplift and relocate the Bluebird Lodge to the Depot site on the same day. Local contactor's have been contacted to disconnect and reconnect services to the buildings.

It is anticipated that the old works depot amenities are to be demolished and removed by the relocators.

The Shire of Dumbleyung works depot land is zoned Civic and Community in the Shire of Dumbleyung Local Planning Scheme No.1 Text. Civic means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.

Hence the relocation of the Transportable Bluebird lodge (Cavalier Transportable) replacement meets with the requirements of the scheme and will not impact upon amenity and character of the locality as the replacement building is in better condition than the existing old depot amenities building.

A replacement accommodation unit is being costed for the caravan park and will be a separate report to Council.

OFFICER'S COMMENT

A detailed assessment of the proposal in the context of the specific standards and requirements of TPS No.1 by the reporting officer has concluded that, relocation of the Bluebird Lodge from Lot 38(29) Harvey Street (the Shire of Dumbleyung Caravan Park) to Lot 64(32) the Shire of Dumbleyung works depot for use as an office and amenities room can be approved subject to compliance with the above conditions.

The structure is unlikely to have a negative impact on the general amenity, character, functionality and safety of the immediate locality and may therefore be supported and approved by Council.

Map of Bush Fire Prone Areas

[SLIP](#) [FAQs](#) [Instructions for Use](#) [Status Page](#) [Please Zoom in for proper](#)





Depot office rear 3.6m x 8m



Depot office front 4.2m



Deport office side 9.3m x 4.2m



Deport office side 4.2m



Depot office side 9.3m



Blue bird lodge 11.4m x 3.6m



Bluebird lodge side 11.4m



Bluebird lodge 11.4m x 3.6m

10.7.16 DEVELOPMENT APPLICATION – REPLACEMENT ACCOMMODATION UNIT DUMBLEYUNG CARAVAN PARK

LOCATION/ADDRESS:	Lot 38(29) Harvey Street, Dumbleyung
NAME OF APPLICANT:	Shire of Dumbleyung (Landowner)
FILE REFERENCE:	A1030 – Rates & Property
AUTHOR:	Project Manager
DISCLOSURE OF INTEREST:	Nil
REVIEWED BY:	Chief Executive Officer
DATE:	7 April 2022
ATTACHMENT:	Site locations, Quoted Spreadsheet, Floor plans and elevations
VOTING REQUIREMENT:	Absolute Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/042

That Council approve the Development Application for replacement accommodation units at the Dumbleyung Caravan Park in accordance with the following:-

1. Procure two x two-bedroom SS Broadwater type units which gives two points of accommodation and accommodates up to 12 persons, estimated cost \$272K.
2. Funding required is budgeted by utilising \$80K (new depot office & amenities building remaining funds), \$30K (underspend in Dumbleyung Caravan Park building maintenance) and \$81K from reduced budget transfer to Emergency Services Reserve and \$81K from the Building Reserve.
3. Final location of the accommodation units to be in the same proximity as the previous Bluebird Lodge.

Advise Note: Tenders will be required if the value is greater than \$250,000 as detailed in the Shire of Dumbleyung Purchasing Policy 3.4.

Moved Cr Knight

Seconded Cr Doney

Carried 6/0

PURPOSE

The purpose of this report is for Council to approve the internal Development Application, budget funding allocations and capital expenditure to establish suitable accommodation replacement(s) at the Dumbleyung Caravan Park resulting from the relocation of the Bluebird Lodge to the Shire Works Depot.

STRATEGIC IMPLICATIONS

Short stay accommodation is identified in the Shire of Dumbleyung Strategic Community Plan 2022-2032, under Economic Development Dumbleyung Short Stay Accommodation Plan as a specific strategic priority.

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Building Act 2011

Building Regulations 2012

National Construction Code 2019 (for Disability Access)

Planning and Development Act 2005
Caravan and Camping Ground Act 1995
Caravan parks and Camping Grounds Regulations 1997
Shire of Dumbleyung Purchasing Policy 3.4

FINANCIAL AND STAFFING IMPLICATIONS

With regards to budget capacity, the Director of Corporate Services has provided the following budgetary information.

There was \$100k in the FY22 budget for a new depot office & amenities room. It is estimated only \$20k is going to be spent to relocate the existing caravan park transportable to the depot. Remaining funds **\$80k** could be reallocated to a replacement accommodation unit(s) for the caravan park. Cost to relocate the Bluebird Lodge and refit have been estimated at \$7k for relocation, \$7k for fit-out and \$4k for disconnections and reconnections of services.

In the Financial Year 2022, there is a budget of \$50,685 for Dumbleyung Caravan Park building maintenance, of which only \$12.5k has been spent year to date. If we assume by 30 June 2022 \$20k has been spent, this leaves **\$30k** under budget.

In total, this gives **\$110k** available funding for reallocation towards new caravan park unit(s).

To purchase two, 2-bedroom Broadwater units at **\$136k each**, the total cost is estimated at **\$272k**, leaving a **\$162k** shortfall.

The budget shortfall could be met by:

- i. Reduce the budgeted transfer to the emergency response reserve by however much needed – currently we are budgeted to transfer \$381,632, or
- ii. Utilise funds required from the Buildings Reserve, currently sitting at a balance of \$686,103, or
- iii. Evenly source budget funding shortfall from both Reserves i.e. \$81k each.

Building permit fees also apply.

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's new Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low-Medium** with the main issue being allocating previously unbudgeted funds. However, this risk is sufficiently mitigated by the Shire identifying budget savings and proposed redirections including access to existing Reserves.

COMMUNITY ENGAGEMENT AND CONSULTATION

N/A.

BACKGROUND

The Bluebird Lodge at the Dumbleyung Caravan Park is a Cavalier sandwich panel skid mounted transportable without any toilet, laundry or showering facilities and is earmarked for relocation to the Shire Works Depot to replace the old office & amenities building. The occupancy uptake for the Bluebird Lodge is minimal as visitors prefer to access fully self-contained short-term accommodation i.e. own shower, toilet and laundry facilities.

To investigate options for replacing the Bluebird Lodge, five accommodation providers were approached to provide prices for a suitable replacements. Not all companies approached provided information on design or

costs. Attached is a basic spreadsheet with estimated costing for replacement accommodation buildings and examples of floor plans and elevations.

The preferred modular SS Broadwater units have been installed in many locations including the Denmark Ocean View Caravan Park and in Narrogin. The design is modern and the internal layout is designed for short stay accommodation purposes.

OFFICER'S COMMENT

The proposal has been assessed to conform with legislative requirements.

Council may be required to have one of the units designed to accommodate disability access if the existing Unit at 4/37 Harvey Street is not deemed to be part of available accessible units for short term accommodation hence incurring extra construction costs.

Providing modern short stay accommodation at the caravan park would be the first step to providing short stay accommodation as identified in the Shire of Dumbleyung Strategic Community Plan 2022-2032, under Economic Development, Dumbleyung Short Stay Accommodation Plan.

The preferred option is for two x two-bedroom SS Broadwater type units which gives two points of accommodation and accommodates up to 12 persons, estimated cost \$272K.

Council could budget for one each financial year bringing the cost down to \$136K each year.

Preferred option two would be for one x two-bedroom SS Broadwater type unit, cost \$136K and a 2 bed workers (\$100K) accommodation type by Fox. Fox have provided a floor plan but not elevations for this design. The value depends on who builds what, total \$230-272K (allowing for services connections) has three points of occupancy and accommodates 8 persons. The single units will have a lower rack rate than the SS Broadwater.

Map of Bush Fire Prone Areas

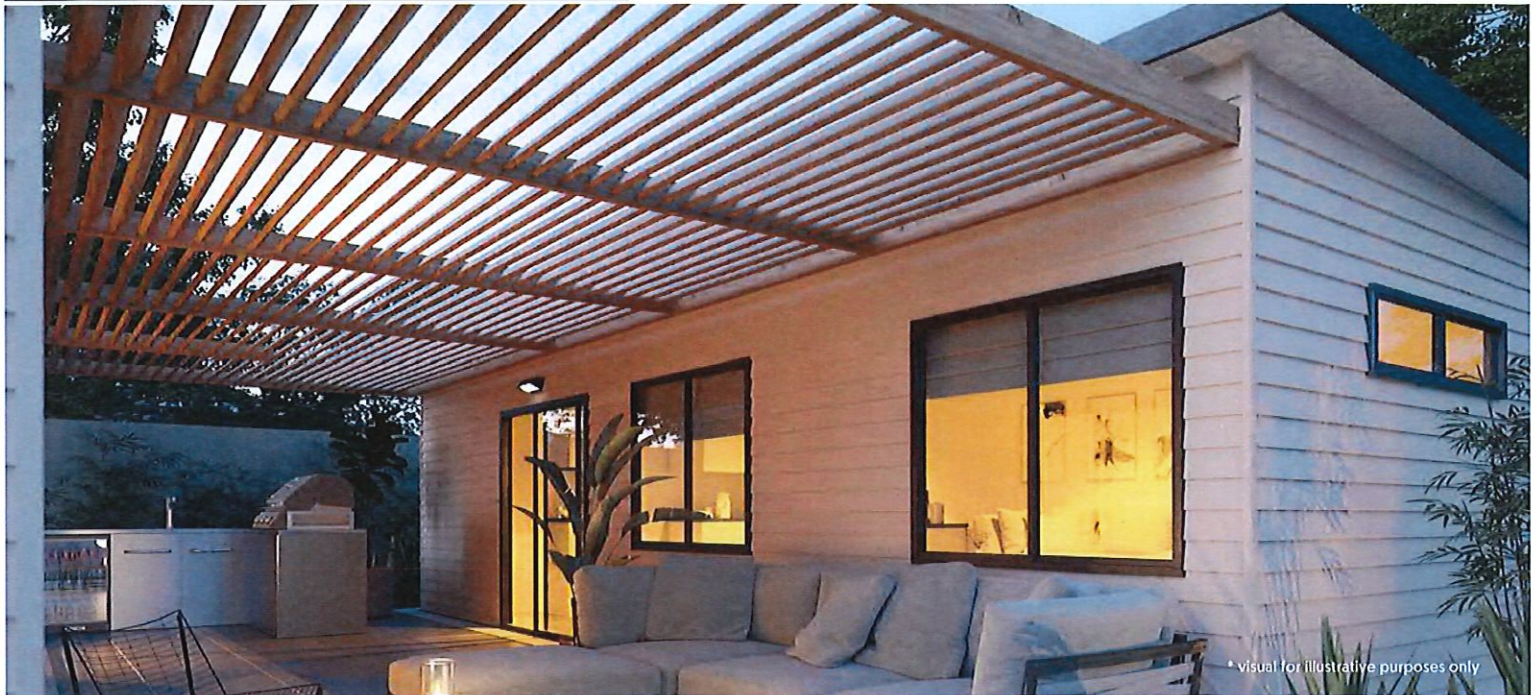
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Accommodation replacement quotes for Caravan Park		FOX Modular Sandwich panel	Modular Homes	
1 bedroom flat	Basic	\$67K Turin	\$127K	1 bed Broadwater
2 bedroom flat	Basic Upgraded stud frame	\$96K Arezzo \$125K	\$136K	2 bed Broadwater
2 room singles accommodation (special order)		\$81K	No Price	

ELHOMES	TRHomes	Inspire build (Ranbuild)	
\$140K The Seaview	\$167K Coogee	\$60K	Basic No design provided
\$160K The Oakhill	\$175K Cottesloe	\$80k	Basic No design provided
No price	No Price	No Price	

the TURIN



* visual for illustrative purposes only



Dimensions*

4m x 10.8m

Size*

43.2m²

Stud Frame

Dimensions

Price

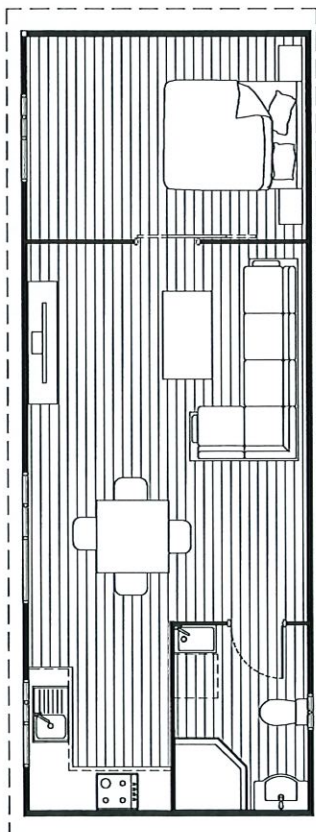
- BlueScope TRUECORE® steel wall frames and trusses
- Gyprock lined with R2 batts walls, R3 batt ceiling and anticon
- CFC and Aquatite particle board flooring – termite treated
- Fully insulated plaster board, painted including cornice and skirting
- Aquacheck throughout wet areas
- Aluminium doors and windows with toughened glass
- Tiled bathroom floor and skirting
- External Colorbond® cladding

Panel EPS - FR

Dimensions

Price

- BlueScope Colorbond® steel EPS-FR panels
- Fully Insulated internal and external flat Colorbond® finish
- CFC and aquatite particle board flooring – termite treated
- Aluminium joinery and extrusions
- Permifloor underfloor insulation
- Aluminium doors and windows with toughened glass



the AREZZO



* visual for illustrative purposes only



Dimensions*

4m x 9.6m

Size*

38.4m²

Stud Frame

Dimensions

Price

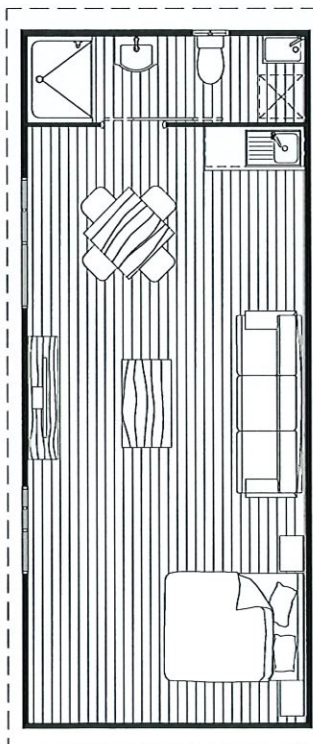
- BlueScope TRUECORE® steel wall frames and trusses
- Gyprock lined with R2 batts walls, R3 batt ceiling and anticon
- CFC and Aquatite particle board flooring – termite treated
- Fully insulated plaster board, painted including cornice and skirting
- Aquacheck throughout wet areas
- Aluminium doors and windows with toughened glass
- Tiled bathroom floor and skirting
- External Colorbond® cladding

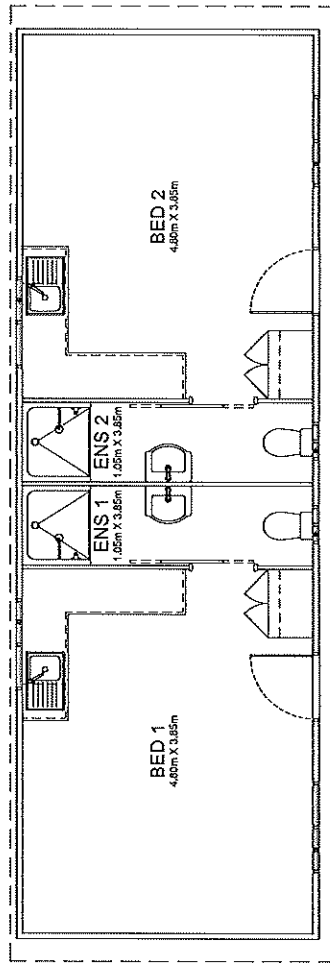
Panel EPS - FR

Dimensions

Price

- BlueScope Colorbond® steel EPS-FR panels
- Fully Insulated internal and external flat Colorbond® finish
- CFC and aquatite particle board flooring – termite treated
- Aluminium joinery and extrusions
- Permifloor underfloor insulation
- Aluminium doors and windows with toughened glass





Fox Modular 2 Bed w/bath Accommodation



modularwa

Genuinely better homes

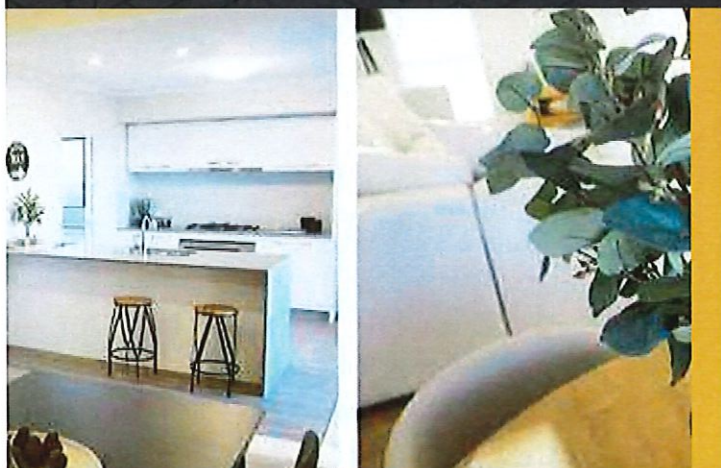


Elevations for illustration purposes only.

**SHORT STAY
BROADWATER**

**COST EFFECTIVE
ACCOMMODATION FOR A FAMILY
OF SIX. THE BROADWATER**

The Broadwater is a self-contained short stay accommodation unit that features a galley style kitchen equipped with quality appliances. Separate toilet and bathroom facilities coupled with an open plan living and dining area, the Broadwater is a cost effective unit which will accommodate a family of six with ease and will make a perfect addition to any village or caravan park.



