



SHIRE OF PEPPERMINT GROVE

**SHIRE OF PEPPERMINT GROVE**

# ATTACHMENTS

**Ordinary Council Meeting  
28 March 2017**

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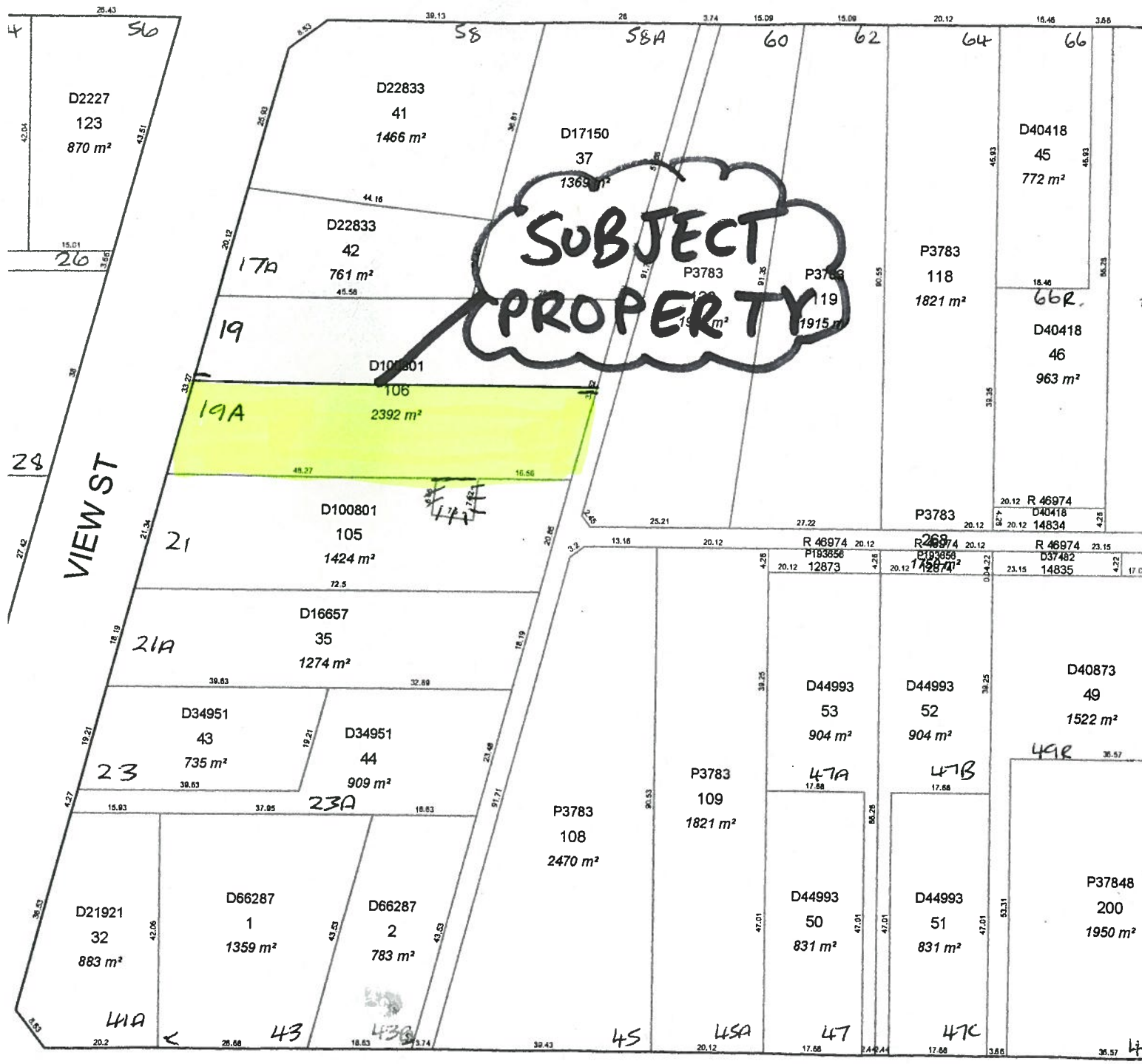
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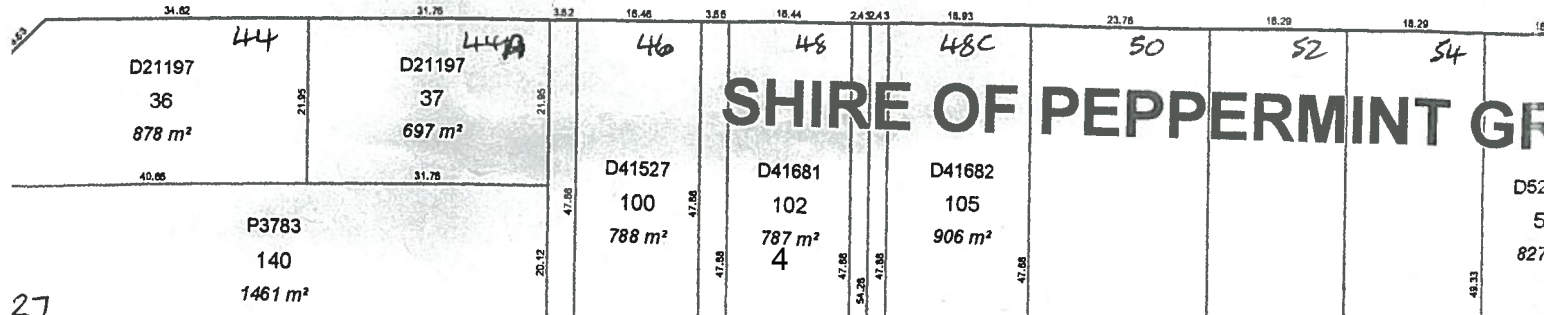
## Ordinary Council Meeting