SHORT STAY BROADWATER

HOME WIDTH 4.5m

HOME DEPTH 12.0m

SPECIFICATIONS

Dwelling 45.0m²

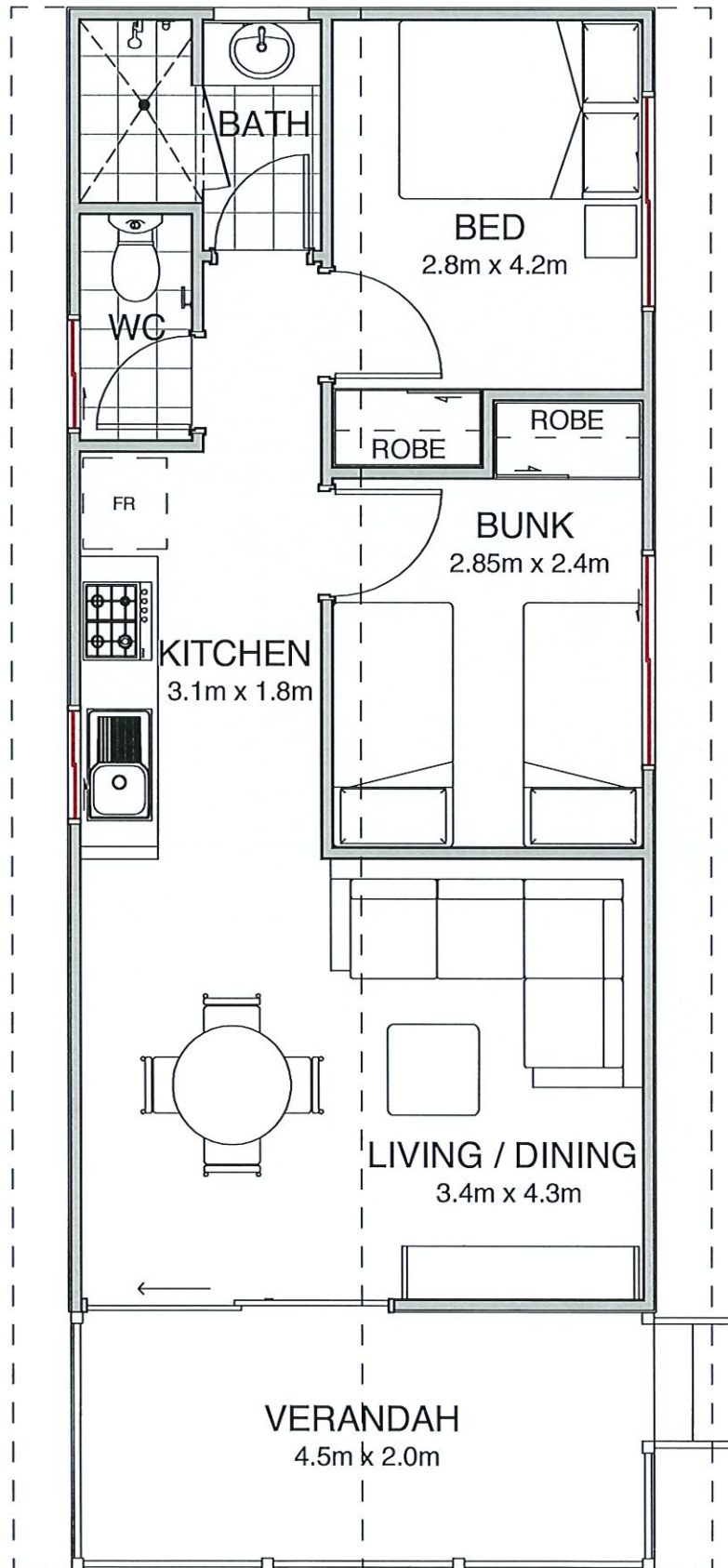
Verandah (optional) 9.0m²

Total 54.0m²

KEY FEATURES

 2 Bedrooms

 1 Bathrooms



2022

Modular & Steel Framed Home Designs

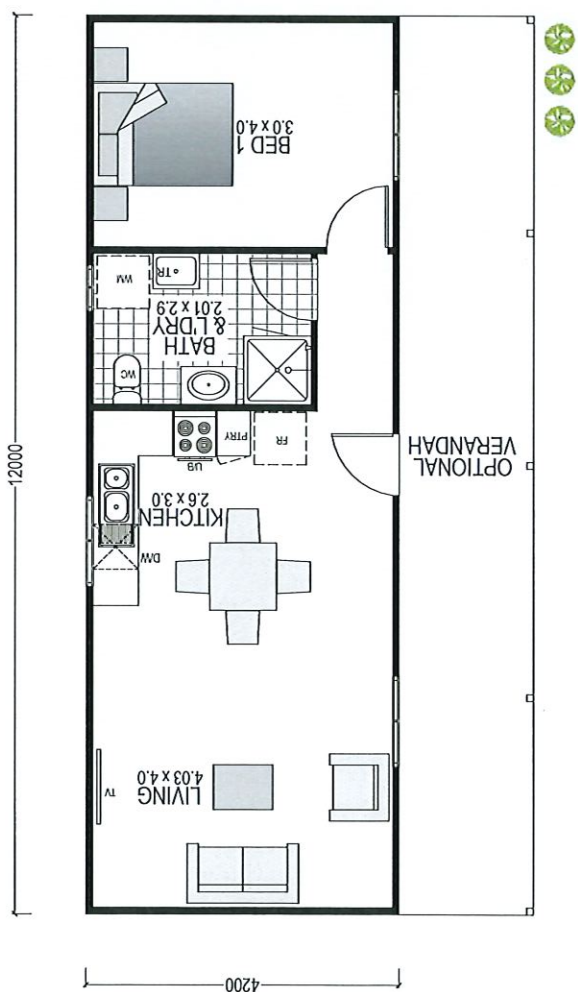


The Seaview



Area 50.4m²

Perfect for a granny flat or idyllic weekendender - the flexibility of this design is endless. Complete with a combination bathroom/laundry, kitchen and living area, this house has all it takes to be a home. Don't need all those features? Don't stress, we can modify the layout to suit you.

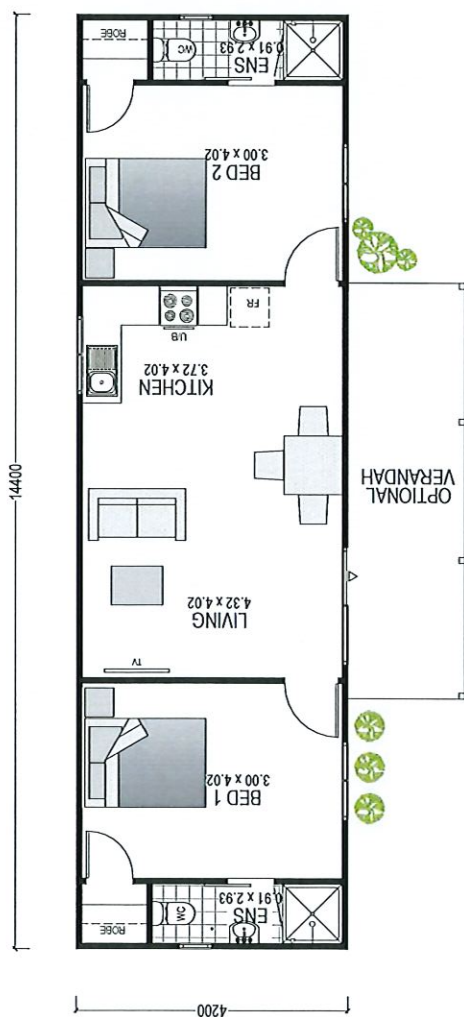


The Oakhill

 2  2

Area 60.48m²

Whether you're chasing the dream of a getaway granny-flat or downsizing with distinction, The Oakhill is the perfect option for both! Including a walk-in wardrobe and ensuite for each bedroom - you're sure to enjoy living in this amazing home.





The coogee

The Coogee is a light and bright contemporary twist on the classic Granny Flat. Boasting an extended living space, every detail of this sumptuous one-bedroom home has been carefully considered. From the built-in robes and linen cupboard in the spacious bedroom, to the ergonomically designed bathroom with a purpose built space for a washing machine, the intelligently designed Coogee is as functional as it is inviting.



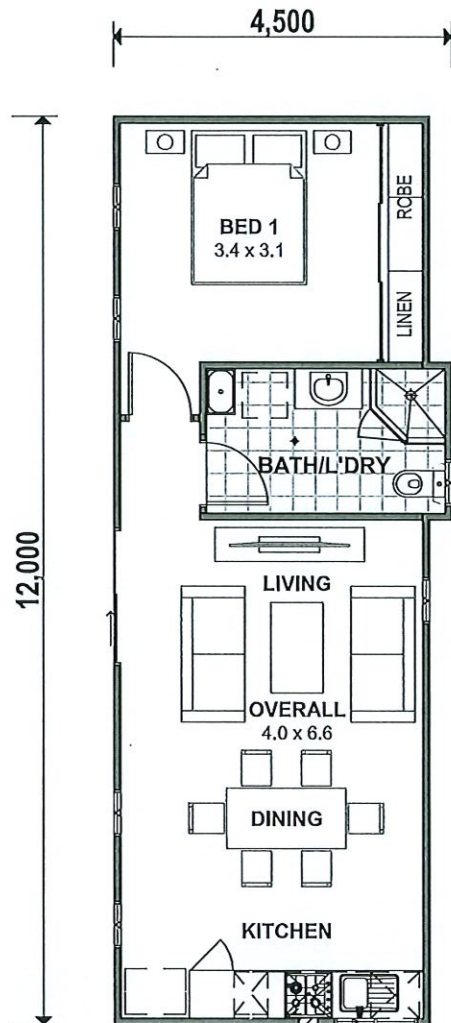


The coogee

x1 x1

Total 50sqm

Overall House Dimensions
4.5m wide by 12m long



THE TRUE DIFFERENCE

TRUE SERVICE

Our team offers dedicated support throughout the building process to make your life easier.

TRUE QUALITY

We provide an industry-best 10 year structural guarantee – a sure sign that your home will stand the test of time.

TRUE EXPERTISE

Whether you live in a cyclonic region or you have a heavy clay site, you can feel safe in knowing your home has been built for your area.

TRUE VALUE

We're transparent about what's included in the price and include required costs upfront to avoid unexpected surprises when you're underway

head office 105 Kelvin Road, Maddington, WA 6109 Phone (08) 9493 2998 Email info@trhomes.com.au

trhomes.com.au

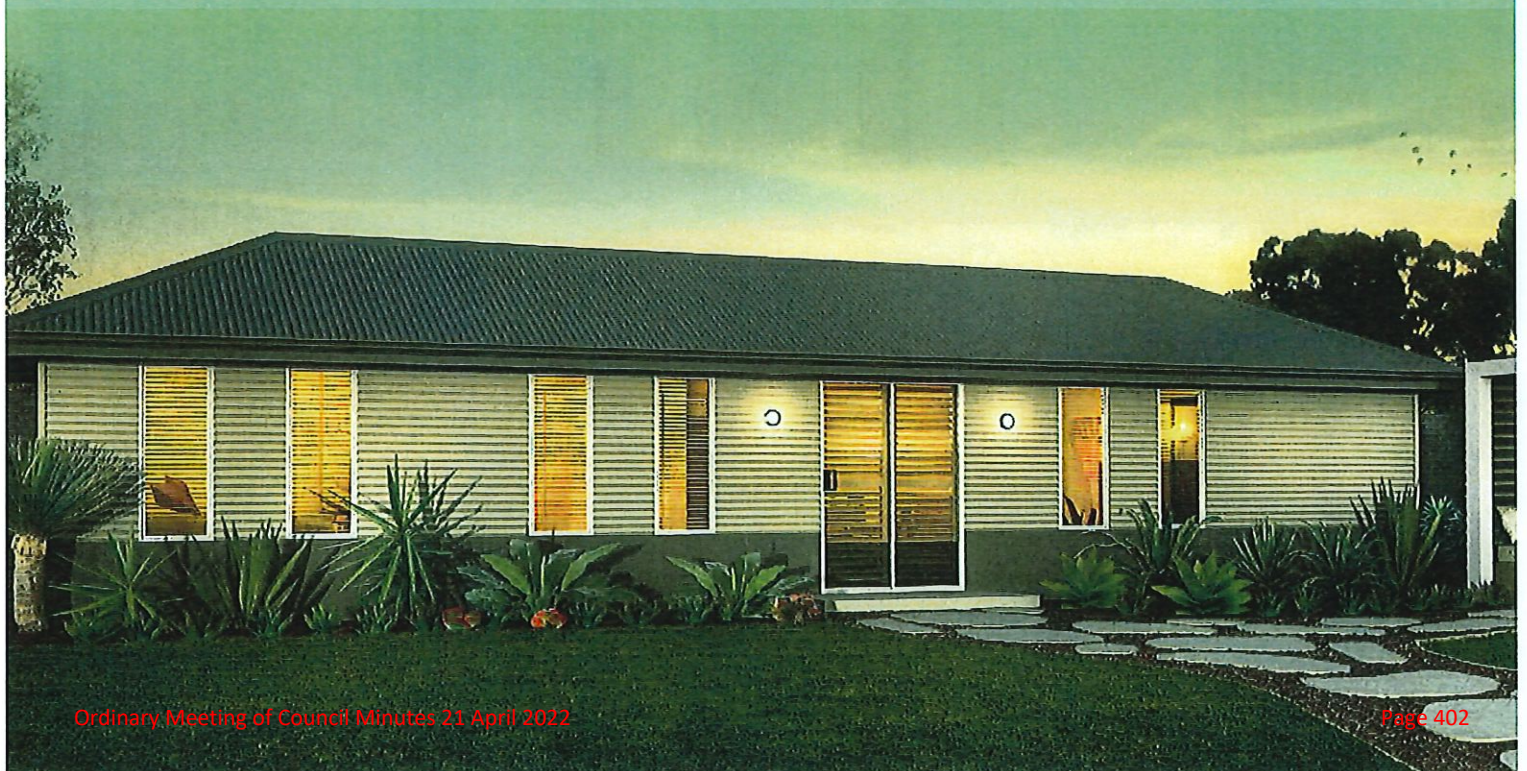


TR Homes - Proudly part of the Murray River North Group



The cottesloe

The Cottesloe has intelligent design, clever use of space and a fresh, light ambience. The two-bedroom Cottesloe takes the classic Granny Flat to a new level. The spacious open plan kitchen, living and dining area at the heart of the home is flanked at either end by the bedrooms, providing maximum privacy, while the central bathroom, toilet and laundry nook make this home practical too. The Cottesloe is a pleasure to behold and live in.



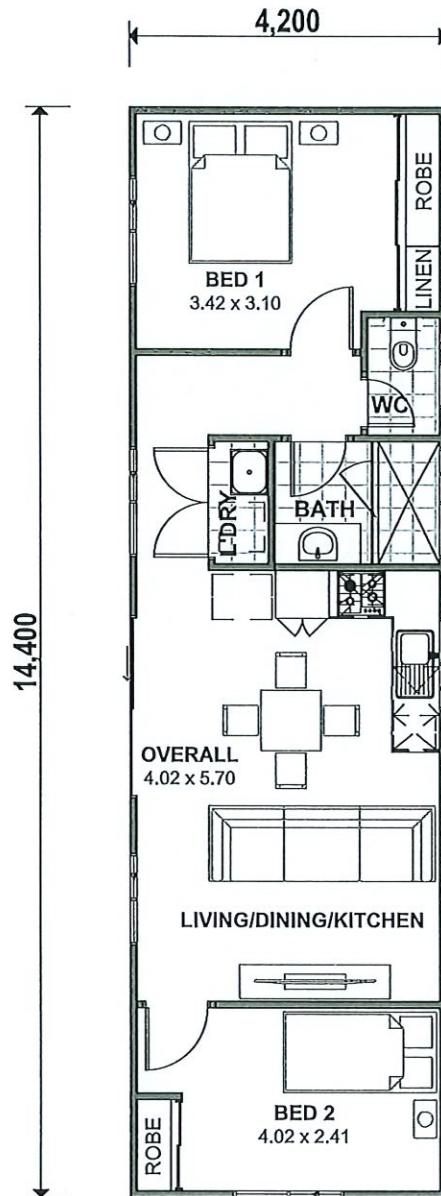


The cottlesloe

🚗 x2 🚗 x1

🏠 Total 60sqm

Overall House Dimensions
4.2m wide by 14.4m long



THE TRUE DIFFERENCE

TRUE SERVICE

Our team offers dedicated support throughout the building process to make your life easier.

TRUE QUALITY

We provide an industry-best 10 year structural guarantee – a sure sign that your home will stand the test of time.

TRUE EXPERTISE

Whether you live in a cyclonic region or you have a heavy clay site, you can feel safe in knowing your home has been built for your area.

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trhomes.com.au



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10.7.17 PROPOSED COUNCIL POLICY – FAMILY VIOLENCE POLICY

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Dumbleyung
FILE REFERENCE:	0163 – Sewerage & Drainage/Maintenance/Sewerage Systems 0220 – Government Relations/ Economic Regulation Authority
AUTHOR:	Project Manager
REVIEWED BY:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	22 March 2022
ATTACHMENT:	Proposed Policy - Family Violence Policy Water Services Code of Practise (Family Violence) 2020
VOTING REQUIREMENT:	Absolute Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/043

That Council adopt the proposed Council Policy - Shire of Dumbleyung Family Violence Policy as required by the Water Services Code of Practise (Family Violence) 2020 and the Policy Manual be updated accordingly.

Moved Cr Watkins

Seconded Cr Knight

Carried 6/0

PURPOSE

The purpose of this report is for Council to review and adopt the proposed - Shire of Dumbleyung Family Violence Policy as required by the Water Services Code of Practise (Family Violence) 2020.

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Water Services Act 2012

Water Services Code of Practise (Family Violence) 2020

FINANCIAL AND STAFFING IMPLICATIONS

The policy allows persons impacted by Family Violence a means to address financial hardship matters that may occur relating to payment of debt to the Shire.

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Medium**. There is a risk that the Shire would be considered in breach of its licence to operate the Dumbleyung townsite sewer scheme if it doesn't establish this policy. There is also a risk that customers experiencing hardship under this policy may apply to seek debt relief, thus creating an outstanding or unpaid debt with the Shire (Sewer Rates).

COMMUNITY ENGAGEMENT AND CONSULTATION

Nil

BACKGROUND

Water Services Code of Practice (Family Violence) 2020 came into effect in December 2020 and applies to a licensee that provides a water service to a residential customer. The Shire of Dumbleyung operates a Sewer Scheme which is a water service required to be licenced.

The Economic Regulation Authority (ERA) Western Australia and the Code requires that all licence holders show evidence that the policy is in place as prescribed in the Code which is attached for Council's information.

The Family Violence Policy aligns with Financial Hardship Policy for Water Services which is also a requirement of the Water Services Act 2012 for licence holders to have adopted by Council. The new policy along with the current Financial Hardship Policy for Water Services will be available to customers on request and on Council's website.

OFFICER'S COMMENT

The policy outlines the Shire of Dumbleyung approach to address family violence, as required by the Water Services Code of Practice (Family Violence) 2020 and applies to customers and staff of the Shire of Dumbleyung who have been, or are being, affected by family violence.

Hence adoption of the policy addresses Council legislative obligations and provides for persons impacted by Family Violence a means to address financial hardship matters that may occur relating to payment of debt for water services provided by the Shire.

3.15 Family Violence Policy

Policy Number: 3.15

Policy Subject: Family Violence Policy

Responsible Officer: Chief Executive Officer

Policy Statement: This policy outlines the Shire Dumbleyung approach to addressing family violence, as required by the *Water Services Code of Practice (Family Violence) 2020*.

Scope

This policy applies to customers and staff of the Shire of Dumbleyung who have been, or are being, affected by family violence.

Guidelines:

Legislation

The *Water Services Code of Practice (Family Violence) 2020* requires water service providers to have and implement a family violence policy and stipulates the minimum requirements that policy must address.

This policy meets these requirements and has been informed by the Department of Water and Environmental Regulation's *Guidance for water service providers in addressing family violence*.

Context

Family violence is the intentional and systematic use of violence and abuse to control, coerce and create fear. It can be physical, emotional/psychological, sexual, financial, spiritual or social in nature. Further information on what is considered family violence is available

<https://www.wa.gov.au/organisation/departments-of-communities/family-and-domestic-violence-services-and-resources>

Perpetrators of family violence can use control over their victims as a form of economic abuse, such as incurring debt in the victim's name, refusing to contribute to costs, refusing to pay bills or having the service disconnected when they leave the family home.

Victims of family violence may suffer significant psychological and emotional impacts while attempting to resolve debts at the same time as ensuring their personal safety.

In addition, perpetrators may gain access to the victims' confidential information such as their whereabouts; for example, through their knowledge of the personal details of the victim.

Our role in addressing family violence

At the Shire of Dumbleyung we have zero tolerance for family violence and will do everything we can (within our control) to support customers affected by family violence.

We have implemented systems and staff training so that customers

who disclose to us that they have been, or are being, affected by family violence:

- are heard and need only make this disclosure once
- have confidential and respectful interactions with our staff
- can be certain their personal information is kept confidential and safe
- are provided with information about financial support and assistance available, including specialised support networks
- are provided with time and information to help them consider their options and make informed decisions
- can enter into The Shire of Dumbleyung Financial Hardship program and be supported by our family violence process.

Support available

Customers can be referred into external support networks and resources including: [Department of Communities' website](#)

Complaints procedure

Please refer to our complaints procedure available at:

<https://www.dumbleyung.wa.gov.au/contactform> if you are not satisfied with how we have handled your situation.

If you wish to access a hard copy (at no charge) of this policy, please contact us via: Shire of Dumbleyung, 32 Harvey Street Dumbleyung, PO Box 99 Dumbleyung WA 6350 or phone (08) 9863 4012.

Next review by 18 March 2027

Forms & Templates: Nil

First Adopted:

Amended:



Western Australia

Water Services Act 2012

Water Services Code of Practice (Family Violence) 2020

As at 09 Dec 2020

Version 00-a0-00
Published on www.legislation.wa.gov.au

Water Services Code of Practice (Family Violence) 2020

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Water Services Code of Practice (Family Violence) 2020

Part 1 — Preliminary

1. Citation

This code is the *Water Services Code of Practice (Family Violence) 2020*.

2. Commencement

This code comes into operation as follows —

- (a) Part 1 — on the day on which this code is published in the *Gazette*;
- (b) the rest of the code — on the day after that day.