### 8.1.2 – 19A View Street Peppermint Grove Attachment # 1

# 8.1.2 - 19A VIEW ST



IRVINE



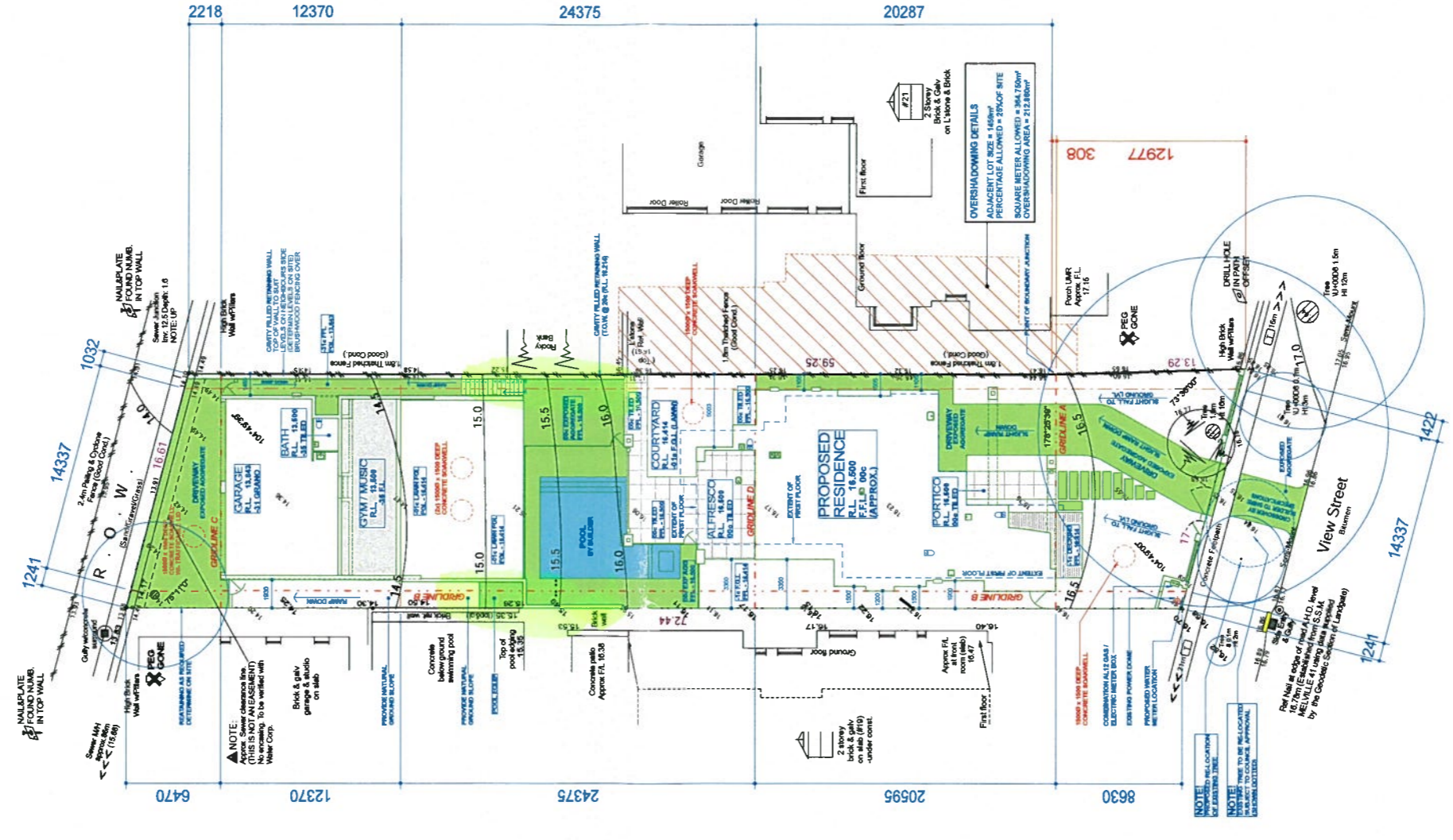
# SHIRE OF PEPPERMINT GF

**NOTE:** SURVEYORS SET OUT DIMENSIONS MAY VARY ON SITE AT FUTURE CONSTRUCTION. SURVEY DIMENSIONS MAY VARY FROM DIMENSIONS SHOWN ON THIS PLAN DUE TO ROUNDING OFF DIMENSIONS. CHECK TITLE FOR DIMENSIONS. DIMENSIONS NOT TO SCALE. DIMENSIONS SHOWN ON THIS PLAN ARE FOR INFORMATION ONLY. THIS SURVEY DOES NOT GUARANTEE THE LOCATION OF BOUNDARY PROJECTIONS. CHECK TITLE FOR DIMENSIONS. DIMENSIONS NOT TO SCALE.

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<b>LOT MISCLOSE</b>	0.005 m
<b>SOIL DESCRIPTION</b>	Sand / L.S. (Iron) (Terra)
<b>LOVE DATA CODE</b>	



Shire of Peppermint Grove  
 13 FEB 2017  
 RECEIVED

<b>REV</b>	<b>DESCRIPTION</b>	<b>DATE</b>	<b>BY</b>	<b>REVISIONS FOR SET</b>	<b>DATE</b>	<b>BY</b>	<b>REVISIONS FOR SET</b>
01	Working Drawing (LOD: 1.0)	23.05.14	PAC	LOD 1.0 FOR SET	24.10.14	BC	LOD 1.0 FOR SET
02	PROVISIONAL REVISION	22.06.14	BC	LOD 1.0 FOR SET	15.11.14	BC	LOD 1.0 FOR SET
03	LOD 1.0	25.07.14	BC	LOD 1.0 FOR SET	02.12.14	BC	LOD 1.0 FOR SET
04	LOD 1.0	11.08.14	BC	LOD 1.0 FOR SET	25.12.14	BC	LOD 1.0 FOR SET
05	LOD 1.0 FOR SET	17.05.14	BC	LOD 1.0 FOR SET	02.02.17	BC	LOD 1.0 FOR SET
06	LOD 1.0 FOR SET	02.08.14	BC	LOD 1.0 FOR SET			
07	LOD 1.0 FOR SET	14.08.14	BC	LOD 1.0 FOR SET			

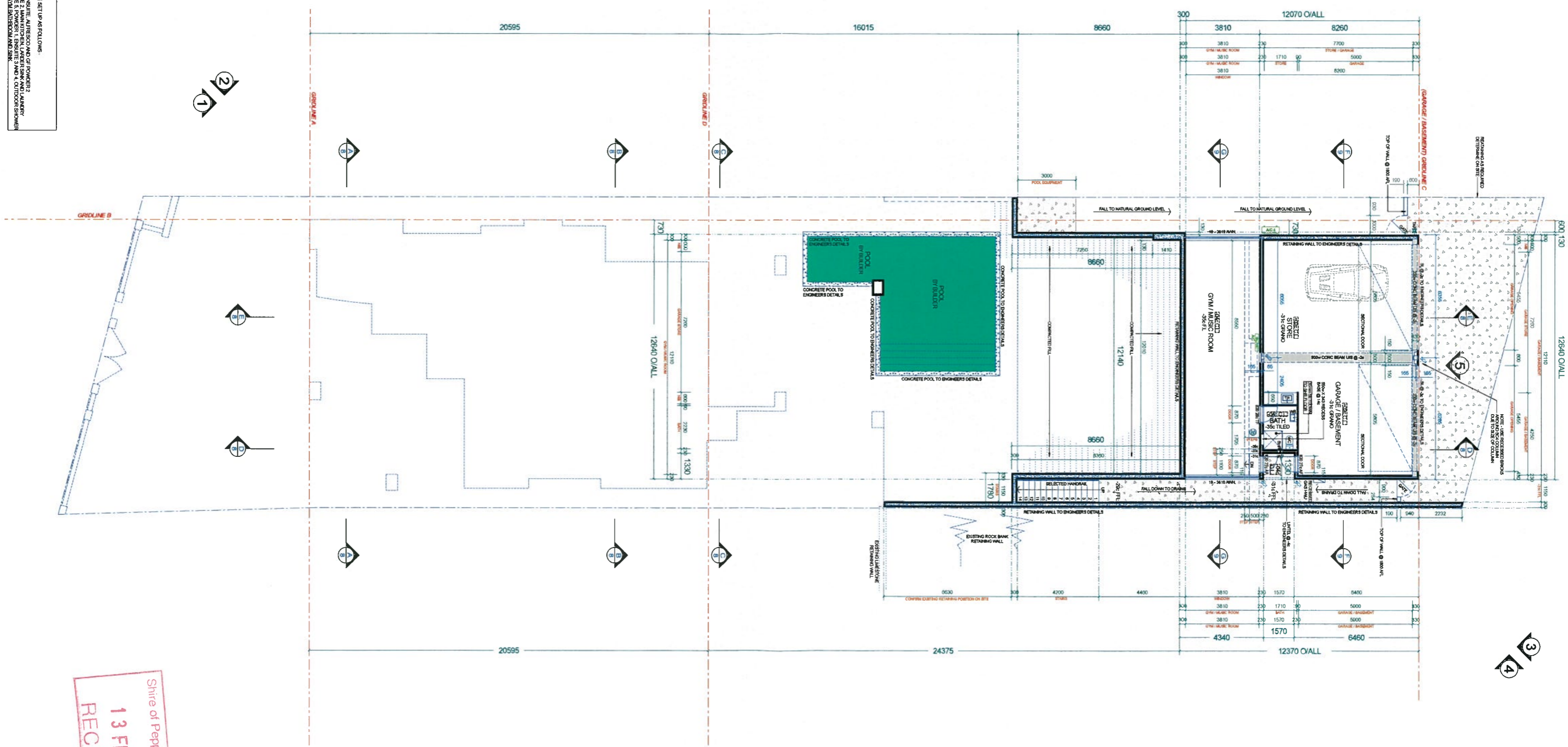
**GIORGI**  
 ENGINEERING SURVEYS  
 187-97 Gulliver Street, Lakeland Park, Western Australia  
 Telephone: (08) 9446 7861 Facsimile: (08) 9445 2998  
 Email: [perth@giorgi.com.au](mailto:perth@giorgi.com.au) Website: [www.giorgi.com.au](http://www.giorgi.com.au)

<b>SCALE</b>	1:200
<b>JOB NO.</b>	9805
<b>PAGE SIZE</b>	A1
<b>DATE</b>	13 FEB 2017
<b>PROJECT</b>	LOT 2 #19A VIEW STREET PEPPERMINT GROVE
<b>PAGE</b>	1 OF 23

<b>TITLE</b>	SITE PLAN
<b>CLIENT</b>	LOVE
<b>DATE</b>	22/09/15
<b>SCALE</b>	1:200
<b>PROJECT</b>	LOT 2 #19A VIEW STREET PEPPERMINT GROVE

**PLUMBING NOTE**  
 WHEN NETWORKS TO BE SET UP AS FOLLOWS:  
 1 X 2" L TO SERVE MAIN ENLITE, ALFRESCO AND G.P. POWER 2  
 1 X 2" L TO SERVE ENLITE & POWER 1  
 1 X 2" L TO SERVE SHOWER & POWER 1  
 1 X 2" L TO SERVE BEAN CANN & SHOWER AND SHOWER

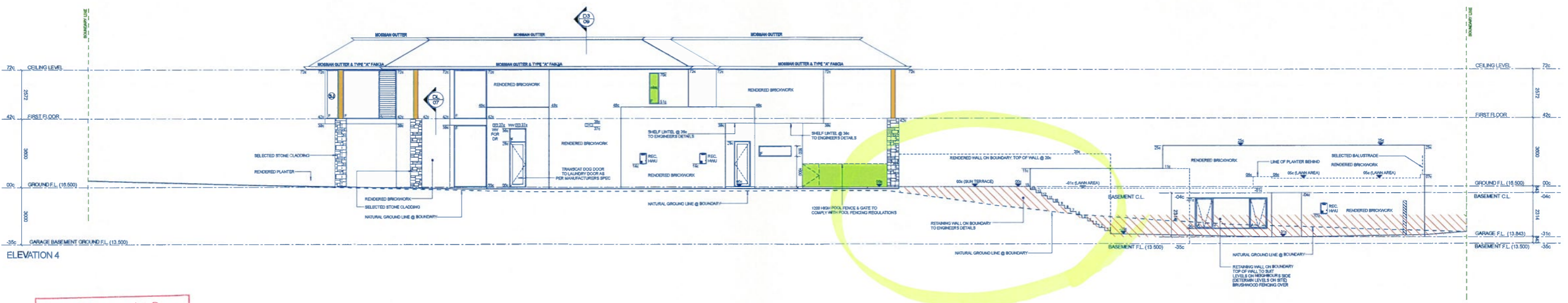
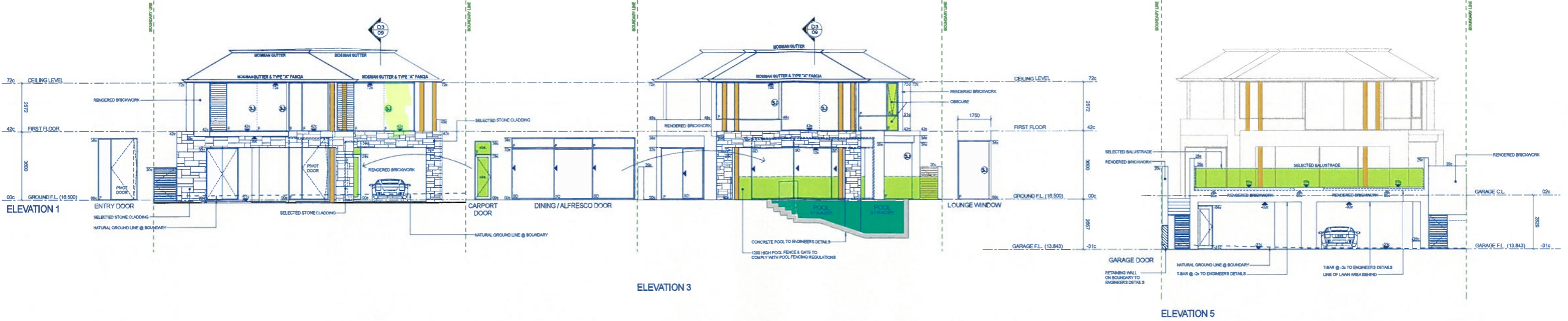
**GENERAL NOTES**  
 ALL ALUMINIUM WINDOWS TO COMPLY WITH AS 2047  
 WINDOWS TO UPPER FLOOR BEHINDS TO COMPLY  
 WITH BOA REVISION 2016.4.1  
 REVISION 2016.4.1  
 BELOW IS MORE THAN 20m  
 STAIN CONSTRUCTION TO COMPLY WITH BOA  
 STANDARDS (PART 3.1)  
 WEAVE ARE TO BE TILED AND WATERPROOFED  
 TO COMPLY WITH BOA PART 3.1  
 NUMBER & POSITION OF DOWNPIPES ARE  
 SUBJECT TO VARIATION BY PLUMBER ON SITE  
 ARCHITECTURAL DRAWINGS ARE TO BE READ IN  
 CONJUNCTION WITH DIMENSIONED, BUILDERS  
 SPECIFICATIONS AND REVISIONS  
 HARD WIRED SMOKE DETECTOR TO COMPLY  
 WITH AS/NZS 3685  
 SMOKE ALARM TO COVER WINDOW  
 WIND RATING: NX APPLIES  
**AIR CONDITIONING NOTES:**  
 ELECTRICIAN TO PROVIDE MAINS POWER  
 TO LOCATION OF CONDENSER AS REQUIRED  
 REFER ELECTRICAL PLAN  
 AIR CONDITIONERS TO BE TILED AND WATERPROOFED  
 FOR LINEAR DIFFUSERS AS REQUIRED REFER  
 DIMENSIONS SHEET FOR SIZES AND POSITIONS  
 CONDENSER TO PROVIDE COND. FLUID  
 FOR CONDENSER AND REFRIGERANTS TO  
 FLOOR PLAN AND DIMENSIONS SHEET  
 AS SUPPLIERS TO PROVIDE ALL DETAILS  
 FRAME CUTS TO MATCH TO OTHERS  
 / LINEAR DIFFUSERS / MAIN GRILL, REGISTER  
 INTO BALCONY REFER CEILING PLAN FOR  
 POSITIONING



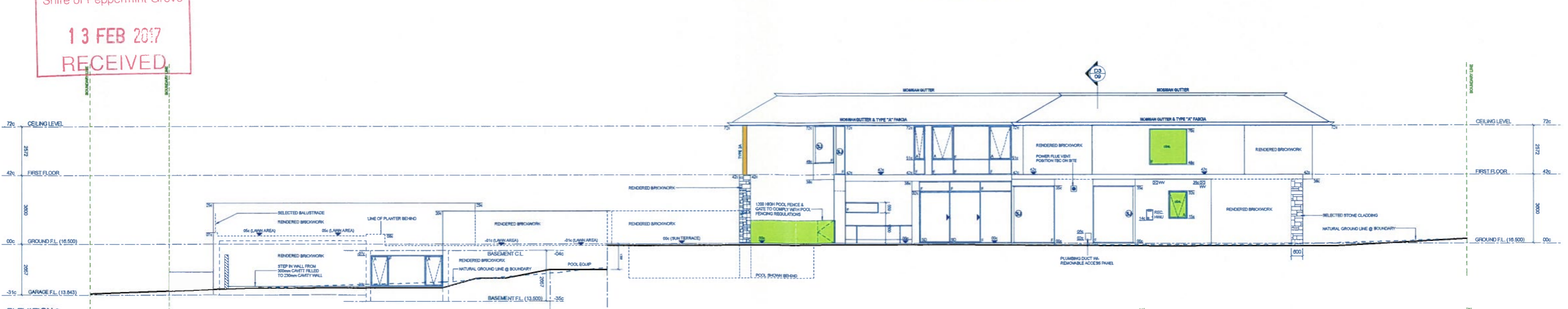
Shire of Peppermint Grove  
 13 FEB 2017  
 RECEIVED

REV	DESCRIPTION	DATE	BY	CHK	DATE	BY	CHK	REV	UPDATED	ENG REV	UPDATED	TITLE	ADDRESS	SCALE	JOB No
01	Working Drawing (100 - 1 - 10)	23.06.16	9	9	23.06.16	9	9	1				<b>BASEMENT FLOOR PLAN</b>	<b>LOT 2 (# 19A) VIEW STREET PEPPERMINT GROVE</b>		<b>9805</b>
02	AMENDMENT / REVISIONS	22.06.16	10					1				CLIENT: <b>LOVE</b>		1:100	
03	ISS 1/0	20.07.16	11					1							
04	ISS 1/0	28.07.16	12					1							
05	ISS 1/0 FOR WRE EMDP	17.08.16	13					1							
06	ISS 1/0 FOR RHP 2/16 016	05.09.16	14					1							
07	ISS 1/0	14.08.16						1							