3. Terms used

- (1) In this code —

bill means a bill for a water service charge;

family violence has the meaning given in the *Restraining Orders Act 1997* section 5A;

family violence policy has the meaning given in clause 5(1);

financial hardship means being in an ongoing state of financial disadvantage in which the ability of a residential customer to meet the basic living needs of the customer or a dependant of the customer would be adversely affected if the customer were to pay an unpaid bill;

cl. 4

financial hardship policy, of a licensee, means the licensee's policy under the *Water Services Code of Conduct (Customer Service Standards) 2018* clause 29;

payment difficulties means being in a state of financial disadvantage that is not likely to be ongoing and in which the customer is unable to pay an unpaid bill;

residential customer means a customer who uses the place in respect of which a water service is provided solely or primarily as the customer's dwelling.

Note for this subclause:

Other words and expressions used in this code have the same meanings as they have in the *Water Services Act 2012*. See the *Water Services Act 2012* section 26(5) and the *Interpretation Act 1984* section 44.

- (2) A reference in this code to a customer affected by family violence is a reference to a residential customer who is directly or indirectly affected by family violence.

4. Application of code

This code applies to a licensee that provides a water service to a residential customer.

Part 2 — Family violence policies

5. Family violence policy

- (1) A licensee must have a policy (a *family violence policy*) that sets out the following matters —
 - (a) the training to be provided to employees and other persons interacting with customers on behalf of the licensee to enable them to appropriately respond to customers affected by family violence;
 - (b) the information to be provided to customers affected by family violence about external services through which they can receive support, and when that information is to be provided;
 - (c) a process by which the account of a customer affected by family violence can be identified by employees without the need for a customer to repeat details of the issues;
 - (d) how information obtained from, or relating to, customers affected by family violence is to be protected;
 - (e) in what circumstances a customer affected by family violence will, as a result, be taken to be experiencing —
 - (i) payment difficulties for the purposes of the *Water Services Code of Conduct (Customer Service Standards) 2018*; or
 - (ii) financial hardship for the purposes of the licensee's financial hardship policy;
 - (f) how the licensee is to deal with debt management and recovery in relation to the accounts of customers affected by family violence;
 - (g) that the licensee must not request written evidence of family violence from a customer unless the evidence is reasonably necessary to enable the licensee to assess

cl. 6

appropriate measures that it may take in relation to debt management and recovery.

- (2) A licensee must have a family violence policy before the end of the 6-month period starting on —
- (a) unless paragraph (b) applies — the day on which this clause comes into operation; or
 - (b) if the day of the grant of the licensee’s licence is after the day on which this clause comes into operation — the day of the grant of the licensee’s licence.

6. Family violence policy must be made available

A licensee must —

- (a) publish its family violence policy on its website; and
- (b) provide a hard copy of the policy to a customer on request and at no charge.

7. Review of family violence policy

A licensee must review its family violence policy —

- (a) at least once in every 5-year period; and
- (b) in addition to any review under paragraph (a) — if directed to do so by the Minister.

Part 3 — General

8. Record keeping

- (1) A licensee must maintain adequate records in relation to compliance with this code or any policy made under the code —
 - (a) if the licensee is a government organization as defined in the *State Records Act 2000* section 3(1) — in accordance with its obligations under that Act; or
 - (b) otherwise — in accordance with subclause (2).
- (2) For the purposes of subclause (1)(b), the licensee must retain each record —
 - (a) if the record relates to a customer — for at least 7 years after the last communication between the licensee and the customer or water services ombudsman in relation to the matter the subject of the record; or
 - (b) otherwise — for at least 7 years after the record is made.

9. Customers must be informed about complaints procedure

When a customer affected by family violence first contacts a licensee about a particular matter relating to the family violence, the licensee must inform the customer of the existence and operation of the licensee's complaints procedure under the *Water Services Code of Conduct (Customer Service Standards) 2018* clause 46.

10. Code must be made available

A licensee must ensure that its website contains a link that provides access to the current version of this code as it appears on the website that is maintained by or on behalf of the Western Australian Government and that provides public access to electronic versions of Western Australian legislation.

Notes

This is a compilation of the *Water Services Code of Practice (Family Violence) 2020*.
For provisions that have come into operation see the compilation table.

Compilation table

Citation	Published	Commencement
<i>Water Services Code of Practice (Family Violence) 2020</i>	SL 2020/241 8 Dec 2020	Pt. 1: 8 Dec 2020 (see cl. 2(a)); Code other than Pt. 1: 9 Dec 2020 (see cl. 2(b))

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
bill	3(1)
family violence	3(1)
family violence policy.....	3(1), 5(1)
financial hardship.....	3(1)
financial hardship policy.....	3(1)
payment difficulties	3(1)
residential customer	3(1)

10.8 PAYROLL/RATES OFFICER REPORT

Nil

10.9 REPORTS OF COMMITTEES

10.9.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING FREQUENCY

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	0131 – Emergency Services/Local Emergency Management Committee (LEMC)
AUTHOR:	Governance & Compliance Officer
REVIEWED BY:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	11 April 2022
ATTACHMENT:	Nil
VOTING REQUIREMENT:	Absolute Majority

COMMITTEE/OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/044

That the frequency of the Local Emergency Management Committee (LEMC) meetings be held twice a year (March & September), noting that additional meetings can be held throughout the year on an as-required basis and that the Local Emergency management Arrangements be updated accordingly.

Moved Cr Watkins

Seconded Cr Lukins

Carried 6/0

PURPOSE

To consider the frequency of Local Emergency Management Committee meetings as per the recommendation resolved at the Local Emergency Management Committee meeting held on 21 February 2022.

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

There is no statutory requirement as to how many meetings a LEMC Committee must hold, however SEMC Procedure 3.7 provides that LEMC's should meet quarterly or more frequently if required.

FINANCIAL AND STAFFING IMPLICATIONS

Nil

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low**. There is no breach of any legislative compliance and additional meetings will be held on an as-needed basis if required.

COMMUNITY ENGAGEMENT AND CONSULTATION

Local Emergency Management Committee
Chief Executive Officer

BACKGROUND

The Shire of Dumbleyung recommended to the Local Emergency Management Committee at its meeting held on 21 February 2022 that a minimum of two meetings be held each year, one before bushfire season (circa September, preparedness) and one after (circa March, debrief).

COMMENT

Future meetings will be held on an 'as required' basis e.g. if Covid issues arise.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. FINANCIAL REPORTS

12.1 ACCOUNTS FOR PAYMENT – FEBRUARY 2022

LOCATION/ADDRESS: N/A
NAME OF APPLICANT: Shire of Dumbleyung
FILE REFERENCE: Creditors
AUTHOR: Creditors Officer
Governance & Compliance Officer
DISCLOSURE OF INTEREST: Nil
DATE: 4 April 2022
ATTACHMENT: Municipal Account List of Payments
VOTING REQUIREMENT: Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/045

That the Statement of Payments for the month of March 2022 showing the following payment totals be received –

Municipal Payments totalling	\$ 679,373.67
Trust Payment totalling	\$ 0.00

Moved Cr Watkins	Seconded Cr Powell	Carried 6/0
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PURPOSE

To meet legislative requirements under the Local Government (Financial Management) Regulations 1996.

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

FINANCIAL AND STAFFING IMPLICATIONS

Nil

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low**. The *Local Government (Financial Management) Regulations 1996* mandates that a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared. This report mitigates the risk of non-compliance with the Regulations.

COMMUNITY ENGAGEMENT AND CONSULTATION

Nil

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires that Council is to be presented with a Statement of Payments each month.

COMMENT

A copy of the Statement of Payments has been compiled for the month of March 2022 for Council to peruse and adopt. These payments have already occurred, and Council are not making a decision as to whether payments are to be made.

Date: 07/04/2022
Time: 3:00:49PM

SHIRE OF DUMBLEYUNG
ACCOUNTS DUE AND SUBMITTED TO COUNCIL ON THE 21ST APRIL 2022.

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT17263	03/03/2022	SHIRE OF DUMBLEYUNG - SALARIES - DIRECT DEBITS	PAYROLL DEDUCTIONS	MUNI		45,728.20
INV PPE02/0303/03/2022	03/03/2022	SHIRE OF DUMBLEYUNG - SALARIES - DIRECT DEBITS	PAYROLL DEDUCTIONS	MUNI	45,728.20	
EFT17264	04/03/2022	ABCO PRODUCTS	TOILET TISSUE FOR STUBBS PUBLIC TOILETS	MUNI		296.04
INV INV7743/02/02/2022	02/02/2022	ABCO PRODUCTS	FREIGHT, #100284 INTERFOLD 1PLY 150 SHEETTOILET TISSUE FOR STUBBS PUBLIC TOILTS - REPLACEMENT STOCK FOR INCORRECT #100219	MUNI	296.04	
EFT17265	04/03/2022	ALEXANDER GALT WAGIN	PARKS AND GARDENS MAINTENANCE MATERIALS	MUNI		320.00
INV 02-13248/11/01/2022	11/01/2022	ALEXANDER GALT WAGIN	HUNTER POP-UP SPRINKLER - PO29558, HUNTER POP-UP SPRINKLER	MUNI	320.00	
EFT17266	04/03/2022	ARROW BRONZE	NICHE WALL PLAQUE	MUNI		671.50
INV 719503	02/02/2022	ARROW BRONZE	NICHE WALL PLAQUE FOR HERMAN & CORRIE DOES	MUNI	671.50	
EFT17267	04/03/2022	AUSTRALIA POST	POSTAGE CHARGES FOR JANUARY 2022	MUNI		241.38
INV 1011244903/02/2022	02/02/2022	AUSTRALIA POST	POSTAGE CHARGES FOR JANUARY 2022	MUNI	241.38	
EFT17268	04/03/2022	AUSTRALIAN TAXATION OFFICE - DIRECT DEBITS	PAYG TAX FOR THE MONTH OF FEBRUARY 2022 DOCUMENT ID: 46691003131 REF: 767031052761560	MUNI		26,835.00
INV 7670310502/03/2022	03/03/2022	AUSTRALIAN TAXATION OFFICE - DIRECT DEBITS	PAYG TAX FOR THE MONTH OF FEBRUARY 2022, DOCUMENT ID: 46691003131, REF: 767031052761560	MUNI	26,835.00	
EFT17269	04/03/2022	BEACON EQUIPMENT	PLANT MAINTENANCE MATERIALS/SERVICES	MUNI		209.90
INV 63279#3	21/01/2022	BEACON EQUIPMENT	FAN HOUSING OUTER X1, FANWHEEL X2, SCREW X6	MUNI	209.90	
EFT17270	04/03/2022	BOC GASES	GAS CHARGES FOR THE MONTH OF JANUARY 2022	MUNI		67.64
INV 4030400429/01/2022	01/01/2022	BOC GASES	R020E2 OXYGEN INDUSTRIAL E2 SIZE, , R020G OXYGEN IND G SIZE, R040E DISSOLVED ACETYLENE E SIZE, R040G DISSOLVED ACETYLENE G SIZE, R065G ARGOSHIELD UNIVERSAL G SIZE, R400C OXYGEN MEDICAL C SIZE	MUNI	67.64	

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EFT17271	04/03/2022	CHUBB FIRE SAFETY	EXTINGUISHER INSPECTION	MUNI		169.34
INV 2006670	31/01/2022	CHUBB FIRE SAFETY	KUKERIN LIBRARY EXTINGUISHER INSPECTION	MUNI	67.09	
INV 2006678	31/01/2022	CHUBB FIRE SAFETY	DUMBLEYUNG PLAYGROUPEXTINGUISHER INSPECTION AT 24 HARVEY ST, DYG	MUNI	67.09	
INV 2006666	31/01/2022	CHUBB FIRE SAFETY	KUKERIN DEPOT EXTINGUISHER INSPECTION	MUNI	23.07	
INV 2006668	31/01/2022	CHUBB FIRE SAFETY	KUKERIN GOLF CLUB EXTINGUISHER INSPECTION	MUNI	12.09	
EFT17272	04/03/2022	CJD EQUIPMENT PTY LTD	PLANT MAINTENANCE MATERIALS/SERVICES	MUNI		790.75
INV 0023769019/02/2022	02/2022	CJD EQUIPMENT PTY LTD	BEARINGS X2 - PO29569, END CAPS X 2, WEAR PLATES X 3 V16000840, WEAR PLATES X 3 V16000844, HEXAGON SCREW X3	MUNI	790.75	
EFT17273	04/03/2022	DUMBLEYUNG AG SUPPLIES	PLANT MAINTENANCE MATERIALS/SERVICES	MUNI		253.16
INV 1006	06/12/2021	DUMBLEYUNG AG SUPPLIES	PLANT MAINTENANCE MATERIALS/SERVICES	MUNI	97.02	
INV 1008	09/12/2021	DUMBLEYUNG AG SUPPLIES	TRUCKWASH BROOM HEAD	MUNI	38.50	
INV 1015	16/12/2021	DUMBLEYUNG AG SUPPLIES	D SHACKLE 8MM & 6 MM	MUNI	23.76	
INV 1016	17/12/2021	DUMBLEYUNG AG SUPPLIES	PVC PRIMING FLUID RED & BLUE 250ML	MUNI	22.26	
INV 1022	18/12/2021	DUMBLEYUNG AG SUPPLIES	CHAIN GALV 4MM	MUNI	28.33	
INV 1023	21/12/2021	DUMBLEYUNG AG SUPPLIES	D SHACKLES 6MM	MUNI	11.22	
INV 1026	21/12/2021	DUMBLEYUNG AG SUPPLIES	CHAIN GALV 4MM & D SHACKLE 16MM	MUNI	32.07	
EFT17274	04/03/2022	DUMBLEYUNG GENERAL STORE	GENERAL PURCHASES FOR THE MONTH OF JANUARY 2022	MUNI		254.79
INV JANUAR01/02/2022	02/2022	DUMBLEYUNG GENERAL STORE	GENERAL PURCHASES FOR THE MONTH OF JANUARY 2022	MUNI	254.79	
EFT17275	04/03/2022	DUMBLEYUNG MENS SHED	PURCHASE OF ANIMAL NEST BOXES	MUNI		375.00
INV 0001006928/02/2022	02/2022	DUMBLEYUNG MENS SHED	PURCHASE OF ANIMAL NEST BOXES	MUNI	375.00	
EFT17276	04/03/2022	DUMBLEYUNG ROADHOUSE - RJ & VM NOBLE	PURCHASES FOR MONTH OF JANUARY 2022	MUNI		236.72

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
INV 29 - DEC 17/12/2021		DUMBLEYUNG ROADHOUSE - RJ & VM NOBLE	ICE FOR COUNCIL CHRISTMAS DINNER 16 DECEMBER 2021	MUNI	100.00	
INV 29 - JAN 31/01/2022		DUMBLEYUNG ROADHOUSE - RJ & VM NOBLE	PURCHASE OF FUEL FOR D.WILLIAMS 1HGG410 FOR MONTH OF JANUARY 2022	MUNI	136.72	
EFT17277	04/03/2022	DYLAN FRYER	REIMBURSEMENT OF UNIFORMS AND PRE-EMPLOYMENT MEDICAL FEES	MUNI		334.30
INV REIMBU03/02/2022		DYLAN FRYER	REIMBURSEMENT OF UNIFORMS ALLOWANCE, REIMBURSEMENT OF PRE-EMPLOYMENT MEDICAL FEES (MINUS BENEFIT CLAIM BACK)	MUNI	334.30	
EFT17278	04/03/2022	EDWARDS ISUZU UTE - NARROGIN	PLANT MAINTENANCE/SERVICES	MUNI		1,364.10
INV R45989	15/02/2022	EDWARDS ISUZU UTE - NARROGIN	SUPPLY AND INSTAL TOW BAR ON DU01 - P29571,	MUNI	1,364.10	
EFT17279	04/03/2022	ERIC JOHN SEBASTIAN	REIMBURSEMENT OF PRE-EMPLOYMENT MEDICAL FEES	MUNI		132.00
INV REIMBU01/03/2022		ERIC JOHN SEBASTIAN	REIMBURSEMENT OF PRE-EMPLOYMENT MEDICAL FEES	MUNI	132.00	
EFT17280	04/03/2022	EXURBAN - RURAL & REGIONAL PLANNING	TOWN PLANNING SERVICES FOR DECEMBER 2021 & JANUARY 2022	MUNI		833.41
INV URP-412903/03/2022		EXURBAN - RURAL & REGIONAL PLANNING	TOWN PLANNING SERVICES FOR DECEMBER 2021, TOWN PLANNING SERVICES FOR JANUARY 2022	MUNI	833.41	
EFT17281	04/03/2022	FARMERS CENTRE (1978) PTY LTD	PLANT MAINTENANCE/SERVICES	MUNI		769.07
INV 316565	06/01/2022	FARMERS CENTRE (1978) PTY LTD	FEMALE COUPLING	MUNI	764.50	
INV 316619	19/01/2022	FARMERS CENTRE (1978) PTY LTD	5/16UNC X 2 BOLT/NUT X4, 5/16UNC NYLOC NUT X4, 3/8 FLAT WASHER X8	MUNI	4.57	
EFT17282	04/03/2022	FLEXITRANS	SUPPLY AND DELIVERY OF AGGREGATE	MUNI		16,516.50
INV 0000508617/02/2022		FLEXITRANS	230 TONNE OF MRWA 5MM WASHED AGGREGATE DELIVERED TO TARIN ROCK RD.	MUNI	16,516.50	
EFT17283	04/03/2022	FORTUS GROUP	PLANT MAINTENANCE/SERVICES	MUNI		2,766.72
INV INVFG0001/02/2022		FORTUS GROUP	GRADER BLADE, HEAT TREATED - PO29564, GRADER BLADE, HEAT TREATED	MUNI	2,766.72	
EFT17284	04/03/2022	GREAT SOUTHERN FUEL SUPPLIES	SUPPLIES AND FUEL/DIESEL PURCHASES FOR MONTH OF FEBRUARY 2022	MUNI		3,401.13

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
INV 1700432907/02/2022		GREAT SOUTHERN FUEL SUPPLIES	SUPPLIES PURCHASES FOR MONTH OF FEBRUARY 2022 - PO29566, VANELLUS M/FLEET 250L, TRACTRAN 205L, TRACTRAN TF-10 20L, SPHEEROL EPLX 200-2 12X450G, MAGNATEC DIESEL 5W40 20L, UNLEADED, UNLEADED, DIESEL, DIESEL, DIESEL, DIESEL, DIESEL, DIESEL	MUNI	3,401.13	
EFT17285	04/03/2022	H & R KING	REIMBURSEMENT OF PURCHASES MADE FOR KUK BFB TRUCK	MUNI		31.25
INV REIMBU24/02/2022		H & R KING	REIMBURSEMENT OF PURCHASES MADE FOR KUK BFB TRUCK, 1X SUPERSLASH HANDLE HOE	MUNI	31.25	
EFT17286	04/03/2022	KATANNING ENVIRONMENTAL NURSERY	SEEDLINGS FOR PROJECT CSGL21046	MUNI		4,849.28
INV INV-042216/02/2022		KATANNING ENVIRONMENTAL NURSERY	SEEDLINGS FOR PROJECT CSGL21046 AS PER QUOTE:13, 210 TRAYS X BASIC SPECIES SEEDLINGS, 15 TRAYS X STANDARD SPECIES SEEDLINGS	MUNI	4,849.28	
EFT17287	04/03/2022	KATANNING FURNISHINGS	PROPERTY MAINTENANCE AND SERVICES	MUNI		5,777.00
INV 17596	03/02/2022	KATANNING FURNISHINGS	#6049, 21 MCINTYRE STREET DUMBLEYUNG, 1 X VERTICAL BLIND FITTED ON BACK DOOR, 3 X ROLLER BLINDS IN BEDROOMS, 1 X ROLLER BLIND IN LOUNGE, 1 X ROLLER BLIND IN LAUNDRY	MUNI	1,674.00	
INV 17597	03/02/2022	KATANNING FURNISHINGS	UNIT1/37 HARVEY STREET - FACING DAWSON STREET DUMBLEYUNG, 1 X VERTICAL BLIND FITTED ON BACK DOOR, 1 X ROLLER BLIND FITTED ON FRONT WINDOW, 1 X ROLLER BLIND FITTED IN KITCHEN, 1 X ROLLER BLIND FITTED IN LAUNDRY	MUNI	1,098.00	
INV 117756	16/02/2022	KATANNING FURNISHINGS	UNIT 4/37 HARVEY STREET DUMBLEYUNG, 1 X VERTICAL BLIND FITTED ON LOUNGE SLIDING DOOR, 1 X ROLLER BLIND DINING AREA, 1 X ROLLER BLIND FITTED IN KITCHEN, 1 X ROLLER BLINDS IN FRONT BEDROOM, 1 X ROLLER BLIND IN BACK BEDROOM, , CARPET LAID ON NEW UNDERLAY IN 2 BEDROOMS (SAME AS UNIT 3/37), REMOVAL OF OLD CARPET AND DISPOSAL, MOVE FURNITURE	MUNI	3,005.00	
EFT17288	04/03/2022	KUKERIN GENERAL STORE	PURCHASES FOR THE MONTH OF JANUARY 2022	MUNI		13.61
INV JANUAR28/02/2022		KUKERIN GENERAL STORE	PURCHASES FOR THE MONTH OF JANUARY 2022	MUNI	13.61	

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
EFT17289	04/03/2022	KUKERIN RURAL SERVICES	UNDER PAYMENT FOR INV38378 - EFT17171 03/02/2022	MUNI		0.01
INV 38378	25/02/2022	KUKERIN RURAL SERVICES	UNDER PAYMENT FOR INV38378 - EFT17171 03/02/2022,	MUNI	0.01	
EFT17290	04/03/2022	LIBERTY OIL AUSTRALIA PTY LTD	SUPPLY AND DELIVERY OF DIESEL	MUNI		16,685.40
INV FI311002:15/02/2022		LIBERTY OIL AUSTRALIA PTY LTD	6000LTS DIESEL - DELIVER TO DEPOT TANK, 2000LTS DIESEL TO MOBILE TANK AT STUBBS PARK, 2000LTS UNLEADED TO DEPOT TANK	MUNI	16,685.40	
EFT17291	04/03/2022	MEGAN BLACK	REIMBURSEMENT OF TRAVEL	MUNI		839.28
INV REIMBU24/02/2022		MEGAN BLACK	REIMBURSEMENT OF TRAVEL, 12/02/2022 - 24/02/2022	MUNI	839.28	
EFT17292	04/03/2022	MOMAR AUSTRALIA PTY LTD	DUMBLEYUNG DEPOT CONSUMABLES	MUNI		616.00
INV 203307	02/11/2022	MOMAR AUSTRALIA PTY LTD	DUMBLEYUNG DEPOT CONSUMABLES - ASST CLEANING PRODUCTS	MUNI	616.00	
EFT17293	04/03/2022	NORTH KUKERIN BUS CONTRACTORS	HIRE OF SCHOOL BUS FOR KUKERIN PRIMARY SCHOOL SWIMMING LESSONS	MUNI		516.00
INV 34	28/02/2022	NORTH KUKERIN BUS CONTRACTORS	HIRE OF SCHOOL BUS FOR KUKERIN PRIMARY SCHOOL SWIMMING LESSONS, 500KM @ \$1.20/KM - \$600	MUNI	516.00	
EFT17294	04/03/2022	NUTRIEN AG SOLUTIONS	WEED SPRAYING CHEMICALS	MUNI		892.59
INV 9061858804/01/2022		NUTRIEN AG SOLUTIONS	ASSORTED SEWERAGE MAINTENANCE MATERIALS	MUNI	35.43	
INV 9062101507/01/2022		NUTRIEN AG SOLUTIONS	ASSORTED PLANT MAINTENANCE MATERIALS	MUNI	46.54	
INV 9062102707/01/2022		NUTRIEN AG SOLUTIONS	ASSORTED PLANT MAINTENANCE MATERIALS	MUNI	8.81	
INV 9062076407/01/2022		NUTRIEN AG SOLUTIONS	FLEXIGUN 450G	MUNI	149.49	
INV 9062090407/01/2022		NUTRIEN AG SOLUTIONS	PHIL TUBE CLIP 19MM	MUNI	3.87	
INV 9063254931/01/2022		NUTRIEN AG SOLUTIONS	VERGE SPRAYING CHEMICALS, 4X 20L LIBERATE, 1X 1KG METSULDERON	MUNI	648.45	
EFT17295	04/03/2022	PUMPS AUSTRALIA PTY LTD	PRESSURE CLEANER	MUNI		104.50
INV 41120	05/01/2022	PUMPS AUSTRALIA PTY LTD	PRESSURE CLEANER - FIG 27-65 P/GAUGE SS INCL FREIGHT	MUNI	104.50	
EFT17296	04/03/2022	QUALITY TRANSPORT	FREIGHT CHARGES FOR THE MONTH OF JANUARY 2022	MUNI		105.06

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
INV 127857	31/01/2022	QUALITY TRANSPORT	FREIGHT CHARGES FOR THE MONTH OF JANUARY 2022	MUNI	105.06	
EFT17297	04/03/2022	SERVICES AUSTRALIA	CENTREPAY DEDUCTIONS FOR JANUARY 2022	MUNI		69.30
INV 1801308010/02/2022		SERVICES AUSTRALIA	CENTREPAY DEDUCTIONS FOR JANUARY 2022	MUNI	69.30	
EFT17298	04/03/2022	TELSTRA CORPORATION	CHARGES FOR THE MONTH OF JANUARY 2022	MUNI		2,570.93
INV 3495838920/02/2022		TELSTRA CORPORATION	MEMBERS - COMMUNICATION EXPENSES W GST, MEMBERS - COMMUNICATION EXPENSES W/OUT GST, ADMIN - COMMUNICATION EXPENSES W GST, ADMIN - COMMUNICATION EXPENSES W/OUT GST, PWO - COMMUNICATION EXPENSES W GST, PWO - COMMUNICATION EXPENSES W/OUT GST	MUNI	914.03	
INV 4251504021/02/2022		TELSTRA CORPORATION	RURAL - COMMUNICATION EXPENSES, FIRE - COMMUNICATION EXPENSES, SWIM - COMMUNICATION EXPENSES, LIBRARY - COMMUNICATION EXPENSES, ADMIN - COMMUNICATION EXPENSES	MUNI	1,656.90	
EFT17299	04/03/2022	THE WEST AUSTRALIAN	ADVERTISEMENT - GREAT SOUTHERN HERALD	MUNI		152.00
INV 1002320431/01/2022		THE WEST AUSTRALIAN	ADVERTISEMENT - GREAT SOUTHERN HERALD, NOTICE OF ORDINARY COUNCIL MEETINGS 2022, CLASSIFIEDS SECTION - LINEAGE WITH LOGO	MUNI	152.00	
EFT17300	04/03/2022	THE WORKWEAR GROUP	STAFF UNIFORM ORDER	MUNI		525.35
INV 1359705505/11/2021		THE WORKWEAR GROUP	STAFF UNIFORM ORDER	MUNI	264.90	
INV 1361041615/11/2021		THE WORKWEAR GROUP	STAFF UNIFORM ORDER	MUNI	122.91	
INV 1364009726/11/2021		THE WORKWEAR GROUP	STAFF UNIFORM ORDER	MUNI	6.60	
INV 1374548121/01/2022		THE WORKWEAR GROUP	STAFF UNIFORM ORDER	MUNI	65.47	
INV 1374548231/01/2022		THE WORKWEAR GROUP	STAFF UNIFORM ORDER	MUNI	65.47	
EFT17301	04/03/2022	TOLL TRANSPORT PTY LTD	FREIGHT CHARGES FOR THE MONTH OF DECEMBER 2021	MUNI		54.99
INV 0286-S41'12/12/2021		TOLL TRANSPORT PTY LTD	DEPO - FREIGHT CHARGES FOR THE MONTH OF DECEMBER 2021	MUNI	26.91	
INV 0287-S41'19/12/2021		TOLL TRANSPORT PTY LTD	LIBRARY - FREIGHT CHARGES FOR THE MONTH OF DECEMBER 2021	MUNI	17.01	

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INV 0288-S41	26/12/2021	TOLL TRANSPORT PTY LTD	DEPO - FREIGHT CHARGES FOR THE MONTH OF DECEMBER 2021	MUNI	11.07	
EFT17302	04/03/2022	WAGIN TRUCK CENTRE	PLANT MAINTENANCE MATERIALS/SERVICES	MUNI		1,094.15
INV K1380	16/12/2021	WAGIN TRUCK CENTRE	ASSORTED OIL AND FUEL FILTERS - PO29394	MUNI	661.40	
INV K1379	16/12/2021	WAGIN TRUCK CENTRE	ASSORTED OIL AND FUEL FILTERS - PO29394	MUNI	432.75	
EFT17303	04/03/2022	WARREN BLACKWOOD WASTE	2021/22 WASTE COLLECTIONS FOR JANUARY 2022	MUNI		4,260.24
INV 0001789104	02/2022	WARREN BLACKWOOD WASTE	2021/22 RECYCLING COLLECTIONS FOR JANUARY 2022	MUNI	1,908.72	
INV 0001789218	02/2022	WARREN BLACKWOOD WASTE	2021/22 WASTE COLLECTIONS FOR JANUARY 2022	MUNI	2,351.52	
EFT17304	04/03/2022	WELDERBEAST	KUKERIN SHADE SHELTER	MUNI		22,471.77
INV INV-021007	02/2022	WELDERBEAST	KUKERIN SHADE SHELTER - CDO PROJECT FUNDED BY CBH AND KUKERIN TOWNSCAPE - \$10000 CONTRIBUTED BY EACH ENTITY	MUNI	22,471.77	
EFT17305	04/03/2022	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN 92 REPAYMENTS	MUNI		6,656.27
INV LOAN 9202	03/2022	WESTERN AUSTRALIAN TREASURY CORPORATION	LOAN 92 INTEREST REPAYMENTS, LOAN 92 CAPITAL REPAYMENTS	MUNI	6,656.27	
EFT17306	17/03/2022	SHIRE OF DUMBLEYUNG - SALARIES - DIRECT DEBITS	PAYROLL DEDUCTIONS	MUNI		47,038.40
INV PPE16	03/17/03/2022	SHIRE OF DUMBLEYUNG - SALARIES - DIRECT DEBITS	PAYROLL DEDUCTIONS	MUNI	47,038.40	
EFT17307	17/03/2022	AC&EJ FULFORD & CO	PURCHASE OF GRAVEL STOCKPILING	MUNI		17,325.00
INV 0000027	16/03/2022	AC&EJ FULFORD & CO	RABBIT PROOF FENCE RD (FENCE RD STH) - PUSH UP 5,500M3 OF GRAVEL FOR FENCE RD SOUTH (RPF ROAD) RECONSTRUCTION WORKS AS PER SUBMITTED RFQ., PETERSEN ROAD - PUSH UP 5,000M3 OF GRAVEL FOR PETERSEN ROAD RESHEETING WORKS AS PER SUBMITTED RFQ.	MUNI	17,325.00	
EFT17308	17/03/2022	BEST OFFICE SYSTEMS	PHOTOCOPIER CHARGES FOR FEBRUARY 2022 - 20/01/22 - 20/02/22	MUNI		1,101.02

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INV 599112	24/02/2022	BEST OFFICE SYSTEMS	PHOTOCOPIER CHARGES FOR OCTOBER 2021, PHOTOCOPIER CHARGES FOR FEBRUARY 2022 - 20/01/22 - 20/02/22	MUNI	1,101.02	
EFT17309	17/03/2022	DARRELL FORREST	PART CLAIM #2 REVIEW OF ALL LOCAL LAWS	MUNI		3,500.00
INV 01/2002	04/02/2022	DARRELL FORREST	REVIEW OF ALL LOCAL LAWS, INCLUDING ALL ADMINISTRATION TASKS	MUNI	3,500.00	
EFT17310	17/03/2022	DUMBLEYUNG ENGINEERING & SUPPLIES	PURCHASE OF PLANT TYRES AND TUBES	MUNI		3,005.75
INV 0000798101/02/2022		DUMBLEYUNG ENGINEERING & SUPPLIES	DU4423 - TYRES AND TUBES 185R14C LT, TRAILER PARTS - HD JOCKEY WHEEL & SWIVEL, LABOUR - REPLACE JOCKEY WHEEL	MUNI	778.25	
INV 0000798201/02/2022		DUMBLEYUNG ENGINEERING & SUPPLIES	DU696 - PURCHASE OF TYRE SEAL RING	MUNI	71.50	
INV 0000798001/02/2022		DUMBLEYUNG ENGINEERING & SUPPLIES	TYRES AND TUBES 11R 22.5 - P029561, TYRES AND TUBES 11R 22.5	MUNI	2,156.00	
EFT17311	17/03/2022	EASI	NOVATED LEASES FOR MARCH 2022	MUNI		1,515.48
INV 155336	01/03/2022	EASI	NOVATED LEASES FOR MARCH 2022	MUNI	1,515.48	
EFT17312	17/03/2022	FLEXITRANS	SUPPLY AND DELIVERY OF AGGREGATE	MUNI		41,657.22
INV 0000509425/02/2022		FLEXITRANS	10MM MRWA SPEC AGGREGATE	MUNI	18,431.82	
INV 0000510328/03/2022		FLEXITRANS	350 tonne MRWA 14mm aggregate deliver to Rabbit Proof Fence Rd South end	MUNI	23,225.40	
EFT17313	17/03/2022	GEOFF NINNES FONG & PARTNERS PTY LTD	COUNCIL WORKSHOP ON SWIMMING POOL UPDATE	MUNI		508.64
INV BEC-22-428/02/2022		GEOFF NINNES FONG & PARTNERS PTY LTD	TRAVEL FOR SWIMMING POOL WORKSHOP 17 FEBRUARY 2022, 578KM @ \$0.80/KM	MUNI	508.64	
EFT17314	17/03/2022	GRANDE OLDE DUMBLEYUNG INN	COUNCIL MEETING CATERING	MUNI		897.50
INV INV-025318/02/2022		GRANDE OLDE DUMBLEYUNG INN	COUNCIL CATERING & REFRESHMENTS, COUNCIL MEETING DINNER - THURSDAY 17 FEBRUARY 2022, 10 PEOPLE - MEALS & BEVERAGES	MUNI	516.50	
INV INV-026124/02/2022		GRANDE OLDE DUMBLEYUNG INN	REFRESHMENTS FOR CRC "YOUR BUSINESS MATTERS" SUNDOWNER	MUNI	381.00	

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EFT17315	17/03/2022	IPN MEDICAL CENTRE T/A WAGIN GENERAL PRACTICE	PRE EMPLOYMENT MEDICAL FOR NEW STAFF	MUNI		160.00
INV 161821	03/03/2022	IPN MEDICAL CENTRE T/A WAGIN GENERAL PRACTICE	PRE EMPLOYMENT MEDICAL FOR T.COOK	MUNI	160.00	
EFT17316	17/03/2022	KATANNING FURNISHINGS	36 TUNNEY STREET PROPERTY MAINTENANCE	MUNI		5,959.00
INV 17772	18/02/2022	KATANNING FURNISHINGS	36 TUNNEY STREET DUMBLEYUNG, #6061, STUDIO STYLE EXTRA HEAVY DUTY NYLON CARPET LAID IN 4 BEDROOMS, REMOVAL AND DISPOSAL OF EXISTING FLOATING FLOOR, 5 DOOR TRIMS	MUNI	4,890.00	
INV 17771	18/02/2022	KATANNING FURNISHINGS	36 TUNNEY STREET PROPERTY MAINTENANCE, 1 X ROLLER BLIND OFFICE, 1 X ROLLER BLIND MASTER BEDROOM	MUNI	624.00	
INV 17773	18/02/2022	KATANNING FURNISHINGS	27B MANSER STREET KUKERIN, 1 VERTICAL BLIND FITTED TO BACK DOOR	MUNI	445.00	
EFT17317	17/03/2022	LAKE GRACE COMMUNITY BUS	HIRE OF SCHOOL BUS FOR KUK PRIMARY SCHOOL SWIMMING LESSONS	MUNI		488.00
INV 000002410	03/2022	LAKE GRACE COMMUNITY BUS	HIRE OF BUS FROM LAKE GRACE COMMUNITY BUS, TO TRANSPORT KUKERIN PRIMARY SCHOOL TO LAKE GRACE FOR SWIMMING LESSONS 2022	MUNI	488.00	
EFT17318	17/03/2022	MADISON GROUP ENTERPRISES PTY LTD	SUPPLY PORTABLE TRAFFIC LIGHT SYSTEM AND ACCESSORIES	MUNI		13,985.91
INV 8025831	18/02/2022	MADISON GROUP ENTERPRISES PTY LTD	SUPPLY PORTABLE TRAFFIC LIGHT SYSTEM AND ACCESSORIES, PO29652,	MUNI	13,145.49	
INV 8025841	18/02/2022	MADISON GROUP ENTERPRISES PTY LTD	SUPPLY PORTABLE TRAFFIC LIGHT BATTERY, PO29652,	MUNI	840.42	
EFT17319	17/03/2022	MCLEODS BARRISTERS AND SOLICITORS	LEGAL FEE FOR DEED OF SETTLEMENT - BHA DAM COVERS	MUNI		854.70
INV 12333	28/02/2022	MCLEODS BARRISTERS AND SOLICITORS	LEGAL FEE FOR DEED OF SETTLEMENT - BHA DAM COVERS	MUNI	854.70	
EFT17320	17/03/2022	MS CLAUDIA HADLOW	REIMBURSEMENT OF ANNUAL MEDICAL FOR DRIVERS LICENCE	MUNI		132.00
INV REIMBU116	03/2022	MS CLAUDIA HADLOW	REIMBURSEMENT OF ANNUAL MEDICAL FOR DRIVERS LICENCE	MUNI	132.00	
EFT17321	17/03/2022	NARROGIN AUTO CENTRE (FORD)	VEHICLE SERVICE	MUNI		336.75

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INV 308994	09/02/2022	NARROGIN AUTO CENTRE (FORD)	VEHICLE SERVICE DOR DU99 - PO 29565	MUNI	336.75	
EFT17322	17/03/2022	NUTRIEN AG SOLUTIONS	REGIONAL ROAD GROUP GOODS AND SUPPLIES	MUNI		298.58
INV 9064272317/02/2022	17/02/2022	NUTRIEN AG SOLUTIONS	GAL FENCE DROPPER 117CM	MUNI	202.95	
INV 9064262617/02/2022	17/02/2022	NUTRIEN AG SOLUTIONS	BGCC BUILDERS CHOICE GREY CEMENT 20KG	MUNI	95.63	
EFT17323	17/03/2022	OFFICEWORKS	STATIONERY ORDER - REPLACEMENT COUNCILLOR IPADS	MUNI		664.95
INV 2519741422/02/2022	02/2022	OFFICEWORKS	IPAD ACCESSORIES., 5 X COUNCILLOR IPADS - CASES AND SCREEN PROTECTORS, IPAD ACCESSORIES, 1 X CEO IPAD - CASES AND SCREEN PROTECTOR	MUNI	664.95	
EFT17324	17/03/2022	PROMPT SAFETY SOLUTIONS	2021/22 QUARTERLY OSH SERVICES - FEBRUARY 2022	MUNI		1,210.00
INV 500	15/03/2022	PROMPT SAFETY SOLUTIONS	2021/22 QUARTERLY OSH SERVICES - FEBRUARY 2022	MUNI	1,210.00	
EFT17325	17/03/2022	QUALITY TRANSPORT	FREIGHT CHARGES FOR MONTH OF FEBRUARY 2022	MUNI		494.04
INV 129086	28/02/2022	QUALITY TRANSPORT	FREIGHT CHARGES FOR MONTH OF FEBRUARY 2022	MUNI	494.04	
EFT17326	17/03/2022	R & J HAULAGE PTY LTD T/A SAFE ROADS WA	ROAD SHOULDER WIDENING PROJECT	MUNI		224,055.70
INV 721	24/02/2022	R & J HAULAGE PTY LTD T/A SAFE ROADS WA	TARIN ROCK RD MICROSURFACING AS PER RFQ, 129 GATE RD MICROSURFACING AS PER RFQ, MOBILISATION TO DUMBLEYUNG	MUNI	192,375.70	
INV 722	24/02/2022	R & J HAULAGE PTY LTD T/A SAFE ROADS WA	ADDITIONAL COSTS - PO 29654, ADDITIONAL MICROSURFACING ON 129 GATE RD	MUNI	31,680.00	
EFT17327	17/03/2022	RURAL INFRASTRUCTURE SERVICES	PROVISION OF CONSULTANCY SERVICES	MUNI		5,280.00