TILED ROOF PITCHED @ 30° 07' (580 RISE / 1000 RUN)  
R 4.0 INSULATION AS SPECIFIED



Shire of Peppermint Grove  
13 FEB 2017  
RECEIVED



REV	DESCRIPTION	DATE	BY	CHECKED	DATE	BY	REVISION	DATE	BY	REVISION	TITLE	ADDRESS	SCALE	JOB No.
01	Working Drawing ELEV. 1-12	23.05.16	BC		08	144 PSM UP 19 24	BC	24.10.16			ELEVATIONS	LOT 2 (# 13A) VIEW STREET PEPPERMINT GROVE	1:100	9805
02	AMENDMENT FOR BUILDING LICENCE	22.04.16	BC		10	144 PSM UP 19 24 - 26	BC	02.12.16					A1	
03	144 19	20.07.16	JF		11	144 24 - 31	BC	22.12.16						
04	144 20	28.07.16	BC		12	144 31 - 32	BC	16.01.17						
05	144 PSM UP 19 24 - 26	17.08.16	BC		13	144 32 - 33	BC	02.02.17						
06	144 PSM UP 19 24 - 26	02.09.16	BC											
07	144 20	14.08.16	BC											

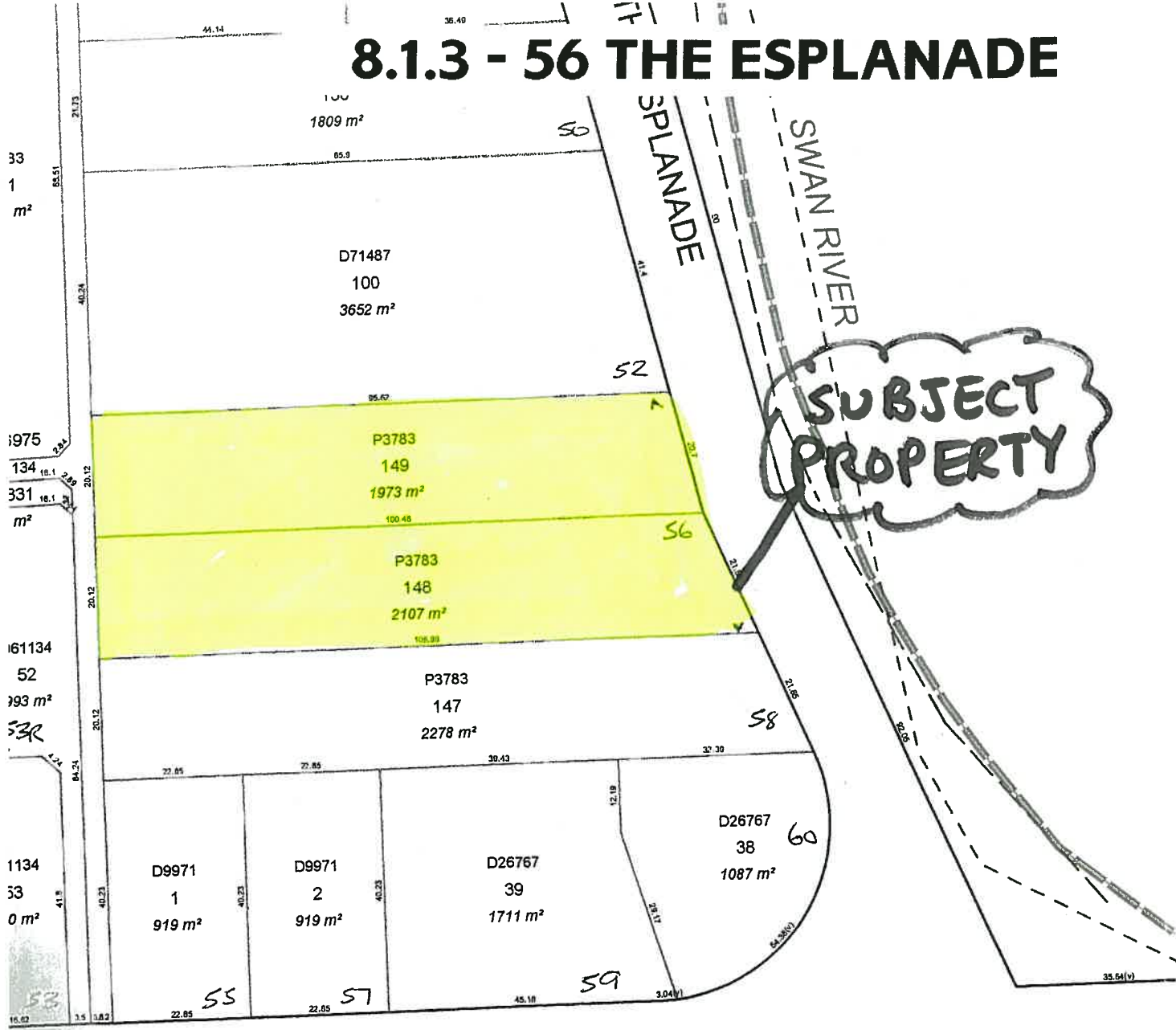


## **Ordinary Council Meeting**

**8.1.3 – 56 The Esplanade Peppermint  
Grove - Attachment # 2**



# 8.1.3 - 56 THE ESPLANADE



Manners Hill Park

200

250  
Metres

**SURVEY INFORMATION**  
Survey Diagram  
Strata Plan

D25619  
S10091





# MICHAEL SUTTOR ARCHITECTS

15 February 2017

Attn. Michael Whitbread  
Manager Development Services  
Shire of Peppermint Grove  
1 Leake Street  
PEPPERMINT GROVE WA 6011

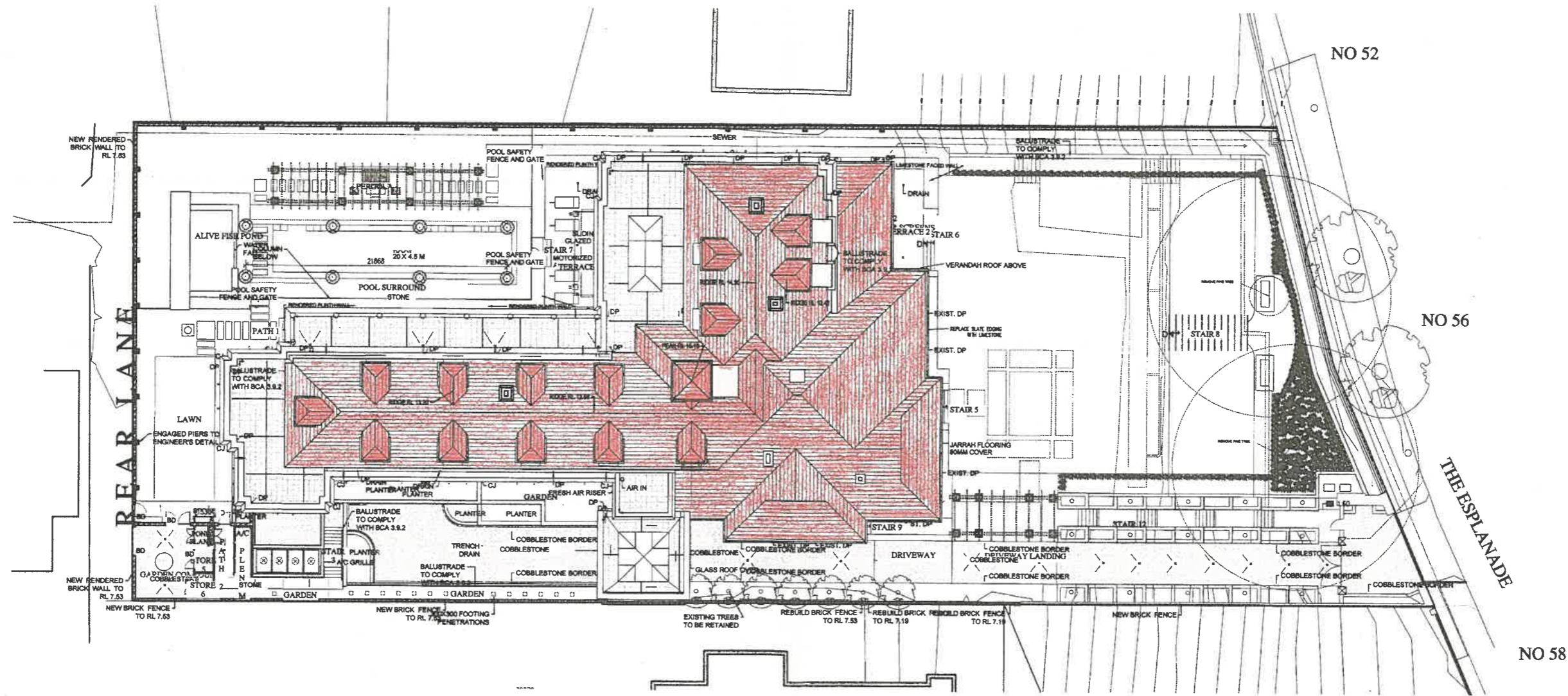
Shire of Peppermint Grove  
Doc No: R17/00346 File Ref: DB027B  
Rcvd: 23 FEB 2017 Rcvd By: MDS  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Michael