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INV 1041	31/01/2022	RURAL INFRASTRUCTURE SERVICES	PROVISION OF CONSULTANCY SERVICES - PO29666, RFQ'S FOR WSFN PROJECT, RFQ ASSESSMENT FOR GRAVEL QUOTE SUBMISSIONS AND SEALING WORKS, RFQ DOCS FOR RESEALING AND NEW SEALING WORKS, BUDGET ALLOCATION REVIEW AND FILE TRANSFERS/HANDOVER, BUDGET ALLOCATION REVIEW, ANNUAL REPORT, EMAIL RFQ FOR CEMENT STABILISING, ASSESSMENT OF HORSE DAM DATA, TRAFFIC COUNT ASSESSMENT, ANALYSIS OF STAGE 2 WORKS (DYG-NYABING RD) WITH PROJECT MANAGER, PRODUCE RFQ MICROSURFACING DOCUMENT, AMEND RFQ MICROSURFACING DOCUMENT	MUNI	5,280.00	
EFT17328	17/03/2022	SYNERGY	ELECTRICITY CHARGES FOR STREETLIGHTS FROM 01/02/22-04/03/22	MUNI		1,464.19
INV 3030191504/03/2022	03/2022	SYNERGY	ELECTRICITY CHARGES FOR STREETLIGHTS FROM 01/02/22-04/03/22	MUNI	1,377.30	
INV 3787276304/03/2022	03/2022	SYNERGY	ELECTRICITY CHARGES FOR STREETLIGHTS FROM 07/02/22-04/03/22	MUNI	86.89	
EFT17329	17/03/2022	THE WEST AUSTRALIAN	ADVERTISEMENT FEES FOR PLANT OPERATOR - FEB 2022	MUNI		356.80
INV 1002320428/02/2022	02/2022	THE WEST AUSTRALIAN	PLANT OPERATOR ADVERTISEMENT , NARROGIN OBSERVOR 10/02/2022, GREAT SOUTHERN HERALD 10/02/22	MUNI	356.80	
EFT17330	17/03/2022	TOLL TRANSPORT PTY LTD	FREIGHT CHARGES FOR MONTH OF FEBRUARY 2022	MUNI		126.42
INV 0289-S41'16/01/2022	01/2022	TOLL TRANSPORT PTY LTD	LIBRARY FREIGHT CHARGES FOR THE MONTH OF JANUARY 2022	MUNI	43.10	
INV 0290-S41'20/02/2022	02/2022	TOLL TRANSPORT PTY LTD	DEPO FREIGHT CHARGES FOR MONTH OF FEBRUARY 2022, LIBRARY FREIGHT CHARGES FOR MONTH OF FEBRUARY 2022	MUNI	49.31	
INV 0291-SA127/02/2022	02/2022	TOLL TRANSPORT PTY LTD	LIBRARY FREIGHT CHARGES FOR MONTH OF FEBRUARY 2022	MUNI	34.01	
EFT17331	17/03/2022	WA CONTRACT RANGER SERVICES PTY LTD	RANGER SERVICES FOR FEBRUARY 2022	MUNI		561.00
INV 0000380523/02/2022	02/2022	WA CONTRACT RANGER SERVICES PTY LTD	RANGER SERVICES FOR FEBRUARY 2022	MUNI	561.00	

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EFT17332	17/03/2022	WATER CORPORATION	WATER CHARGE FOR MOULY HALL FROM 06/01/22-08/03/22	MUNI		1,668.89
INV 9007804604/03/2022		WATER CORPORATION	WATER CHARGES FOR STANDPIPE (125/129 RD) FROM 06/01/22-03/03/22	MUNI	66.87	
INV 9007804604/03/2022		WATER CORPORATION	WATER CHARGES FOR STANDPIPE (PETERSON/NTH DATATINE) FROM 06/01/22-03/03/22	MUNI	88.71	
INV 9007840804/03/2022		WATER CORPORATION	WATER CHARGES FOR STANDPIPE (RAILWAY/129) FROM 06/01/22-03/03/22	MUNI	47.77	
INV 9007804904/03/2022		WATER CORPORATION	WATER CHARGES FOR STANDPIPE (129/FENCE) FROM 06/01/22-03/03/22	MUNI	113.27	
INV 9007806404/03/2022		WATER CORPORATION	WATER CHARGES FOR NIPPERING CEMETERY FROM 06/01/22-03/03/22	MUNI	16.37	
INV 9007804205/03/2022		WATER CORPORATION	WATER CHARGES FOR STANDPIPE (TINCURRIN) FROM 07/01/22-04/03/22	MUNI	53.23	
INV 9007804405/03/2022		WATER CORPORATION	WATER CHARGES FOR STANDPIPE (DYG/FENCE) FROM 07/01/22-04/03/22	MUNI	50.50	
INV 9007708008/03/2022		WATER CORPORATION	WATER CHARGE FOR MOULY HALL FROM 06/01/22-08/03/22	MUNI	1,159.83	
INV 9013210709/03/2022		WATER CORPORATION	WATER CHARGES FOR STANDPIPE (KELLY/MUTTERS) FROM 07/01/22-08/03/22	MUNI	61.42	
INV 9007808809/03/2022		WATER CORPORATION	WATER CHARGES FOR KUKERIN CEMETERY FROM 07/01/22-08/03/22	MUNI	10.92	
EFT17333	17/03/2022	WREN OIL	OIL WASTE DISPOSAL FEES - DUMBLEYUNG REFUSE SITE	MUNI		33.00
INV 126608	18/02/2022	WREN OIL	OIL WASTE DISPOSAL FEES - DUMBLEYUNG REFUSE SITE	MUNI	16.50	
INV 126611	18/02/2022	WREN OIL	OIL WASTE DISPOSAL FEES - SHIRE DEPOT	MUNI	16.50	
EFT17334	25/03/2022	ALEXANDER GALT WAGIN	ASSORTED DEPOT WORKSHOP CONSUMABLES	MUNI		119.60
INV 02-1339510/02/2022		ALEXANDER GALT WAGIN	ASSORTED DEPOT WORKSHOP CONSUMABLES - PO29570	MUNI	119.60	
EFT17335	25/03/2022	CJD EQUIPMENT PTY LTD	ASSORTED DEPOT WORKSHOP CONSUMABLES	MUNI		7.66
INV 0023768719/02/2022		CJD EQUIPMENT PTY LTD	ASSORTED DEPOT WORKSHOP CONSUMABLES	MUNI	7.66	
EFT17336	25/03/2022	DUMBLEYUNG AG SUPPLIES	ASSORTED DEPOT WORKSHOP CONSUMABLES	MUNI		16.06

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INV 1070	09/02/2022	DUMBLEYUNG AG SUPPLIES	CAMLOCLK DC 11/4-11/2IN	MUNI	16.06	
EFT17337	25/03/2022	DUMBLEYUNG GENERAL STORE	2022 AUSTRALIA DAY EVENT CATERING	MUNI		2,816.52
INV 01/5602	14/02/2022	DUMBLEYUNG GENERAL STORE	2022 AUSTRALIA DAY EVENT - PICNIC BOXES, WATER BOTTLES 500ML X24, BURGERS AND ROLLS	MUNI	1,936.88	
INV FEBRUA28/02/2022		DUMBLEYUNG GENERAL STORE	GOODS AND SERVICES FOR MONTH OF FEBRUARY 2022,	MUNI	879.64	
EFT17338	25/03/2022	DUMBLEYUNG ROADHOUSE - RJ & VM NOBLE	FUEL PURCHASES FOR 1HGG410 FOR MONTH OF FEBRUARY 2022	MUNI		264.17
INV 29	06/03/2022	DUMBLEYUNG ROADHOUSE - RJ & VM NOBLE	FUEL PURCHASES FOR 1HGG410 D.WILLIAMS FOR MONTH OF FEBRUARY 2022, CREDIT ON ICE NOT COLLECTED FOR OCM DEC 2021	MUNI	264.17	
EFT17339	25/03/2022	HERSEY'S SAFETY PTY LTD	ASSORTED DEPOT WORKSHOP CONSUMABLES	MUNI		1,046.55
INV 48926	08/02/2022	HERSEY'S SAFETY PTY LTD	ASSORTED DEPOT WORKSHOP CONSUMABLES - PO29567, BAGS OF RAGS, TINT SAFETY GLASS, BUCK OF BOLTS, TAP MEASURE, ELECTRIC TAPE, PVC GLOVES, MAXI GLOVES, LEAF SCOUP	MUNI	629.98	
INV 48927	08/02/2022	HERSEY'S SAFETY PTY LTD	ASSORTED DEPOT WORKSHOP CONSUMABLES - PO29567, SHOVEL, SUNSCREEN, RAKE, ADUST SPANNER	MUNI	316.25	
INV 48541	11/02/2022	HERSEY'S SAFETY PTY LTD	ASSORTED DEPOT WORKSHOP CONSUMABLES - PO29572, WINDOW CLEANER	MUNI	100.32	
EFT17340	25/03/2022	KUKERIN GENERAL STORE	GOODS AND SERVICES FOR MONTH OF FEBRUARY 2022	MUNI		88.35
INV 186 - FEB23/02/2022		KUKERIN GENERAL STORE	GOODS AND SERVICES FOR MONTH OF FEBRUARY 2022, KUKERIN PARKS AND GARDENS - RETIC MAINTENANCE MATERIALS, KUKERIN TOWN HALL - MAINTENANCE MATERIALS, KUKERIN BOUNCY PILLOW - MAINTENANCE MATERIALS	MUNI	88.35	
EFT17341	25/03/2022	KUKERIN RURAL SERVICES	PURCHASE OF CEMENT 20KG FOR ROAD WORKS	MUNI		67.98
INV IN38540	23/02/2022	KUKERIN RURAL SERVICES	DEPOT WORKSHOP CONSUMABLES - CEMENT 20KG	MUNI	67.98	
EFT17342	25/03/2022	LIBERTY OIL AUSTRALIA PTY LTD	SUPPLY AND DELIVERY OF DIESEL STOCK	MUNI		18,805.00
INV FI31100202/03/2022		LIBERTY OIL AUSTRALIA PTY LTD	SUPPLY AND DELIVERY OF DIESEL STOCK - PO29670	MUNI	18,805.00	

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EFT17343	25/03/2022	METAL ARTWORK CREATIONS	PURCHASE OF STAFF NAME BADGES	MUNI		25.85
INV 87284	15/03/2022	METAL ARTWORK CREATIONS	2 X STAFF BADGES, NEW EMPLOYEE - DYLAN FRYER	MUNI	25.85	
EFT17344	25/03/2022	TELSTRA CORPORATION	TELSTRA LANDLINE AND INTERNET CHARGES FOR MONTH OF FEBRUARY 2022	MUNI		2,570.93
INV 3495838920/02/2022		TELSTRA CORPORATION	MEMBERS - COMMUNICATION EXPENSES W GST, MEMBERS - COMMUNICATION EXPENSES W/OUT GST, ADMIN - COMMUNICATION EXPENSES W GST, ADMIN - COMMUNICATION EXPENSES W/OUT GST, PWO - COMMUNICATION EXPENSES W GST, PWO - COMMUNICATION EXPENSES W/OUT GST, LIBRARY - COMMUNICATION EXPENSES W/OUT GST, BF RPO - COMMUNICATION EXPENSES W/OUT GST	MUNI	914.03	
INV 4251504021/02/2022		TELSTRA CORPORATION	RURAL - COMMUNICATION EXPENSES MUN, FIRE - COMMUNICATION EXPENSES MUN, SWIM - COMMUNICATION EXPENSES MUN, LIBRARY - COMMUNICATION EXPENSES MUN, ADMIN - COMMUNICATION EXPENSES MUN	MUNI	1,656.90	
EFT17345	25/03/2022	WAGIN TRUCK CENTRE	PLANT MAINTENANCE MATERIALS AND SERVICES	MUNI		424.70
INV K1649	11/02/2022	WAGIN TRUCK CENTRE	DU511 MAINTENANCE MATERIALS AND SERVICES - PO29563	MUNI	232.90	
INV K1882	21/02/2022	WAGIN TRUCK CENTRE	DU4314 MAINTENANCE MATERIALS AND SERVICES	MUNI	191.80	
EFT17346	25/03/2022	WALLIS COMPUTER SOLUTIONS	SUPPLY AND INSTALL NEW LAPTOP & COMPUTER FOR BFRPO	MUNI		7,277.17
INV 23134	01/03/2022	WALLIS COMPUTER SOLUTIONS	FUSION BROADBAND BONDED SERVICE FOR MARCH 2022	MUNI	327.80	

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SHIRE OF DUMBLEYUNG
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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
INV 23169	16/03/2022	WALLIS COMPUTER SOLUTIONS	DYNABOOK TECRA A50-J, I5, 256GB SSD, 15.6" FHD, 16GB, DELL D6000 DOCKING STATION, CYBERPOWER SURGE PROTECTOR FOR LAPTOP, LOGITECH MK850 WIRELESS KEYBOARD & MOUSE, EATON UPS 5P 420W (650VA) TOWER, LOGITECH M325 WIRELESS MOUSE, TARGUS 14-15.6" CARRYCASE, HP E24 G4 IPS LED MONITOR, MSA IT SUPPORT - GOLD, PRE-DELIVERY OF NEW COMPUTER, ONSITE/WORKSHOP SETUP & INSTALLATION NEW COMPUTER, DISCOUNTED TRAVEL MSA-GOLD, SHIPPING	MUNI	6,949.37	
EFT17347	25/03/2022	WARREN BLACKWOOD WASTE	2021/22 WASTE COLLECTIONS FOR FEBRUARY 2022	MUNI		4,260.24
INV 0001794505/03/2022		WARREN BLACKWOOD WASTE	2021/22 RECYCLING COLLECTIONS FOR FEBRUARY 2022	MUNI	1,908.72	
INV 0001794605/03/2022		WARREN BLACKWOOD WASTE	2021/22 WASTE COLLECTIONS FOR FEBRUARY 2022	MUNI	2,351.52	
EFT17348	25/03/2022	WURTH AUSTRALIA PTY LTD	PLANT MAINTENANCE MATERIALS AND SERVICES	MUNI		282.45
INV 4307977925/02/2022		WURTH AUSTRALIA PTY LTD	SERVICE FUSE KIT FOR PLANTS/VEHICLES - PO29579	MUNI	282.45	
EFT17349	31/03/2022	SHIRE OF DUMBLEYUNG - SALARIES - DIRECT DEBITS	PAYROLL DEDUCTIONS	MUNI		49,461.20
INV PPE30.0331/03/2022		SHIRE OF DUMBLEYUNG - SALARIES - DIRECT DEBITS	PAYROLL DEDUCTIONS	MUNI	49,461.20	
DD9288.1	02/03/2022	BT PANORAMA SUPER	PAYROLL DEDUCTIONS	MUNI		175.52
INV SUPER	02/03/2022	BT PANORAMA SUPER	PAYROLL DEDUCTIONS	MUNI	171.73	
INV DEDUCT02/03/2022		BT PANORAMA SUPER	PAYROLL DEDUCTIONS	MUNI	3.79	
DD9288.2	02/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI		6,430.46
INV DEDUCT02/03/2022		AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	480.33	
INV DEDUCT02/03/2022		AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	300.00	
INV DEDUCT02/03/2022		AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	28.53	
INV DEDUCT02/03/2022		AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	650.00	
INV SUPER	02/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	4,971.60	

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DD9288.3	02/03/2022	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	MUNI		821.92
INV DEDUCT	02/03/2022	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	MUNI	193.39	
INV SUPER	02/03/2022	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	MUNI	628.53	
DD9288.4	02/03/2022	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI		415.04
INV DEDUCT	02/03/2022	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI	100.00	
INV SUPER	02/03/2022	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI	315.04	
DD9288.5	02/03/2022	AUSTRALIAN SUPER WESTSCHEME DIVISION	PAYROLL DEDUCTIONS	MUNI		750.77
INV DEDUCT	02/03/2022	AUSTRALIAN SUPER WESTSCHEME DIVISION	PAYROLL DEDUCTIONS	MUNI	140.77	
INV SUPER	02/03/2022	AUSTRALIAN SUPER WESTSCHEME DIVISION	PAYROLL DEDUCTIONS	MUNI	610.00	
DD9288.6	02/03/2022	PRIME SUPER	PAYROLL DEDUCTIONS	MUNI		212.54
INV SUPER	02/03/2022	PRIME SUPER	PAYROLL DEDUCTIONS	MUNI	212.54	
DD9288.7	02/03/2022	MLC SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI		255.51
INV SUPER	02/03/2022	MLC SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI	255.51	
DD9288.8	02/03/2022	BT - PERSONAL SUPER PLAN	PAYROLL DEDUCTIONS	MUNI		43.48
INV SUPER	02/03/2022	BT - PERSONAL SUPER PLAN	PAYROLL DEDUCTIONS	MUNI	43.48	
DD9294.1	08/03/2022	DEPARTMENT OF TRANSPORT - LICENSING	TRANSPORT LICENSING DIRECT DEBITS 15/2 - 28/02/2022	MUNI		15,077.35
INV TRANSP	28/02/2022	DEPARTMENT OF TRANSPORT - LICENSING	TRANSPORT LICENSING DIRECT DEBITS 15/2 - 28/02/2022	MUNI	15,077.35	
DD9301.1	16/03/2022	BT PANORAMA SUPER	PAYROLL DEDUCTIONS	MUNI		32.86
INV SUPER	16/03/2022	BT PANORAMA SUPER	PAYROLL DEDUCTIONS	MUNI	29.07	
INV DEDUCT	16/03/2022	BT PANORAMA SUPER	PAYROLL DEDUCTIONS	MUNI	3.79	
DD9301.2	16/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI		5,720.36

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
INV DEDUCT	16/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	551.84	
INV DEDUCT	16/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	28.53	
INV DEDUCT	16/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	650.00	
INV SUPER	16/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	4,489.99	
DD9301.3	16/03/2022	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	MUNI		821.92
INV DEDUCT	16/03/2022	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	MUNI	193.39	
INV SUPER	16/03/2022	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	MUNI	628.53	
DD9301.4	16/03/2022	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI		415.04
INV DEDUCT	16/03/2022	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI	100.00	
INV SUPER	16/03/2022	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI	315.04	
DD9301.5	16/03/2022	AUSTRALIAN SUPER WESTSCHEME DIVISION	PAYROLL DEDUCTIONS	MUNI		1,142.98
INV DEDUCT	16/03/2022	AUSTRALIAN SUPER WESTSCHEME DIVISION	PAYROLL DEDUCTIONS	MUNI	214.31	
INV SUPER	16/03/2022	AUSTRALIAN SUPER WESTSCHEME DIVISION	PAYROLL DEDUCTIONS	MUNI	928.67	
DD9301.6	16/03/2022	PRIME SUPER	PAYROLL DEDUCTIONS	MUNI		212.54
INV SUPER	16/03/2022	PRIME SUPER	PAYROLL DEDUCTIONS	MUNI	212.54	
DD9301.7	16/03/2022	MLC SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI		255.51
INV SUPER	16/03/2022	MLC SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI	255.51	
DD9301.8	16/03/2022	BT - PERSONAL SUPER PLAN	PAYROLL DEDUCTIONS	MUNI		43.48
INV SUPER	16/03/2022	BT - PERSONAL SUPER PLAN	PAYROLL DEDUCTIONS	MUNI	43.48	
DD9301.9	16/03/2022	REST - RETAIL EMPLOYEES SUPERANNUATION PTY LTD	PAYROLL DEDUCTIONS	MUNI		150.27
INV SUPER	16/03/2022	REST - RETAIL EMPLOYEES SUPERANNUATION PTY LTD	PAYROLL DEDUCTIONS	MUNI	150.27	

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
DD9313.1	30/03/2022	BT PANORAMA SUPER	PAYROLL DEDUCTIONS	MUNI		20.22
INV SUPER	30/03/2022	BT PANORAMA SUPER	PAYROLL DEDUCTIONS	MUNI	16.43	
INV DEDUCT	30/03/2022	BT PANORAMA SUPER	PAYROLL DEDUCTIONS	MUNI	3.79	
DD9313.2	30/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI		6,280.29
INV DEDUCT	30/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	613.22	
INV DEDUCT	30/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	35.66	
INV DEDUCT	30/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	650.00	
INV SUPER	30/03/2022	AWARE SUPER	PAYROLL DEDUCTIONS	MUNI	4,981.41	
DD9313.3	30/03/2022	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	MUNI		821.92
INV DEDUCT	30/03/2022	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	MUNI	193.39	
INV SUPER	30/03/2022	AMP LIFE LIMITED	PAYROLL DEDUCTIONS	MUNI	628.53	
DD9313.4	30/03/2022	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI		415.04
INV DEDUCT	30/03/2022	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI	100.00	
INV SUPER	30/03/2022	SUN SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI	315.04	
DD9313.5	30/03/2022	AUSTRALIAN SUPER WESTSCHEME DIVISION	PAYROLL DEDUCTIONS	MUNI		1,311.05
INV DEDUCT	30/03/2022	AUSTRALIAN SUPER WESTSCHEME DIVISION	PAYROLL DEDUCTIONS	MUNI	245.82	
INV SUPER	30/03/2022	AUSTRALIAN SUPER WESTSCHEME DIVISION	PAYROLL DEDUCTIONS	MUNI	1,065.23	
DD9313.6	30/03/2022	PRIME SUPER	PAYROLL DEDUCTIONS	MUNI		212.54
INV SUPER	30/03/2022	PRIME SUPER	PAYROLL DEDUCTIONS	MUNI	212.54	
DD9313.7	30/03/2022	MLC SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI		255.51
INV SUPER	30/03/2022	MLC SUPERANNUATION	PAYROLL DEDUCTIONS	MUNI	255.51	

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ACCOUNTS DUE AND SUBMITTED TO COUNCIL ON THE 21ST APRIL 2022.