Further to your emails dated 9<sup>th</sup> February 2016 and 4<sup>th</sup> January 2017 I enclose the documentation for a fresh DA relating to the use of terra cotta roofing shingles on both the original building and new work. The whole of the roof has been coloured to reflect this change and in addition I draw your attention to the following:-

- 1) The gutters and downpipes to the new work have been changed from zinc to copper.
- 2) Painted timber ventilation louvres have been added to the gable ends of the roof on original building to provide cross ventilation. The ventilation louvres will be placed in front of the original stucco and boarded gable ends.

Best regards



02 SITEPLAN  
SCALE 1:200

Shire of Peppermint Grove  
23 FEB 2017  
RECEIVED



AMENDMENTS:					
REV	DATE	DESCRIPTION	REV	DATE	DESCRIPTION
B	15.02.17	CHANGE OF ROOF MATERIAL			



**MICHAEL SUTTOR ARCHITECTS** PTY LTD  
252 BRONTE ROAD PO BOX 93 WAVERLEY NSW 2024  
PHONE (02) 9369 3366 architects@michaelsuttor.com.au

SCALE: 1/200  
DATE: 19.06.2015  
DRAWN: MH  
ALL DIMENSIONS ARE TO BE VERIFIED ON SITE. EXCURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE.

**SATTERLEY PROPERTY GROUP**  
SATTERLEY RESIDENCE  
56 THE ESPLANADE PEPPERMINT GROVE, WA  
SITEPLAN

JOB No. 1305  
DWG BC 01  
B

NOTE:  
COPPER GLITTER AND DOWN PIPES.



1 EAST  
1:100



3 SOUTH

Shire of Peppermint Grove  
23 FEB 2017  
RECEIVED

	AMENDMENTS:					SCALES: 1/100 DATE: 05.01.2015 DRAWN: MH	SATTERLEY PROPERTY GROUP SATTERLEY RESIDENCE 56 THE ESPLANADE PEPPERMINT GROVE, WA ELEVATIONS - SOUTH & EAST	JOB No. 1305 DWG 3C 14 C
	REV. DATE DESCRIPTION C 15.02.17 CHANGE OF ROOF MATERIAL	REV. DATE DESCRIPTION	MICHAEL SUTTOR ARCHITECTS PTY LTD 252 BRONTE ROAD PO BOX 93 WAVERLEY NSW 2024 PHONE (02) 9369 3366 architects@michaelsuttor.com.au			ALL DIMENSIONS ARE TO BE VERIFIED ON SITE. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE.		

NOTE:  
COPPER GUTTER AND DOWN PIPES



2 WEST  
1:100



4 NORTH

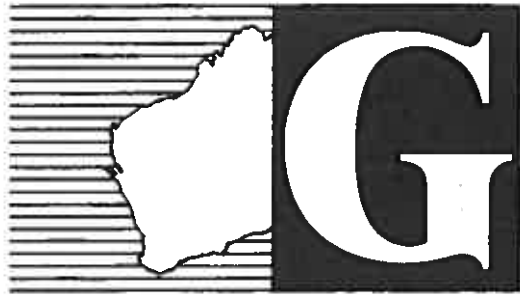
Shire of Peppermint Grove  
23 FEB 2017  
RECEIVED

	AMENDMENTS:					<b>MICHAEL SUTOR ARCHITECTS</b> PTY LTD 252 BRONTE ROAD PO BOX 93 WAVERLEY NSW 2024 PHONE (02) 9369 3366 architects@michaelsutor.com.au	SCALES: 1/100 A1	<b>SATTERLEY PROPERTY GROUP</b> SATTERLEY RESIDENCE 56 THE ESPLANADE PEPPERMINT GROVE, WA ELEVATIONS - NORTH & WEST	JOB No. 1305
	REV DATE DESCRIPTION C 15.02.17 CHANGE OF ROOF MATERIAL	REV DATE DESCRIPTION	DATE: 05.01.2015 DRAWN: MH	ALL DIMENSIONS ARE TO BE VERIFIED ON SITE. FIGURED DIMENSIONS TO BE TAKEN IN PREFERENCE TO SCALE.			DWG 3c 15 C		



## **Ordinary Council Meeting**

### **8.1.4 – Local Law Review - Attachment #3**



**WESTERN  
AUSTRALIAN  
GOVERNMENT  
Gazette**

5115



**PERTH, TUESDAY, 18 SEPTEMBER 2001 No. 190 SPECIAL**

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

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**SHIRE OF PEPPERMINT GROVE**

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LOCAL GOVERNMENT ACT 1995

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LOCAL LAWS RELATING TO FENCING

---

EMISSION AND REFLECTION OF LIGHT  
LOCAL LAW

---

PARKING AND PARKING FACILITIES  
LOCAL LAW

---

LOCAL GOVERNMENT PROPERTY LAW

---

REPEAL LOCAL LAW 2000

---

ACTIVITIES ON THOROUGHFARES AND  
TRADING IN THOROUGHFARES AND PUBLIC  
PLACES LOCAL LAW

---

DOG ACT 1976

---

DOGS LOCAL LAW





**LOCAL GOVERNMENT ACT 1995**

**SHIRE OF PEPPERMINT GROVE**

**LOCAL LAWS RELATING TO FENCING**

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5. Fee and Charges

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**PART 3—FENCING MATERIALS**

**PART 4—SUFFICIENT FENCE**

**PART 5—NOTICES OF BREACH**

**PART 6—OBJECTIONS AND APPEALS**

**PART 7—OFFENCES**

*Schedule*

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF PEPPERMINT GROVE

## LOCAL LAWS RELATING TO FENCING

Under the powers conferred by the *Local Government Act 1995* and by all other powers the Council of the Shire of Peppermint Grove resolved to make the following local laws on the 20<sup>th</sup> November 2000.

## PART 1—PRELIMINARY

**Citation**

1. These Local Laws may be cited as the *Shire of Peppermint Grove Local Laws Relating to Fencing*.

**Repeal**

2. The Bylaws Relating to Fencing published in the *Government Gazette* on 19 August 1988 are repealed.

**Application of Local Laws**

3. These Local Laws apply throughout the district.

**Interpretation**

4. In these Local Laws, unless the context requires otherwise—

“Act” means the *Dividing Fences Act 1961*;

“AS” means an Australian Standard published by the Standards Association of Australia;

“boundary fence” has the meaning given to it for the purposes of the Act;

“Building Surveyor” means a Building Surveyor of the local government;

“CEO” means the Chief Executive Officer of the local government;

“dangerous” in relation to any fence means—

(a) an electrified fence;

(b) a fence containing asbestos fibre; or

(c) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

“district” means the district of the local government;

“dividing fence” has the meaning given to it in and for the purposes of the Act;

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

“fence” means any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

“frontage” means the boundary line between a lot and the thoroughfare upon which that lot abuts;

“height” in relation to a fence means the vertical distance between—

(a) the top of the fence at any point; and

(b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

“local government” means the Shire of Peppermint Grove;

“lot” has the meaning given to it in and for the purposes of the *Town Planning and Development Act 1928*;

“notice of breach” means a notice referred to in clause 23(1);

“Residential Lot” means a lot where a residential use—

(a) is or may be permitted under the town planning scheme; and

(b) is or will be the predominant use of the lot;

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

“Schedule” means a Schedule to these Local Laws;

“setback area” has the meaning given to it for the purposes of the town planning scheme;

“sufficient fence” means a fence described in Clause 22; and

“town planning scheme” means a town planning scheme of the local government made under the *Town Planning and Development Act 1928*.