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Cheque /EFT No	Date	Name	Invoice Description	Bank Code	INV Amount	Amount
DD9313.8	30/03/2022	BT - PERSONAL SUPER PLAN	PAYROLL DEDUCTIONS	MUNI		43.48
INV SUPER	30/03/2022	BT - PERSONAL SUPER PLAN	PAYROLL DEDUCTIONS	MUNI	43.48	
DD9313.9	30/03/2022	REST - RETAIL EMPLOYEES SUPERANNUATION PTY LTD	PAYROLL DEDUCTIONS	MUNI		223.94
INV SUPER	30/03/2022	REST - RETAIL EMPLOYEES SUPERANNUATION PTY LTD	PAYROLL DEDUCTIONS	MUNI	223.94	
DD9316.1	28/03/2022	CORPORATE CARD PURCHASES	CREDIT CARD PURCHASES FOR MONTH OF FEB 2022	MUNI		3,747.13
INV FEB 202219/02/2022		CORPORATE CARD PURCHASES	SURVEY MONKEY - ANNUAL SUBSCRIPTION TO DOMAIN	MUNI	384.00	
INV FEB 202202/03/2022		CORPORATE CARD PURCHASES	LOCAL GOV PROFESSIONALS - ANNUAL STATE CONFERENCE 2021/22	MUNI	100.00	
INV FEB 202228/03/2022		CORPORATE CARD PURCHASES	INTEREST AND OTHER CHARGES	MUNI	89.33	
INV FEB 202208/02/2022		CORPORATE CARD PURCHASES	SALT BUSH CAFE - BEVERAGES FOR CEO MEETING	MUNI	12.00	
INV FEB 202215/02/2022		CORPORATE CARD PURCHASES	ST ANNES FLORIST - FLOWERS FOR STAFF IN HOSPITAL AS PER COUNCIL POLICY 8.1	MUNI	111.00	
INV FEB 202215/02/2022		CORPORATE CARD PURCHASES	LOCAL GOV PROFESSIONALS - FINANCE FOR NON FINANCE WORKSHOP	MUNI	360.00	
INV FEB 202203/03/2022		CORPORATE CARD PURCHASES	LOCAL GOV PROFESSIONALS - REFUND ON CANCELLED WORKSHOP	MUNI	-360.00	
INV FEB 202204/03/2022		CORPORATE CARD PURCHASES	SKYMESH - MONTHLY SATELLITE WIFI	MUNI	69.95	
INV FEB 202227/02/2022		CORPORATE CARD PURCHASES	BURSWOOD - CAR HIRE FOR BFRMP OFFICER - RATES, BOND & REGISTRATION, OVERPAYMENT	MUNI	2,000.00	
INV FEB 202228/02/2022		CORPORATE CARD PURCHASES	ZEN - RECOGNITION OF DEPARTURE GIFT CARDS AS PER COUNCIL POLICY, ZEN - SHIPPING, ZEN - PURCHASE FEE	MUNI	645.35	
INV FEB 202201/03/2022		CORPORATE CARD PURCHASES	SEEK - GARDENER/GENERAL HAND JOB POSITION ADVERTISEMENT	MUNI	335.50	

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REPORT TOTALS

Bank Code	Bank Name	TOTAL
MUNIBANK	MUNICIPAL	679,373.67
TOTAL		679,373.67

12.2 MARCH 2022 MONTHLY FINANCIAL REPORT

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Dumbleyung
FILE REFERENCE:	Monthly Financial Reports 2021/22
AUTHOR:	Director of Corporate Services
DISCLOSURE OF INTEREST:	Nil
REVIEWED BY:	Chief Executive Officer
DATE:	6 April 2022
ATTACHMENT:	Monthly Financial Report
VOTING REQUIREMENT:	Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/046

That the Monthly Financial Report for the period ending 31 March 2022 be received.

Moved Cr Doney

Seconded Cr Watkins

Carried 6/0

PURPOSE

To provide Council with relevant information relating to the month and year to date financial performance and position and to comply with the legislative requirements under the Local Government (Financial Management) Regulations 1996.

STRATEGIC IMPLICATIONS

Relevant and timely financial information assists Council in making informed financial decisions.

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

FINANCIAL AND STAFFING IMPLICATIONS

Nil

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low**. The *Local Government (Financial Management) Regulations 1996* mandates the preparation of a Statement of Financial Activity within two months after the end of the financial reporting period. This report mitigates the risk of non-compliance with the Regulations.

COMMUNITY ENGAGEMENT AND CONSULTATION

Nil

BACKGROUND

The March 2022 Financial Report provides relevant financial information relating to the financial performance of the Shire for the month and a year to date snapshot of its financial position at the end of the reporting period.

COMMENT

The financial report for March 2022 has been prepared in accordance with the requirements of the Local Government (Financial Management) Regulations 1996.

SHIRE OF DUMBLEYUNG
MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the period ending March 2022

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

TABLE OF CONTENTS

Statement of Financial Activity by Program	2
Statement of Financial Activity by Nature or Type	4
Basis of Preparation	6
Statement of Financial Activity Information	7
Explanation of Material Variances	8
Table of Supporting Notes to the Statutory Reports	9
These accounts are prepared with data available at the time of preparation.	

STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM
FOR THE PERIOD ENDED 31 MARCH 2022

STATUTORY REPORTING PROGRAMS

Ref Note	Adopted Budget	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	\$	\$	\$	\$	\$	%	
Opening funding surplus / (deficit)	2,413,082	2,413,082	2,413,082	2,452,377	39,295	1.63%	
Revenue from operating activities							
Governance	0	862,017	862,017	862,017	0	0.00%	
General purpose funding - general rates	1,841,286	1,841,286	1,841,286	1,839,558	(1,728)	(0.09%)	
General purpose funding - other	919,194	962,056	689,394	682,509	(6,885)	(1.00%)	
Law, order and public safety	59,900	132,460	77,666	71,127	(6,539)	(8.42%)	
Health	2,000	2,000	1,485	795	(690)	(46.43%)	
Education and welfare	3,000	3,000	3,000	3,000	0	0.00%	
Housing	119,300	134,300	100,710	125,692	24,982	24.81%	▲
Community amenities	253,264	271,764	261,564	264,408	2,844	1.09%	
Recreation and culture	21,800	42,800	41,591	44,678	3,087	7.42%	
Transport	197,863	214,276	200,278	194,315	(5,963)	(2.98%)	
Economic services	98,260	146,588	96,350	74,559	(21,791)	(22.62%)	▼
Other property and services	118,442	138,171	64,528	106,309	41,781	64.75%	▲
	3,634,309	4,750,718	4,239,869	4,268,968	29,099		
Expenditure from operating activities							
Governance	(803,410)	(838,217)	(591,236)	(514,313)	76,923	13.01%	▼
General purpose funding	(105,242)	(108,873)	(81,630)	(74,636)	6,994	8.57%	
Law, order and public safety	(195,214)	(276,719)	(173,929)	(160,924)	13,005	7.48%	
Health	(89,379)	(92,813)	(47,173)	(31,873)	15,300	32.43%	▼
Education and welfare	(31,097)	(28,373)	(21,680)	(15,204)	6,476	29.87%	
Housing	(285,480)	(223,909)	(172,734)	(131,571)	41,163	23.83%	▼
Community amenities	(609,912)	(589,641)	(443,783)	(385,231)	58,552	13.19%	▼
Recreation and culture	(925,460)	(873,440)	(664,310)	(703,336)	(39,026)	(5.87%)	
Transport	(2,657,376)	(2,665,398)	(2,001,260)	(1,749,403)	251,857	12.58%	▼
Economic services	(558,249)	(559,349)	(404,102)	(314,553)	89,549	22.16%	▼
Other property and services	(124,467)	(167,056)	(144,725)	(220,507)	(75,782)	(52.36%)	▲
	(6,385,286)	(6,423,787)	(4,746,562)	(4,301,551)	445,011		
Non-cash amounts excluded							
Less: Profit on asset disposals	(54,425)	(99,468)	(34,532)	(23,084)	11,448	(33.15%)	
Add: Loss on disposal of assets	11,475	3,087	2,313	6,321	4,008	173.28%	
Movement in Employee Benefits	0	0	0	0	0	0.00%	
Add: Depreciation on assets	2,426,290	2,426,290	1,819,656	1,885,506	65,850	3.62%	
Amount attributable to operating activities	(367,637)	656,840	1,280,744	1,836,160	555,416		
Investing Activities							
Non-operating grants, subsidies and contributions	3,139,590	4,378,005	545,820	1,909,700	1,363,880	249.88%	▲
Less Unspent Grants this year	0	0	0	(1,363,880)	(1,363,880)		
<i>Net Non-Operating grants recognised as revenue</i>	3,139,590	4,378,005	545,820	545,820			
Proceeds from disposal of assets	203,230	267,481	141,801	141,801	(0)	(0.00%)	
Payments for PPE & Infrastructure	(5,010,162)	(6,469,592)	(2,252,046)	(1,365,058)	886,988	39.39%	▼
Amount attributable to investing activities	(1,667,342)	(1,824,106)	(1,564,425)	(677,437)	886,987		
Financing Activities							
Transfer from reserves	361,204	391,204	0	0	0	0.00%	
Payments for principal portion of lease liabilities	(8,680)	(8,680)	(7,574)	(7,574)	0	0.00%	
Repayment of loans	(53,010)	(53,010)	(29,837)	(29,837)	0	0.00%	
Transfer to reserves	(677,617)	(1,575,329)	(875,467)	(883,123)	(7,655)	(0.87%)	
Amount attributable to financing activities	(378,102)	(1,245,817)	(912,878)	(920,534)	(7,655)		
Closing funding surplus / (deficit)	0	0	1,216,523	2,690,566	1,474,043		

KEY INFORMATION

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

Refer to Page 8 for an explanation of the reasons for the variance.

The material variance adopted by Council for the current year is the greater of 10% of the YTD budget figure, or \$10,000.

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

KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD 01 JULY 2021 TO 31 MARCH 2022

STATUTORY REPORTING PROGRAMS

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

PROGRAM NAME AND OBJECTIVES

ACTIVITIES

GOVERNANCE

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

Includes the activities of members of council and the administrative support available to council for the provision of governance of the district. Other costs relate the task of assisting elected members and ratepayers on matters of which do not concern specific council systems and the administration of the Bain Estate Future Fund.

GENERAL PURPOSE FUNDING

To collect revenue to allow for the provision of services

Rates, general purpose government grants and interest revenue.

LAW, ORDER, PUBLIC SAFETY

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

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

HEALTH

To provide an operational framework for the environment and community health.

Inspection of food outlets and their control, provision of meat inspection services, noise control and waste disposal compliance.

EDUCATION AND WELFARE

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

Maintenance of child minding centre, playgroup centre.

HOUSING

To provide and maintain housing for low income earners and aged residents.

Provision and maintenance of housing for low income earners and elderly residents.

COMMUNITY AMENITIES

To provide services required by the community.

Rubbish Collection services, operation of rubbish disposal sites, litter control, protection of the environment and administration of town planning schemes, cemetery and public conveniences.

RECREATION AND CULTURE

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

Maintenance of public halls, civic centres, aquatic centre, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens and playgrounds. Operation of library and other cultural facilities.

TRANSPORT

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

Construction and maintenance of roads, street, footpaths, depots and traffic control. Cleaning of street and maintenance of street trees.

ECONOMIC SERVICES

To help promote the shire and its economic well-being.

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

OTHER PROPERTY AND SERVICES

To monitor and control council's overheads operating accounts.

Private works operation, administration costs, public works overheads, plant repair and operation costs.

STATEMENT OF FINANCIAL ACTIVITY BY NATURE OR TYPE
FOR THE PERIOD ENDED 31 MARCH 2022

STATUTORY REPORTING PROGRAMS

	Ref	Adopted Budget	Amended Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	Note	\$	\$	\$	\$	\$	%	
Opening funding surplus / (deficit)		2,413,082	2,413,082	2,413,082	2,452,377	39,295	1.63%	
Revenue from operating activities								
Rates		1,841,286	1,841,286	1,841,286	1,839,558	(1,728)	(0.09%)	
Operating grants, subsidies and contributions		1,144,560	2,206,327	1,845,197	1,811,889	(33,308)	(1.81%)	
Fees and charges		471,864	493,364	429,692	455,733	26,041	6.06%	
Service charges		22,000	22,000	22,000	23,116	1,116	5.07%	
Interest earnings		33,450	33,450	25,083	19,656	(5,427)	(21.64%)	
Other revenue		66,724	54,824	42,079	95,933	53,854	127.98%	▲
Profit on disposal of assets		54,425	99,468	34,532	23,084	(11,448)	(33.15%)	▼
		3,634,309	4,750,719	4,239,869	4,268,968	29,099		
Expenditure from operating activities								
Employee costs		(1,701,815)	(1,720,533)	(1,259,404)	(1,251,124)	8,280	0.66%	
Materials and contracts		(1,709,706)	(1,755,927)	(1,234,395)	(802,560)	431,835	34.98%	▼
Utility charges		(208,860)	(177,810)	(132,858)	(88,839)	44,020	33.13%	▼
Depreciation on non-current assets		(2,426,290)	(2,426,290)	(1,819,656)	(1,885,506)	(65,850)	(3.62%)	
Interest expenses		(10,282)	(10,282)	(9,267)	(6,383)	2,884	31.12%	
Insurance expenses		(177,309)	(177,309)	(175,282)	(179,190)	(3,908)	(2.23%)	
Other expenditure		(139,550)	(152,550)	(113,387)	(81,629)	31,759	28.01%	▼
Loss on disposal of assets		(11,475)	(3,087)	(2,313)	(6,321)	(4,008)	(173.28%)	
		(6,385,286)	(6,423,787)	(4,746,562)	(4,301,551)	445,011		
Non-cash amounts excluded								
Less: Profit on asset disposals		(54,425)	(99,468)	(34,532)	(23,084)	11,448	(33.15%)	
Add: Loss on disposal of assets		11,475	3,087	2,313	6,321	4,008	173.28%	
Add: Depreciation on assets		2,426,290	2,426,290	1,819,656	1,885,506	65,850	3.62%	
Amount attributable to operating activities		(367,637)	656,841	1,280,744	1,836,160	551,408		
Investing activities								
Non-operating grants, subsidies and contributions		3,139,590	4,378,005	545,820	1,909,700	1,363,880	249.88%	▲
Less Unspent Grants this year	11	0	0	0	(1,363,880)	(1,363,880)	0.00%	
<i>Net Non-Operating grants recognised as revenue</i>		3,139,590	4,378,005	545,820	545,820	0	0.00%	
Proceeds from disposal of assets		203,230	267,481	141,801	141,801	(0)	(0.00%)	
Payments for PPE & Infrastructure		(5,010,162)	(6,469,592)	(2,252,046)	(1,365,058)	886,988	39.39%	▼
Amount attributable to investing activities		(1,667,342)	(1,824,106)	(1,564,425)	(677,437)	886,987		
Financing Activities								
Transfer from reserves		361,204	391,204	0	0	0	0.00%	
Payments for principal portion of lease liabilities		(8,680)	(8,680)	(7,574)	(7,574)	0	0.00%	
Repayment of borrowings		(53,010)	(53,010)	(29,837)	(29,837)	0	0.00%	
Transfer to reserves		(677,617)	(1,575,329)	(875,467)	(883,123)	(7,655)	(0.87%)	
Amount attributable to financing activities		(378,103)	(1,245,817)	(912,878)	(920,534)	(7,655)		
Closing funding surplus / (deficit)		0	0	1,216,523	2,690,566	1,474,043		

KEY INFORMATION

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

Refer to Page 8 for an explanation of the reasons for the variance.

The material variance adopted by Council for the current year is the greater of 10% of the YTD budget figure, or \$10,000.

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

REVENUE

RATES

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

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

REVENUE FROM CONTRACTS WITH CUSTOMERS

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

FEES AND CHARGES

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

SERVICE CHARGES

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

INTEREST EARNINGS

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

OTHER REVENUE / INCOME

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

PROFIT ON ASSET DISPOSAL

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

EXPENSES

EMPLOYEE COSTS

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

MATERIALS AND CONTRACTS

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

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

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

INSURANCE

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

LOSS ON ASSET DISPOSAL

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

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

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

OTHER EXPENDITURE

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

BASIS OF PREPARATION

REPORT PURPOSE

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

BASIS OF ACCOUNTING

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

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

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

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 09 September 2021

SIGNIFICANT ACCOUNTING POLICES

CRITICAL ACCOUNTING ESTIMATES

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

THE LOCAL GOVERNMENT REPORTING ENTITY

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

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

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

GOODS AND SERVICES TAX

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

ROUNDING OFF FIGURES

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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

STATUTORY REPORTING PROGRAMS

	Notes	Adopted Budget Opening Surplus	Last Years Audited Closing Balance	Adopted Budget Closing Surplus	YTD Actual (b)
			30/06/2021		31/03/2022
		\$	\$	\$	\$
Net current assets used in the Statement of Financial Activity					
Current assets					
Cash and cash equivalents	1	2,839,715	2,871,276	426,633	3,105,160
Reserves	2	6,800,978	6,769,417	7,085,830	7,652,538
Rates receivable	3	114,548	118,319	110,957	192,457
Trade and other receivables	3	16,699	40,744	21,231	1,198,585
GST Receivable	3	195,487	157,062	195,485	74,530
Inventories	4	13,746	13,746	12,807	22,217
Total Current Assets		9,981,173	9,970,564	7,852,943	12,245,487
Less: Current liabilities					
		0			
Payables	7	(552,055)	(502,151)	(552,055)	(342,104)
Borrowings	10	(53,010)	(53,011)	0	(23,174)
Lease Liabilities	9	(8,680)	(8,680)	0	(1,106)
Contract liabilities		(31,561)	(31,561)	0	(1,363,880)
Provisions		(215,058)	(215,058)	(215,058)	(196,401)
Total Current liabilities		(860,364)	(810,461)	(767,113)	(1,926,665)
Total Net Current Assets		9,120,809	9,160,103	7,085,830	10,318,822
Less: Total adjustments to net current assets					
Less: Reserves - restricted cash	2	(6,769,417)	(6,769,417)	(7,085,830)	(7,652,538)
Add: Current Borrowings	10	53,010	53,011	0	23,174
Add: Current Lease Liability	9	8,680	8,680	0	1,106
Total adjustments to net current assets		(6,707,727)	(6,707,726)	(7,085,830)	(7,628,258)
Closing funding surplus / (deficit)		2,413,082	2,452,377	0	2,690,564

CURRENT AND NON-CURRENT CLASSIFICATION

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

STATUTORY REPORTING PROGRAMS

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

The material variance adopted by Council for the current year is the greater of 10% of the YTD budget figure, or \$10,000.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
Housing	24,982	24.81%	▲ Permanent	\$18k unbudgeted income relating to 4WDL Housing project for which offsetting costs will be incurred, and \$4k higher than budgeted housing rent received YTD.
Economic services	(21,791)	(22.62%)	▼ Timing	Lower than expected Landcare income as grant funded project expenses are yet to be incurred.
Other property and services	41,781	64.75%	▲ Permanent	\$40k unbudgeted contribution from Stubbs Park Board of Management for cost benefit analysis.
Governance	76,923	13.01%	▼ Permanent & Timing	\$25k underspend YTD on strategic consultants and \$13k underspend on Bain estate funded projects expected to be spent by June22. There is a further \$12k underspend on other governance "other" expenses and \$10k underspend on advertising and promotion, these expenses are not expected to be incurred before June22. In addition there is \$10k budgeted for audit fees under governance however audit fees when invoiced by AMD for the Financial period ended 30/6/21 will be coded to Admin overheads. This represents a classification variance between budget and actual however the full \$10k has been incurred.
Health	15,300	32.43%	▼ Permanent	Largely relates to contract health officer costs under budget due to officer resignation early in FY22 and the replacement EHO only began in Feb22, as such the position was vacant for multiple months.
Housing	41,163	23.83%	▼ Timing	Underspend on non staff housing building maintenance expected to be spent by June22.
Community amenities	58,552	13.19%	▼ Timing	\$13k spent YTD compared to \$64k budgeted for Townscape Committee Projects combined with underspend YTD on contract town planning of \$12k.
Transport	251,857	12.58%	▼ Timing	\$251k under budget for road and bridge maintenance YTD. Shire employees are focused on assisting in delivering grant funded capital works as a matter of priority with road maintenance to be completed subsequently.
Economic services	89,549	22.16%	▼ Timing	Underspend on caravan park/short stay unit maintenance YTD of \$31k, \$25k underspend on landcare grant funded projects, \$14k underspend on dam and building operations/maintenance and \$6k underspend YTD on noxious weed control.
Other property and services	(75,782)	(52.36%)	▲ Permanent & Timing	\$52k over budget for public works motor vehicle expenses, largely due to 28k depreciation of new Works Supervisor Ute incurred in public works overheads but budgeted elsewhere (classification variance). In addition, plant operating costs have not been fully allocated to jobs however this is expected to correct itself over the coming months as equipment is highly utilised for capital roadworks.
Proceeds from non-operating grants, subsidies and contributions	1,363,880	249.88%	▲ Timing	Relates to up front receipt of Roads to Recovery, LRCI phase 2 and WSFN first 40% funding yet to be spent.
Payments for property, plant and equipment and infrastructure	886,988	39.39%	▼ Timing	Refer Note 5 Capital Acquisitions for details of the capital spend YTD

SHIRE OF DUMBLEYUNG

MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) For the period ending March 2022

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

SUPPORTING NOTES TO THE STATUTORY REPORTS

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**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**Note 1
CASH AND FINANCIAL ASSETS**

Description	Unrestricted \$	Restricted \$	Total Cash \$	Trust \$	Institution	Interest Rate	Maturity Date
Cash on hand							
Floats	300	0	300	0	Cash	n/a	n/a
Municipal Bank Account	3,105,161	0	3,105,161	0	Bankwest	n/a	n/a
Municipal Investment	0	7,652,538	7,652,538	0	Various	Various	Various
Total	3,105,161	7,652,538	10,757,699	0			
Comprising							
Cash and cash equivalents	3,105,161	7,652,538	10,757,699	0			
	3,105,161	7,652,538	10,757,699	0			

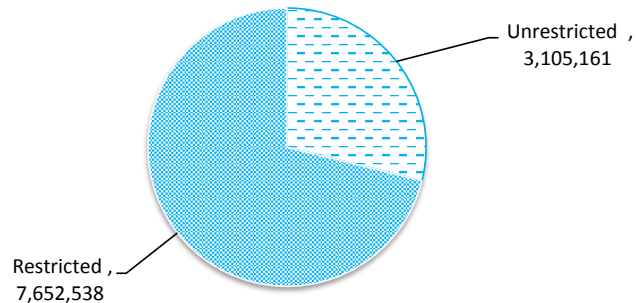
KEY INFORMATION

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

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**Note 2
CASH RESERVES**

Cash backed reserve

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Employee Entitlement Reserve	128,592	256	395	115,000	0	0	0	243,848	128,986
Emergency Response Reserve	158,397	315	486	381,632	0	0	0	540,344	158,883
IT & Office Equipment Reserve	30,014	60	92	0	0	0	0	30,074	30,106
Plant, Vehicle & Equipment Reserve	391,638	778	1,201	203,230	0	(203,230)	0	392,416	392,839
Buildings Reserve	684,742	1,361	2,101	0	0	0	0	686,103	686,842
Dam Cleaning Reserve	37,812	75	116	0	0	0	0	37,887	37,928
Dumbleyung Sewerage Works Reserve	452,708	899	1,389	0	0	0	0	453,607	454,097
Landcare Development Reserve	88,897	177	273	0	0	0	0	89,074	89,170
Fence Road Drain Maintenance Reserve	6,227	12	19	0	0	0	0	6,239	6,246
Bain Estate Reserve	4,790,390	9,517	15,034	862,017	862,017	(187,974)	0	5,473,950	5,667,441
	6,769,417	13,450	21,105	1,561,879	862,017	(391,204)	0	7,953,542	7,652,538

KEY INFORMATION

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**Note 3
RECEIVABLES**

Rates receivable	30 June 2021	31 Mar 2022
	\$	\$
Opening arrears previous years	102,429	118,319
Rates Levied	1,704,066	1,839,558
Less - collections	(1,688,175)	(1,765,420)
Equals current outstanding	118,319	192,457
Net rates collectable	118,319	192,457
% Collected	93.5%	90.2%

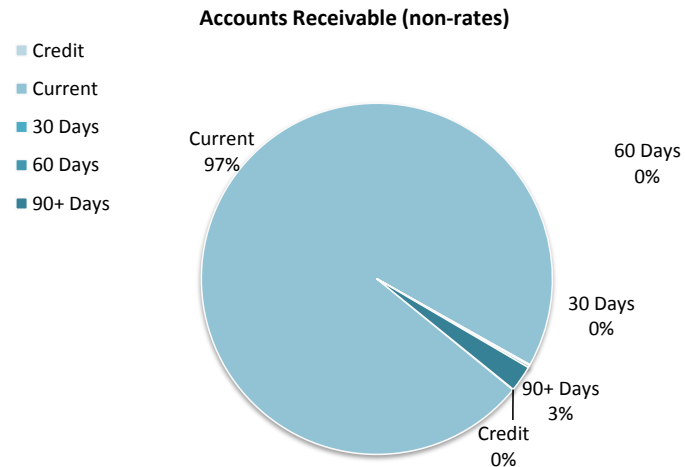
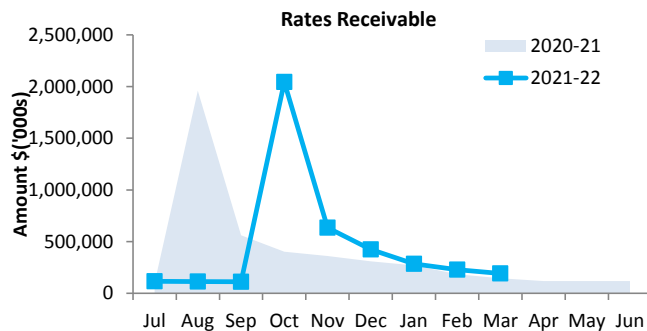
Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(688)	1,165,817	1,271	2,270	28,781	1,197,450
Percentage	(0.1%)	97.4%	0.1%	0.2%	2.4%	
Balance per trial balance						
Trade and other receivables	(688)	1,165,817	1,271	2,270	28,781	1,197,450
Rebate claimed - rates pensioner	0	0	0	0	1,137	1,137
GST Receivable	0	74,530	0	0	0	74,530
Allowance for impairment of receivable	0	0	0	0	0	0
	0					
Total receivables general outstanding						1,273,117

Amounts shown above include GST (where applicable)

KEY INFORMATION

Current balance as at 31/3/22 majority relates to the first 40% of WSNF funding which was invoiced to Main Roads in March22.

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



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**Note 4
OTHER CURRENT ASSETS**

Other current assets	Opening Balance 1 July 2021	Asset Increase	Asset Reduction	Closing Balance 31 March 2022
	\$	\$	\$	\$
Inventory				
Inventories	13,746	85,459	(76,988)	22,217
Total other current assets	13,746	85,459	(76,988)	22,217

Amounts shown above include GST (where applicable)

KEY INFORMATION

Inventory

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

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**Note 5
CAPITAL ACQUISITIONS**

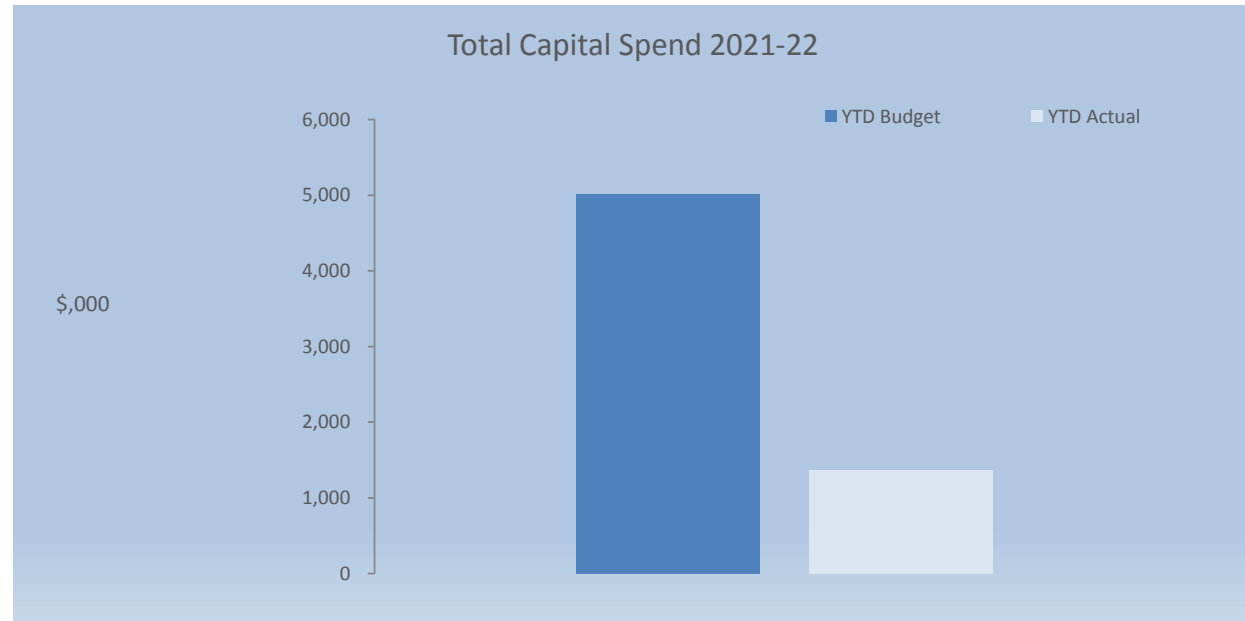
Capital acquisitions	Adopted Budget	Current Budget	YTD Budget	YTD Actual	YTD Actual Variance
	\$		\$	\$	\$
Land & Buildings	476,276	1,474,822	144,459	118,367	(26,092)
Plant & Equipment	682,727	815,302	536,722	551,165	14,444
Roads	3,649,194	3,650,000	1,291,935	578,515	(713,420)
Other Infrastructure	201,965	529,468	278,930	116,753	(162,177)
Payments for Capital Acquisitions	5,010,162	6,469,592	2,252,046	1,365,058	(886,988)
Capital Acquisitions Funded By:					
	\$		\$	\$	\$
Capital grants and contributions	3,139,590	4,378,005	545,820	545,820	0
Other (disposals & C/Fwd)	203,230	267,481	141,801	141,801	(0)
Cash backed reserves					
Bain Estate Reserve	187,974	187,974	187,974	0	(187,974)
Contribution - operations	1,479,368	1,636,132	1,376,451	677,437	(699,013)
Capital funding total	5,010,162	6,469,592	2,252,046	1,365,058	(886,988)

Fair Value Measurement

Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

SIGNIFICANT ACCOUNTING POLICIES

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



NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

Note 5
CAPITAL ACQUISITIONS (CONT.)

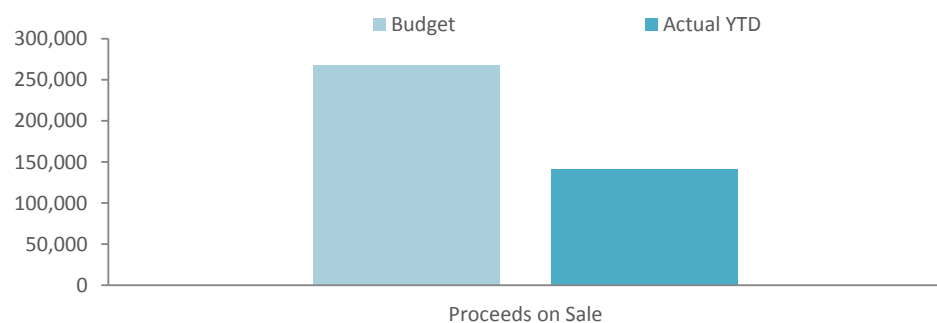
Account	Job	Account Description	Original Budget	Amended Budget	YTD Budget	YTD Actual	Variance (Under)/Over	Comments
Land & Buildings								
	BC130	Town Hall - Dumbleyung - Building (Capital)	32,455	32,455	24,336	10,138	(14,198)	Flooring completed, lighting upgrades installed but not yet met Theatre club requirements yet therefore final invoice not issued.
	BC230	Town Hall - Kukerin - Building (Capital)	40,000	40,000	0	0	0	Roof/interior wall works planned before Jun22
	BC135	Swimming Pool Building - Dumbleyung - Building (Capital)	0	857,244	0	8,662	8,662	LCRI Phase 3 funded swimming pool plant room project
	BC151	Stubbs Park - Grandstand and Changerooms - Building (Capital)	0	0	0	2,234	2,234	Final costs received on FY21 grant funded project
4110290	BC173	Depot Amenities Room - Dumbleyung - Building (Capital)	100,000	100,000	0	0	0	Bluebird lodge proposed to be moved to Depot before Jun22
		SWIM AREAS - INFRASTRUCTURE OTHER (CAPITAL)	7,699	0	0	0	0	Project deferred until Swimming Pool plan decided
	BC190	Commercial Building - 16B Absolon Street, Dumbleyung	50,000	50,000	0	0	0	Project relates to drainage issues at back of Absolon St shops, project on hold until Swimming Pool plans decided.
	BC192	Commercial Building - 18B Absolon Street, Dumbleyung	50,000	50,000	0	0	0	
	BC193	CRC Building - 28 Absolon Street - Building (Capital)	64,850	64,850	64,850	56,785	(8,065)	Project nearing completion, awaiting final invoices
	BC194	SIGNAGE, 18A,B,&C ABSOLON ST	16,273	16,273	16,273	12,110	(4,163)	Project complete
	BC343	BAIN ESTATE MONUMENT	100,000	130,000	0	455	455	Waiting for PTA approval and quotes from builders
	BC101	Administration Office - Dumbleyung - Building (Capital)	15,000	0	0	0	0	Project removed from FY22 budget
	BC250	Nenke Park - Pavillion - Building (Capital)	0	17,000	17,000	6,168	(10,833)	Switchboard and supply pole ordered in Dec21, deposit paid
	BC001	3/37 Harvey Street, Dumbleyung - Building (Capital)	0	5,000	0	0	0	Purchase of furniture for units 3 & 4 of 37 Harvey St
	BC002	4/37 Harvey Street, Dumbleyung - Building (Capital)	0	5,000	0	0	0	Purchase of furniture for units 3 & 4 of 37 Harvey St
	BC023	36 Tunney Street, Dumbleyung - Building (Capital)	0	60,000	0	0	0	MOWS (Tunney Street) house restoration/drainage works
	BC027	28 Dawson Street, Dumbleyung - Building (Capital)	0	25,000	0	0	0	DOI House shed
4130809		OTH ECON - LAND (CAPITAL)	0	22,000	22,000	21,816	(184)	Purchase of 3 industrial blocks, complete.
			476,276	1,474,822	144,459	118,367	(26,092)	
Plant & Equipment								
	PR001	GRADER REPLACEMENT	372,800	372,800	372,800	374,480	1,680	Grader purchased and on-site
	PR002	SKID STEER	102,740	102,740	102,740	102,740	0	Purchased and on site
	PR100	CEO VEHICLE REPLACEMENT	46,422	60,000	0	0	0	Planned for 2nd half of FY22
	PR101	WORKS SUPERVISOR UTILITY REPLACEMENT	46,182	46,182	46,182	45,999	(183)	Purchased and on site
	PR102	MOWS VEHICLE REPLACEMENT	41,003	57,000	0	0	0	Planned for 2nd half of FY22
	PR004	RADIO COMMUNICATIONS CHANNEL UPGRADE	50,000	50,000	0	0	0	Planned for 2nd half of FY22
	PR003	TRAFFIC LIGHT TRAILOR	23,580	23,580	0	12,714	12,714	Purchased and completed under budget.
	PR103	MECHANIC UTE REPLACEMENT	0	47,000	0	0	0	Planned for 2nd half of FY22
	PR104	KUKERIN UTE REPLACEMENT	0	41,000	0	0	0	Planned for 2nd half of FY22
4040130		MEMBERS - PLANT & EQUIPMENT (CAPITAL)	0	15,000	15,000	15,232	232	IT equipment for council chambers. Complete.
			682,727	815,302	536,722	551,165	14,444	