**Fees and Charges**

5. All fees and charges applicable under these Local Laws shall be as determined by the local government from time to time in accordance with section 6.16 of the *Local Government Act 1995*.

**PART 2—GENERAL**

6. A person shall not erect or commence to erect a fence, or amend, alter, extend or enlarge an existing fence on land within the district until that person has had plans and specifications in relation thereto approved in writing by the local government.

7. An application for approval under clause 6 shall be made in the form determined by the local government and shall be accompanied by two copies of the plans and specifications and payment of the application fee determined by the local government.

8. A person shall not erect a fence or amend, alter, extend or enlarge an existing fence within the district whereby the finished height of the fence exceeds 1.8 metres without also submitting written reasons therefore and the local government may in its discretion approve or refuse to approve the plans and specifications insofar as they relate to that part of the fence in excess of 1.8 metres.

9. The local government may in its absolute discretion refuse to approve an application for a fence under clause 7 if in its opinion the materials or the finishes are not in keeping with the amenity of the district or with surrounding buildings, fences or other improvements.

10. A person desiring to erect a retaining wall shall submit to the local government a certificate from a practicing structural engineer certifying the structural adequacy of that wall.

11. A person shall not fill behind a fence unless the fence has the structural capacity to retain the fill.

12. In granting approval under clauses 6 and 8 the local government may impose such conditions as it sees fit.

**Street Frontages**

13. A front boundary fence is to be of open aspect construction.

14. The columns, piers or posts forming part of a front boundary fence, shall not—

- (a) exceed 2.1 metres in height above natural ground level;
- (b) exceed 600 millimetres in depth and 600 millimetres in width; and
- (c) be less than 1.8 metres clear of any adjoining column, pier or post.

15. Any infill panels forming part of a front boundary fence may be solid material to a height of 900mm above natural ground level and shall be open timber, wrought iron, steel or aluminum palings spaced to ensure the width between each paling is at least equal to the width of the paling with a minimum space of 50mm and a minimum open aspect of 50% of the infill panel.

16. Notwithstanding clause 14 the local government may in its absolute discretion, grant special approval for—

- (a) the columns, piers or posts forming part of a front boundary fence, to be less than 1.8 metres clear of adjoining columns, piers or posts; or
- (b) a front boundary fence to be of solid construction to a maximum height of 1.8 metres for part of its length for the provision of utility meters.

**PART 3—FENCING MATERIALS**

17. A fence is to be constructed in a manner and of a material that is satisfactory to the local government, however no thoroughfare frontage fence or fence in the front setback area shall be constructed of corrugated fibre cement sheeting, metal sheeting, or similar material.

18. A person shall not construct any fence with pre-used material unless having previously obtained the written consent of the local government to use such material. The local government may in its absolute discretion refuse to grant its consent to the use of such material, or may grant its consent subject to such terms and conditions as it deems fit.

**Dangerous Fencing**

19. A person shall not erect or affix on any fence on a lot any barbed wire or other material with spiked or jagged projections except with the approval of the local government.

20. A person shall not erect or permit the erection of a dangerous fence.

**Maintenance**

21. The owner and occupier of any land within the district shall maintain all fences erected thereon in good condition and so as to prevent them from becoming dilapidated, dangerous or unsightly or prejudicial to the inhabitants of the neighbourhood or their property. For the purpose of this section the term "unsightly" includes the presence of graffiti.

**PART 4—SUFFICIENT FENCE**

22. A dividing or boundary fence constructed and maintained in accordance with the specifications set out in the Schedule hereto is hereby prescribed to be a sufficient fence for the purposes of the Act.

**PART 5—NOTICES OF BREACH****Notices of Breach**

23. (1) Where a breach of any provision of these Local Laws has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner or occupier of that lot (notice of breach).

(2) A notice of breach shall—

- (a) specify the provision of these Local Laws which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner or occupier of the lot is required to remedy the breach within 35 days from the giving of the notice.

(3) Should an owner or occupier fail to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner or occupier of the lot, as the case may be, in a court of competent jurisdiction.

#### PART 6—OBJECTIONS AND APPEALS

##### Application of Part 9 Division 1 of the *Local Government Act 1995*

24. When the local government makes a decision under clause 23(1) the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulations 33 and 34 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

#### PART 7—OFFENCES

##### Offences and Penalties

25 (1) An owner or occupier who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of \$5,000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of these Local Laws commits an offence and is liable to a maximum penalty of \$5,000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

##### Modified Penalties

26. (1) An offence against any provision of these Local Laws is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provisions of these Local Laws is \$100.

#### FORM OF NOTICES

27. For the purposes of these Local Laws—

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

#### Schedule

##### SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

The following is a "sufficient fence" on a Residential Lot—

A. A closed fence of timber pickets which satisfies the following specifications—

- (a) corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
- (b) corner posts to be strutted two ways with 100mm x 20mm x 450mm sole plates and 75mm x 50mm struts;
- (c) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
- (d) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
- (e) rails to be 75mm x 50mm with each rail spanning two bays of fencing double railed or bolted to each post with joints staggered;
- (f) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height and affixed securely to each rail; and
- (g) the height of the fence to be 1800mm.

Dated this 19th day of March 2001.

The common seal of the Shire of Peppermint Grove was affixed by authority of a resolution of the Council in the presence of—

R. J. H. SMITH, Deputy President.  
G. K. SIMPSON, Chief Executive Officer.

SHIRE OF PEPPERMINT GROVE

APPLICATION FOR APPROVAL TO ERECT A FENCE

Local Government Act 1995 (Local Laws Relating To Fencing)

LAND OWNER: Surname: ..... Given Names: .....  
Address: .....  
Phone Number: ..... Contact Person: .....

APPLICANT: Name/Company: .....  
Address: .....  
Phone Number: ..... Contact Person: .....

SITE: Lot Number: ..... Street Number: ..... Street: .....

POSITION OF PROPOSED FENCES (i.e., front, side and rear boundaries)

DETAILS OF CONSTRUCTION AND MATERIALS:

COST: Approx. \$ ..... Estimated Completion Date: .....  
Signed by Owner: .....  
Date: .....

TWO (2) COPIES OF PLANS AND SPECIFICATIONS ARE TO BE SUBMITTED WITH THE APPLICATION - BLOCK PLAN, ELEVATION PLANS AND SECTION PLAN SHOWING HEIGHT OF FENCE ABOVE GROUND LEVEL, TOGETHER WITH AN APPLICATION FEE OF \$100.00.

- NOTE: 1. A BUILDING LICENSE APPLICATION FORM WILL BE REQUIRED TO BE COMPLETED ON APPROVAL OF THIS FENCING APPLICATION.
- 2. FOR DIVIDING FENCES, WRITTEN AGREEMENT FROM ADJOINING LAND OWNERS IS REQUIRED AT THE TIME OF SUBMITTING THIS APPLICATION.

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**LOCAL GOVERNMENT ACT 1995****SHIRE OF PEPPERMINT GROVE****EMISSION AND REFLECTION OF LIGHT LOCAL LAW****TABLE OF CONTENTS****PART 1—PRELIMINARY**

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***Schedule 1***

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF PEPPERMINT GROVE

**EMISSION AND REFLECTION OF LIGHT LOCAL LAW**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Peppermint Grove resolved on 20<sup>th</sup> November 2000 to make the following local law.

**PART 1—PRELIMINARY****1.1 Citation**

This local law may be cited as the Shire of Peppermint Grove Emission and Reflection of Light Local Law.

**1.2 Application**

This local law applies throughout the district.

**1.3 Definitions**

In this local law unless the context otherwise requires—

- “Act” means the *Local Government Act 1995*;
- “district” means the district of the local government;
- “local government” means the Shire of Peppermint Grove;
- “lot” has the meaning given to it in the *Town Planning and Development Act 1928*; and
- “Regulations” means the *Local Government (Functions and General) Regulations 1996*.

**1.4 Repeal**

The following local laws are repealed—

By-laws Relating to Flood Lights and Other Exterior Lights, published in the *Government Gazette* of 6 November 1981, as amended by publication in the *Government Gazette* of 12 December 1995.

**PART 2—LIGHT****2.1 Emission or reflection of light**

(1) Where artificial light is emitted or reflected from anything on a lot so as to illuminate land outside the lot to more than 50 lux, 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.

**2.2 Use of floodlights**

An owner or occupier of a lot on which floodlights or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto an adjoining lot.

**2.3 Power lines and cables to be underground**

All electric power lines and cables within a lot on which floodlights or other exterior lights are erected or used to which those lights are connected are to be underground.

**2.4 Notice**

The local government may give a notice to the owner or occupier of a lot—

- (a) requiring that any reflective surfaces creating a nuisance within clause 2.1(2) be painted or otherwise treated so as to abate the nuisance; and
- (b) on which floodlights or other exterior lights are erected, requiring that—
  - (i) the hours of use of the lighting be limited to the hours specified in the notice; or
  - (ii) the direction in which the lights are shining be altered as specified in the notice.
- (iii) Where the power lines and cables have been erected in contravention of clause 2.3, requiring that the power lines and cables be relocated under the ground.

**PART 3—OBJECTIONS AND APPEALS****3.1 Application of Part 9 Division 1 of the Act**

When the local government makes a decision under clause 2.4 the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

**PART 4—ENFORCEMENT***Division 1—Notices given under this local law***4.1 Offence to fail to comply with notice**

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

**4.2 Local government may undertake requirements of notice**

Where a person fails to comply with a notice referred to in clause 2.4, the local government may do the thing specified in the notice and recover from the person to who the notice was given, as a debt, the costs incurred in so doing.

*Division 2—Offences and penalties*

## Subdivision 1—General

**4.3 Offences and general penalty**

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

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

## Subdivision 2—Infringement notices and modified penalties

**4.4 Prescribed offences**

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

**4.5 Form of notices**

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 Regulations; and
- (b) the form of the notice referred to in Section 9.20 of the Act is that of Form 3 in Schedule 1 of the regulations.

**Schedule 1**  
**PRESCRIBED OFFENCES**

Clause	Description	Modified Penalty \$
2.1 (1)	Emitting light of more than 50 lux	100
2.2	Erection or use of lights shining directly onto adjoining lot	100
2.3	Erection of power lines and cables above ground	100
4.1	Failure to comply with notice	100

Dated 19th of March 2000

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

R. J. H. SMITH, Deputy President.  
G. K. SIMPSON, Chief Executive Officer.



## LOCAL GOVERNMENT ACT 1995

## SHIRE OF PEPPERMINT GROVE

## PARKING AND PARKING FACILITIES LOCAL LAW

*Proforma Gazettal by Reference*

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Peppermint Grove resolved on 17<sup>th</sup> April 2000 to make the following local law—

The Shire of Coorow Parking and Parking Facilities Local Law published in the *Government Gazette* of 4 October 1999, is adopted as a local law of the Shire of Peppermint Grove with the modifications which follow:

**1. Preliminary**

Wherever the "Shire of Coorow" is mentioned in the local law substitute "Shire of Peppermint Grove".

**Clause 1.2—Repeal**

Delete clause 1.2 and substitute—

"The Shire of Peppermint Grove Local Laws Relating to—

- Parking Facilities, published in the *Government Gazette* of 10 April, 1981 as amended, and
- Control of Residential Parking, published in the *Government Gazette* of 31 March 1994, are repealed."

**Clauses 3.9 and 3.10 Repeal**

Delete clauses 3.9 and 3.10 and substitute

**3.9 Limitation on parking of vehicles with tare in excess of 3,000 kgs on carriageway**

A person shall not park a vehicle having a tare in excess of 3,000 kgs on a carriageway for more than four hours consecutively unless approval is granted by the Shire.

**3.10 Limitation on parking of over length vehicles on carriageway**

A person shall not park a vehicle or any combination of vehicles that together with anything in or on that vehicle is more than 8 metres in length, on a carriageway for more than four hours consecutively with the exception that cars with boat trailers attached may be permitted to park for a maximum of eight (8) hours when parked in parking embayments in Johnston Street.

**4. Second Schedule, Prescribed Offences**

4.1 In item 28, delete "3.8 (2) (a)" and substitute "3.8 (1)(a) or (b)" and after "Parking" delete "commercial vehicle, bus" and substitute "vehicle or unattached trailer".

4.2 In item 29, delete "3.8 (2) (b)" and substitute "3.8 (1) (c)".

Dated this 21st day of May 2001.

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

R. J. H. SMITH, President.  
G. K. SIMPSON, Chief Executive Officer.

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF PEPPERMINT GROVE

## LOCAL GOVERNMENT PROPERTY LOCAL LAW

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#### **SCHEDULE 1—PRESCRIBED OFFENCES**

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF PEPPERMINT GROVE

## LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Peppermint Grove resolved on 29<sup>TH</sup> April 2000 to make the following local law.

## PART 1—PRELIMINARY

## Citation

1.1 This local law may be cited as the *Shire of Peppermint Grove Local Government Property Local Law*.

## Definitions

1.2 In this local law unless the context otherwise requires—

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

“**applicant**” means a person who applies for a permit under clause 2.2;

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

“**boat**” means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

“**building**” means any building which is local government property and includes a—

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) a building on the local government depot site;

“**CEO**” means the chief executive officer of the local government;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

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

“**function**” means an event or activity characterised by all or any of the following—

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

“**liquor**” has the same meaning as is given to it in section 3 of the *Liquor Licensing Act 1988*;

“**local government**” means the Shire of Peppermint Grove;

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

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

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

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

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

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

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

“**trading**” means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of—

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;

- (c) soliciting orders for them; or
  - (d) carrying out any other transaction in relation to them; and
- “vehicle” includes—
- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
  - (b) an animal being ridden or driven,
- but excludes—
- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
  - (d) a pram, a stroller or a similar device; and
  - (e) a boat.

#### **Interpretation**

1.3 In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

#### **Application**

- 1.4 (1) This local law applies throughout the district.
- (2) Notwithstanding anything to the contrary in this local law, the local government may—
- (a) hire local government property to any person; or
  - (b) enter into an agreement with any person regarding the use of any local government property.

#### **Repeal**

- 1.5 (1) The following local laws are repealed—
- Reserve By-laws, published in the Government Gazette of 17 May 1940.*
- (2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- (3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

## **PART 2—PERMITS**

### *Division 1—Preliminary*

#### **Application of Part**

2.1 This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

### *Division 2—Applying for a permit*

#### **Application for permit**

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

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

- 2.3 (1) The local government may —
- (a) approve an application for a permit unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

*Division 3—Conditions***Conditions which may be imposed on a permit**

2.4 (1) Without limiting the generality of clause 2.3(1)(a), the local government may approve an application for a permit subject to conditions relating to—

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

(2) Without limiting clause 2.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued—

- (a) when fees and charges are to be paid;
- (b) payment of a bond against possible damage or cleaning expenses or both;
- (c) restrictions on the erection of material or external decorations;
- (d) rules about the use of furniture, plant and effects;
- (e) limitations on the number of persons who may attend any function in or on local government property;
- (f) the duration of the hire;
- (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*;
- (i) whether or not the hire is for the exclusive use of the local government property;
- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

**Imposing conditions under a policy**

2.5 (1) In this clause—

“**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 2.3(1)(a).

(2) Under clause 2.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 2.3(2).

(4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

**Compliance with and variation of conditions**

2.6 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

*Division 4—General***Agreement for building**

2.7 Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

**Duration of permit**

2.8 A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 2.12.

**Renewal of permit**

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

(2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

**Transfer of permit**

2.10 (1) An application for the transfer of a valid permit is to—

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

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

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.