Account	Job	Account Description	Original Budget	Amended Budget	YTD Budget	YTD Actual	Variance (Under)/Over	Comments
Roads								
RR119C		KULIN - DYG (VSN) 2022 PAVEMENT REPAIRS	1,404,316	1,404,316	360,967	48,738	(312,230)	
RR124C		KATANNING - DYG (VSN) 2022 PAVEMENT REPAIRS	492,049	492,049	128,576	2,482	(126,094)	
RRR119		KULIN - DYG (VSN) 2022 GEOTECHNICAL	50,000	50,000	25,000	14,254	(10,746)	WSFN works underway and will be completed by Jun22.
RRR123		DUMBLEYUNG - NYABING ROAD (WSFN) 2022 GEOTECHI	230,644	230,644	0	0	0	
RRR124		KATANNING - DUMBLEYUNG (WSFN) 2022 GEOTECHNIC/	156,280	156,280	78,140	9,573	(68,567)	
RRR125		KULIN-DUMBLEYUNG (WSFN) 2022 VERGE MAINTENANC	0	0	0	1,246	1,246	Replaces above WSFN project RRR123
RRR058		HARVEY RESEAL - RTR (2022)	42,840	42,840	21,419	1,044	(20,375)	
RRR059		TAYLOR RESEAL - RTR (2022)	49,896	49,896	24,949	751	(24,198)	
RRR075		MCINTYRE RESEAL - RTR (2022)	4,536	4,536	2,268	261	(2,007)	
RRR108		CAMPBELL RESEAL RTR (2022)	5,040	5,040	2,520	407	(2,113)	Roads to Recovery - Reseal projects began in Feb22 whilst remaining jobs
RRR109		MEADOWVIEW RESEAL RTR (2022)	6,624	6,624	3,312	217	(3,095)	put on hold until harvest completed (so as to stay off roads during
RR006C		MT PLEASANT RECON - RTR (2022)	93,770	93,770	46,885	984	(45,901)	harvest busy times).
RRR006		MT PLEASANT RESHEET - RTR (2022)	82,281	82,281	41,143	8,696	(32,447)	
RRR068		TEMBY RESHEET - RTR (2022)	75,227	75,227	37,615	15,726	(21,889)	
RRR117		EDWARDS RESHEET (2022) RTR	140,542	132,864	66,889	49,486	(17,403)	
RRR005		RABBIT PROOF FENCE ROAD SOUTH - 2022 PAVEMENT R	384,550	384,550	192,275	99,857	(92,418)	
RRR001		129 MICROSURFACING RRG (2022)	162,755	162,755	81,377	126,470	45,093	Regional Road Group Grant, MRWA - Works to be completed by Jun22.
RRR014		TARIN ROCK ROAD MICROSURFACING RRG (2022)	114,433	114,433	57,217	114,766	57,549	
RR005S		RABBIT PROOF FENCE ROAD - PAVEMENT RECON (2022)	0	0	0	420	420	
RRR008		PETERSEN RESHEET (2022) COUNCIL FUNDED	48,311	62,913	47,160	48,203	1,043	Council funded project underway
RRR040		SPRINGHURST - RESHEET RTR (2022)	105,100	98,982	74,223	33,527	(40,696)	Council funded project underway
RC040		Springhurst Road (Capital)	0	0	0	1,409	1,409	Council funded project underway
			3,649,194	3,650,000	1,291,935	578,515	(713,420)	
Footpaths								
FC059		Taylor Street - Footpath Capital	0	0	0	257	257	Council funded project underway
			0	0	0	257	257	
Other Infrastructure								
OC0131		DUMBLEYUNG HORSE Paddock DAM	0	303,229	151,614	17,497	(134,117)	LCRI Phase 2 funded project underway
OC0132		DUMBLEYUNG DAM - CAPITAL	103,923	103,923	40,000	33,366	(6,634)	Project underway
OC0231		Kukerin Stock Dam - Capital	70,000	70,000	35,000	162	(34,838)	Dam cover abandoned, funds re-allocated to high speed wifi.
OC001		OTHER WATER STORAGE INFRASTRUCTURE	28,042	28,042	28,042	36,824	8,782	Cost of rainwater tank & associated materials totals \$26k, remainder of cost is Shire staff and equipment cost allocation for hours worked in preparing the site, these costs were budgeted for as operating but can be capitalised.
4110370		REC - INFRASTRUCTURE PARKS & GARDENS (CAPITAL)	0	8,475	8,475	8,475	0	Park benches purchase complete
BC225		Information/Shade Shelters - Kukerin - Building (Capital)	0	0	0	20,429	20,429	Townscape project - shade shelter near Kukerin archive room, budgeted in operating expenditure but due to nature of purchase the spend has been classified as capital.
4100380		SEW - INFRASTRUCTURE SEWERAGE	0	15,799	15,799	0	(15,799)	Invoice received in Sept21 for works completed by Dongolocking plumbing back in early 2021. Budgeted as CAPEX but incurred as OPEX as invoice details refer to maintenance .
			201,965	529,468	278,930	116,753	(162,177)	
			5,010,162	6,469,592	2,252,046	1,365,058	(886,988)	

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

Note 6
DISPOSAL OF ASSETS

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
	As listed below	171,830	267,481	99,468	(3,087)	119,727	141,801	23,084	(6,321)
	Transport								
4207	ISUZU MU-X 4X4 WAGON DIESEL 2021 (DOI DU01)	13,038	38,000	25,692	0	0	0	0	0
4008	Volvo Grader	74,000	101,593	27,593	0	71,933	92,357	18,357	0
4193	Supervisors's Utility	20,398	31,500	11,102	0	25,250	32,727	4,727	0
4121	Volvo Skidsteer	21,475	18,388	0	(3,087)	22,543	16,717	0	(6,321)
4132	Kukerin Ute	4,050	20,000	15,950	0	0	0	0	0
4168	Mechanic Ute	7,500	20,000	12,500	0	0	0	0	0
	Other property and services								
4202	CEO Vehicle	31,369	38,000	6,631	0	0	0	0	0
		171,830	267,481	99,468	(3,087)	119,727	141,801	23,084	(6,321)



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

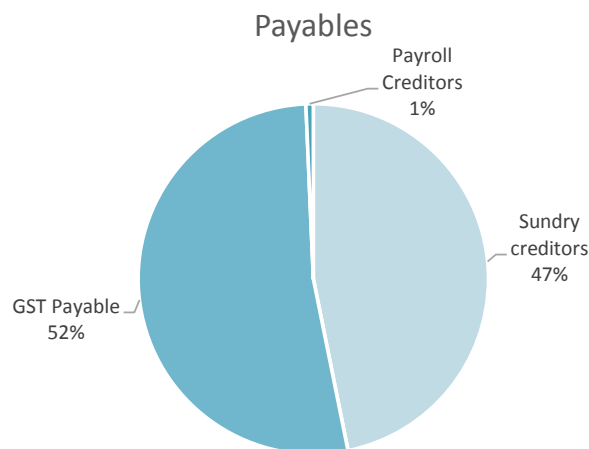
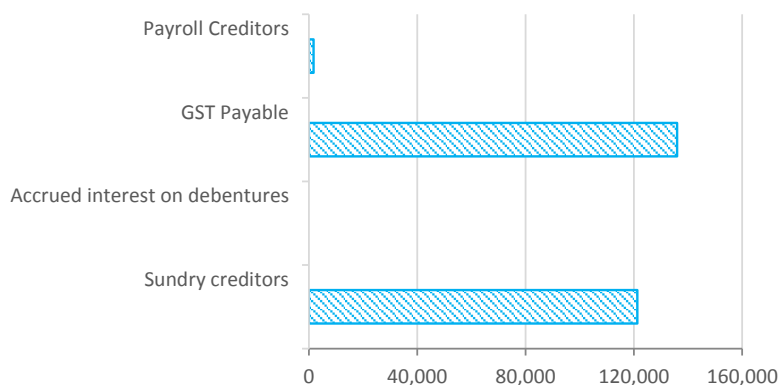
**Note 7
Payables**

Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	56,825	64,081	84	357	121,347
Percentage	0%	46.8%	52.8%	0.1%	0.3%	
Balance per trial balance						
Sundry creditors	0	56,825	64,081	84	357	121,347
Accrued interest on debentures	0	0	0	0	0	0
GST Payable	0	136,024	0	0	0	136,024
Payroll Creditors	0	1,763	0	0	0	1,763
Other payable	0	0	0	0	12,485	12,485
Bonds and deposits held	0	25,980	0	0	0	25,980
Total payables general outstanding						342,104

Amounts shown above include GST (where applicable)

KEY INFORMATION

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



Other current liabilities	Note	Opening Balance 1 July 2021 \$	Liability Movement \$	Closing Balance 31 March 2022 \$
Contract liabilities				
Unspent grants, contributions and reimbursements	12	31,561	1,332,319	1,363,880
Total unspent grants, contributions and reimbursements		31,561	1,332,319	1,363,880
Provisions				
Annual leave		80,077	0	80,077
Long service leave		134,981	(18,657)	116,324
Total Provisions		215,058	(18,657)	196,401
Total other current liabilities		246,619	1,313,662	1,560,281
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Provisions

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Employee benefits

Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

Contract liabilities

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer. Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**Note 9
LEASE LIABILITIES**

Movement in carrying amounts

Information on leases Particulars	Lease No.	1 July 2021	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Other property and services										
Telephone System	Telstra	5,741	0	0	4,635	5,741	1,106	0	306	41
Computer Server	Wallis Computing Solutions	2,939	0	0	2,939	2,939	0	0	0	7
Total		8,680	0	0	7,574	8,680	1,106	0	306	48
Current lease liabilities		8,680					1,106			
		8,680					1,106			

All lease repayments were financed by general purpose revenue.

KEY INFORMATION

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

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**Note 10
BORROWINGS**

Repayments - borrowings

Information on borrowings Particulars	Loan No.	1 July 2021	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
Education and welfare										
Aged Care Housing	93	80,979	0	0	1,897	3,827	79,082	77,152	1,212	2,142
Recreation and culture										
Mens Shed Contribution	89	4,713	0	0	2,334	4,713	2,379	0	81	99
Transport										
WANDRRA Contribution	94	20,921	0	0	10,401	20,920	10,520	1	200	360
Economic services										
28 Absolon Street	92	125,029	0	0	6,962	6,962	118,067	118,067	4,321	6,351
Fence Rd Drainage Repairs	95	25,035	0	0	8,243	16,588	16,792	8,447	263	515
Total		256,677	0	0	29,837	53,010	226,840	203,667	6,077	9,467
Current borrowings		53,010					23,174			
Non-current borrowings		203,667					203,666			
		256,677					226,840			

All debenture repayments were financed by general purpose revenue.

New borrowings 2021-22

The Shire does not intend to undertake any new borrowings for the year ended 30 June 2022.

Unspent borrowings

The Shire has no unspent loan funds as at 30th June 2021, nor is it expected to have unspent funds as at 30th June 2022.

KEY INFORMATION

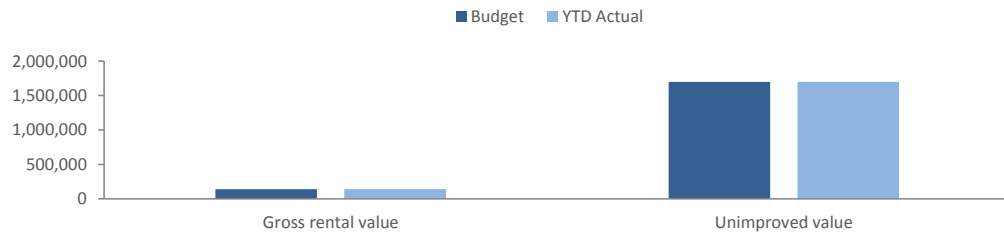
All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022

Note 11
RATE REVENUE

General rate revenue	Budget							YTD Actual			Total Revenue
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	
RATE TYPE				\$	\$	\$	\$	\$	\$	\$	\$
Gross rental value											
Gross rental value	0.115959	166	1,214,224	140,800	0	0	140,800	140,800	0	0	140,800
Unimproved value											
Unimproved value	0.009473	286	179,353,000	1,699,011	0	0	1,699,011	1,699,011	0	0	1,699,011
Sub-Total		452	180,567,224	1,839,811	0	0	1,839,811	1,839,811	0	0	1,839,811
Minimum payment	Minimum \$										
Gross rental value											
Gross rental value	456	75	92,412	34,200	0	0	34,200	34,200	80	0	34,280
Unimproved value											
Unimproved value	456	40	618,869	18,240	0	0	18,240	18,240	341	0	18,581
Mining	0	0	0	0	0	0	0	0	3,768	0	3,768
Sub-total		115	711,281	52,440	0	0	52,440	52,440	4,189	0	56,629
Total raised from general rates		0	0	0	0	0	1,892,251	1,892,251	4,189	0	1,896,440
Less discount							(65,000)				(70,917)
Amount from general rates		567	181,278,505	1,892,251	0	0	1,827,251	1,892,251	4,189	0	1,825,523
Ex-gratia rates							14,035				14,035
Total rates							1,841,286				1,839,558

KEY INFORMATION



OPERATING GRANTS AND CONTRIBUTIONS

Operating grants, subsidies and contributions revenue

Provider	Type	Original Budget Revenue	Current Budget	YTD Budget	YTD Revenue Actual
		\$	\$	\$	\$
Operating grants and subsidies					
General purpose funding					
Gen Pur - Financial Assistance Grant - General	Untied	595,636	595,636	446,727	368,720
Gen Pur - Financial Assistance Grant - Roads	Untied	283,608	283,608	212,706	290,713
Gen Pur - Grant Funding	Untied	0	42,862	0	0
Law, order, public safety					
Emergency Services Levy	Tied	42,000	42,000	31,500	48,620
DFES Bushfire Risk Planning Coordinator Grant	Tied	0	72,560	36,280	15,925
Recreation and culture					
Australia Day grant	Tied	0	30,000	30,000	30,000
Transport					
Main Roads Direct Grant	Untied	162,261	162,261	162,261	162,621
Economic services					
Rural - Grants	Tied	22,010	76,338	38,170	17,053
		1,105,515	1,305,265	957,644	933,652
Operating contributions					
Governance					
Oth Gov - Reimbursements (Bain Estate)		0	862,017	862,017	862,017
General purpose funding					
Rates - Reimbursement Of Debt Collection Costs		2,000	2,000	1,503	0
Law, order, public safety					
Fire - Reimbursements		6,000	6,000	0	0
Education and welfare					
Other Ed - Contributions & Donations		3,000	3,000	3,000	3,000
Housing					
Staff Housing - Rental Reimbursements		3,000	3,000	3,000	59
Recreation and culture					
Oth Cul - Contributions & Donations		500	500	378	0
Rec - Reimbursements - Other Recreation		0	0	0	3,141
Economic services					
Tour - Reimbursements		0	0	0	2,150
Other property and services					
Admin - Contributions & Donations		27,545	27,545	20,655	0
Sal - Reimbursement - Parental Leave		0	0	0	4,635
PWO - Other reimbursements		0	0	0	3,256
Admin - Reimbursements		0	0	0	(21)
		42,045	904,062	890,553	878,237
TOTALS		1,147,560	2,209,327	1,848,197	1,811,889

NON-OPERATING GRANTS AND CONTRIBUTIONS

		Non operating grants, subsidies and contributions revenue				
Provider	Type	Adopted Budget Revenue	Revised Budget	YTD Budget	YTD Revenue Actual	YTD Expense Actual
		\$	\$	\$	\$	\$
Non-operating grants and subsidies						
Governance						
Phase 3 Local Roads & Community Infrastructure Program	Tied	0	857,244	0	0	8,662
Phase 2 Local Roads & Community Infrastructure Program	Tied	0	303,229	17,497	17,497	17,497
General purpose funding						
Drought Communities Program	Untied	150,000	150,000	(0)	0	69,057
Community Water Supply Grant	Tied	0	77,942	33,366	33,366	33,366
Transport						
Rural Roads Grant, MRWA	Tied	420,048	420,048	341,093	341,093	341,093
Roads to Recovery	Tied	391,805	391,805	77,572	77,572	77,572
Wheatbelt Southern Freight Network	Tied	2,177,737	2,177,737	76,292	76,292	76,292
		3,139,590	4,378,005	545,820	545,820	614,877

Rural Roads Grants of \$148,250 have been received, but will not be recognised as revenue until the relevant expenditure is incurred. The amount is sitting in the balance sheet as a contract liability.

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**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 31 MARCH 2022**

**Note 14
BUDGET AMENDMENTS**

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

GL Code	Description	Council Resolution	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
			\$	\$	\$	\$
	Budget adoption	Closing Surplus/Deficit				0
	\$14k IT equipment for council chambers missed from FY22 budget book marked to be covered by the \$15k BC101 budget during the bi-annual budget review.	Approved during Budget Review - Feb22			0	0
	Park benches purchased prior to FY22 budget approval book marked to be included as capital expenditure in the bi-annual budget review.	Approved during Budget Review - Feb22			(8,475)	(8,475)
	Sewerage infrastructure capital invoice received in Sept21 for works completed by Dongolocking plumbing back in early 2021. Invoice/work was unknown during FY22 budget preparation but will be included in the bi-annual budget review.	Approved during Budget Review - Feb22			0	0
	\$17k WALGA subscription budgeted for under members but incurred under employees heading. To be re-allocated in bi-annual budget review.	Approved during Budget Review - Feb22			0	0
	Accidental damage to Dumbleyung cricket pitch to be covered by insurance with the exception of our \$1,000 excess to be paid outside of budget.				(1,000)	(1,000)
	\$12k Switchboard for Nenke park to be funded from underspend on building maintenace budget however to be added as a specific line item in the budget review capital program.	Approved during Budget Review - Feb22			0	0
			0	0	(9,475)	(9,475)

12.3 FINANCIAL REPORT (BANK RECONCILIATION – MARCH)

LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Dumbleyung
FILE REFERENCE:	Bank Reconciliation 2021/22
AUTHOR:	Payroll/Rates Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	5 April 2022
ATTACHMENT:	Bank Reconciliation – March Confidential Attachment – February Bank Statement
VOTING REQUIREMENT:	Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/047

That the Financial Report of the Bank Reconciliation for the period ending 31 March 2022 as attached and the Confidential Bank Statements for period ending 31 March 2022 as circulated to Councillors be received.

Moved Cr Watkins

Seconded Cr Doney

Carried 6/0

PURPOSE

To meet legislative requirements under the Local Government (Financial Management) Regulations 1996.

STRATEGIC IMPLICATIONS

Nil

STATUTORY ENVIRONMENT AND POLICY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

FINANCIAL AND STAFFING IMPLICATIONS

Nil

RISK IMPLICATIONS

This item has been evaluated against the Shire of Dumbleyung's Risk Assessment and Acceptance Criteria. The perceived level of risk is considered **Low**. The *Local Government (Financial Management) Regulations 1996* requires that Council is to be presented with a Financial Report for the Bank Reconciliation each month. This report mitigates the risk of non-compliance with the Regulations.

COMMUNITY ENGAGEMENT AND CONSULTATION

Nil

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires that Council is to be presented with a Financial Report for the Bank Reconciliation each month.

COMMENT

A copy of the Financial Report for the Bank Reconciliation has been compiled for the month of March 2022 for Council to peruse and adopt.



Shire of Dumbleyung
BANK RECONCILIATION - MUNICIPAL ACCOUNTS
 31 March 2022

Municipal account balance as per general ledger \$3,104,820.85

Municipal account balance as per bank statements
 469795-3 Municipal Account \$3,113,354.33
\$3,113,354.33

Plus Outstanding deposits \$1,252.15
 Payments in bank not processed to general ledger \$0.00
Less Unpresented cheques/payments -\$9,583.99
 Receipts in bank not processed to general ledger \$0.00



Adjustments required
 Rounding adjustments \$0.00
 Journal adjustments \$0.00
 Outstanding transfers -\$201.64

\$3,104,820.85
 Variance \$0.00

Comprises:

Cash - unrestricted \$3,079,640.90
 Cash - restricted - Department of Transport \$0.00
 Cash - restricted - bonds and deposits \$25,179.95

\$3,104,820.85
 Variance \$0.00

Prepared by  Date 4/4/2022
 Authorised by  Date 5/4/22

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE IS GIVEN

Nil

14. CORRESPONDENCE – BUSINESS ARISING

Nil

15. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION OF COUNCIL

Nil

16. CONFIDENTIAL BUSINESS AS PER LOCAL GOVERNMENT ACT s5.23(2)

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/048

That Council move behind closed doors and the meeting be closed to the public at 4.57pm in accordance with section 5.23(2)(a) of the Local Government Act 1995 to allow Council to discuss Item 16.1 which relates to “a matter affecting an employee”.

Moved Cr Knight

Seconded Cr Powell

Carried 6/0

Mr Darryn Watkins, Miss Danika Allday and Ms Zoey Eyre left the meeting at 4.57pm.

16.1. SHIRE OF DUMBLEYUNG ORGANISATIONAL RESTRUCTURE & WORKFORCE PLAN (CONFIDENTIAL)

LOCATION/ADDRESS:

N/A

NAME OF APPLICANT:

Shire of Dumbleyung

FILE REFERENCE:

Integrated Planning - Organisational Restructure & Workforce Plan

AUTHOR:

Chief Executive Officer

DISCLOSURE OF INTEREST:

Nil

DATE:

8 April 2022

ATTACHMENT:

Shire of Dumbleyung Organisational Restructure & Workforce Plan
(Confidential)

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION/COUNCIL RESOLUTION:

Motion 2022/049

It is recommended that the Dumbleyung Shire Council adopts the Shire of Dumbleyung Organisational Restructure & Workforce Plan.

Moved Cr Knight

Seconded Cr Doney

Carried 6/0

COUNCIL RESOLUTION:

Motion 2022/050

That Council move out from behind closed doors and the meeting be opened to the public at 5.26pm.

Moved Cr Watkins

Seconded Cr Powell

Carried 6/0

17. CLOSURE

The meeting was closed at 5.26pm.

18. CERTIFICATION

I, Julie Ramm, Shire President, certify that the Minutes of 21 April 2022 as shown were confirmed as a true record.

Chairperson

Date