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

**Production of permit**

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

**Cancellation of permit**

2.12 (1) Subject to clause 4.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

- (a) condition of the permit; or
- (b) a provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder—

- (a) shall return the permit as soon as practicable to the CEO; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

*Division 5—When a permit is required***Activities needing a permit**

2.13 (1) A person shall not without a permit—

- (a) subject to subclause 3, hire local government property;
- (b) advertise anything by any means on local government property;
- (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
- (d) plant any plant or sow any seeds on local government property;
- (e) carry on any trading on local government property unless the trading is conducted—
  - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
  - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
- (f) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose—
  - (i) drive or ride or take any vehicle on to local government property; or
  - (ii) park or stand any vehicle on local government property;
- (g) conduct a function on local government property ;
- (h) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
- (i) light a fire on local government property except in a facility provided for that purpose;
- (j) parachute, hang glide, abseil or base jump from or on to local government property or climb rocks along the River Foreshore Reserve within Peppermint Grove;
- (k) erect a building or a refuelling site on local government property;
- (l) make any excavation on or erect or remove any fence on local government property; or

(m) 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.

(n) store, secure or place a dinghy on the River Foreshore Reserve within Peppermint Grove.

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

(3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

#### **Permit required to camp outside a facility**

2.14 (1) In this clause—

“**facility**” has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

(2) This clause does not apply to a facility operated by the local government.

(3) A person shall not without a permit—

(a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or

(b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

(4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

#### **Permit required for possession and consumption of liquor**

2.15 (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless—

(a) that is permitted under the *Liquor Licensing Act 1988*; and

(b) a permit has been obtained for that purpose.

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

#### *Division 6—Responsibilities of permit holder*

##### **Responsibilities of permit holder**

2.16 A holder of a permit shall in respect of local government property to which the permit relates—

(a) ensure that an authorized person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;

(b) leave the local government property in a clean and tidy condition after its use;

(c) report any damage or defacement of the local government property to the local government; and

(d) 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 Licensing Act 1988* for that purpose.

### **PART 3—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY**

#### *Division 1—Behaviour on and interference with local government property*

##### **Behaviour which interferes with others**

3.1 A person shall not in or on any local government property behave in a manner which—

(a) is likely to interfere with the enjoyment of a person who might use the property; or

(b) interferes with the enjoyment of a person using the property.

##### **Behaviour detrimental to property**

3.2 (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.

(2) In subclause (1)—

“**detrimental to the property**” includes—

(a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and

(b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

##### **Taking or injuring any fauna**

3.3 (1) A person shall 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 authorized under a written law to do so.

(2) In this clause—

“**animal**” means any living thing that is not a human being or plant; and



“fauna” means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal—

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

#### **Intoxicated persons not to enter local government property**

3.4 A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

#### **No prohibited drugs**

3.5 A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

#### **No Smoking**

3.6 (1) A person shall not smoke in or on local government property which is—

- (a) a building or vehicle; or
- (b) an item of plant or machinery with an enclosed operator compartment.

(2) Subclause (1) does not apply to local government property which is leased or hired to a person for private use.

### *Division 2—Signs*

#### **Signs**

3.7 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

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

(3) A condition of use specified on a sign erected under subclause (1) is—

- (a) not to be inconsistent with any provision of this local law; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

## **PART 4—OBJECTIONS AND APPEALS**

### **Application of Division 1, Part 9 of the Act**

4.1 When the local government makes a decision as to whether it will—

- (a) grant a person a permit or consent under this local law; 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 regulations 33 and 34 of the Regulations apply to that decision.

## **PART 5—MISCELLANEOUS**

### **Authorized person to be obeyed**

5.1 A person on local government property shall obey any lawful direction of an authorized person and shall not in any way obstruct or hinder an authorized person in the execution of her or his duties.

### **Persons may be directed to leave local government property**

5.2 An authorized person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

### **Disposal of lost property**

5.3 An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

### **Liability for damage to local government property**

5.4 (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required 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) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where—

- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or
- (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.

(3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

**PART 6—ENFORCEMENT***Division 1—Notices given under this local law***Offence to fail to comply with notice**

6.1 Person to do any thing, if a person fails to comply with the notice, that person commits an offence.

**Local government may undertake requirements of notice**

6.2 Where a person fails to comply with a notice referred to in clause 6.1, the local government 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.

*Division 2—Offences and penalties*

## Subdivision 1—General

**Offences and general penalty**

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

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

## Subdivision 2—Infringement notices and modified penalties

**Prescribed offences**

6.4 (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

**Form of notices**

6.5 For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

**Schedule 1**  
**PRESCRIBED OFFENCES**

Clause	Description	Modified Penalty \$
2.6	Failure to comply with conditions of permit.....	100
2.13(1)	Failure to obtain a permit .....	100
2.14(3)	Failure to obtain permit to camp outside a facility .....	100
2.15(1)	Failure to obtain permit for liquor .....	100
2.16	Failure of permit holder to comply with responsibilities .....	100
3.2(1)	Behaviour detrimental to property .....	100
3.4	Under influence of liquor or prohibited drug.....	100
3.6	Smoking in or on local government property.....	100
3.7(2)	Failure to comply with sign on local government property.....	100
6.1	Failure to comply with notice.....	200

Dated 19th March 2001.

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

R. J. H. SMITH, Deputy President.  
G. K. SIMPSON, Chief Executive Officer.

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF PEPPERMINT GROVE

## REPEAL LOCAL LAW 2000

Local Law Relating to Repeal of Defunct and Obsolete Local Laws Made Under the Local Government Act 1960 and Earlier Legislation.

Under the powers conferred by the Local Government Act 1995 and by all other powers, the local government of the Shire of Peppermint Grove resolved to repeal local laws relating to the matters listed below and gazetted on the dates shown, on the 17<sup>th</sup> April 2000.

Buildings,	Published in the <i>Government Gazette</i> of 14 February, 1919, and amended by publication in the <i>Government Gazettes</i> of 28 September 1923, 26 February 1932, 2 September 1932, 27 March 1936, 16 December 1938, 14 November 1941, 14 July 1950, 23 September 1955, 18 April 1956 and 5 February 1958;
Removal of Refuse, etc	Published in the <i>Government Gazette</i> of 31 May 1960, and amended by publication in the <i>Government Gazette</i> of 2 July 1962;
Proceedings of Meetings and Minutes	Published in the <i>Government Gazette</i> of 7 September 1961;
Signs Hoardings and Billposting	published in the <i>Government Gazette</i> of 19 August 1965;
Deposit of Refuse and Litter	Published in the <i>Government Gazette</i> of 11 November 1965;
Petrol Pumps	published in the <i>Government Gazette</i> of 3 August 1966;
Materials in External Walls	published in the <i>Government Gazette</i> of 30 September 1977

Dated 19th March 2001.

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

R. J. H. SMITH, Deputy President.  
G. K. SIMPSON, Chief Executive Officer.

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF PEPPERMINT GROVE

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

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PRESCRIBED OFFENCES**

## LOCAL GOVERNMENT ACT 1995

## SHIRE OF PEPPERMINT GROVE

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

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Peppermint Grove resolved on 29<sup>th</sup> April 2000 to make the following local law.

**PART 1 - PRELIMINARY****1.1 Citation**

This local law may be cited as the *Shire of Peppermint Grove Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*.

**1.2 Definitions**

In this local law unless the context otherwise requires—

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

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

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

“**bulk rubbish container**” means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government’s regular domestic rubbish collection service;

“**carriageway**” means the paved or made portion of a thoroughfare used or intended for use by vehicles;

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

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

“**crossing**” means a crossing giving access from a public thoroughfare to—

(a) private land; or

(b) a private thoroughfare serving private land;

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

“**footpath**” means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists;

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

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

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

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

“**local government**” means the Shire of Peppermint Grove;

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

(a) which belongs to the local government;

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

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

“**lot**” has the meaning given to it in the *Town Planning and Development Act 1928*;

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

“**permissible verge treatment**” means any one of the 3 treatments described in clause 2.7(2), and includes any reticulation pipes and sprinklers;

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

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

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

“**premises**” for the purpose of the definition of “public place” in both this clause and clause 5.1, means a building or similar structure, but does not include a carpark or a similar place;

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

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

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

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

“**town planning scheme**” means a town planning scheme of the local government made under the Town Planning and Development Act 1928;

“**vehicle**” includes—

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

but excludes—

- (a) a wheel-chair or any device designed for use by a physically impaired person on a footpath; and
- (b) a pram, a stroller or a similar device; and

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

### 1.3 Application

This local law applies throughout the district.

### 1.4 Repeal

(1) The following local laws are repealed—

By-laws Relating to Hawkers, published in the *Government Gazette* of 23 October 1956;

By-laws Relating to Street Lawns and Gardens, published in the *Government Gazette* of 15 May 1968, as amended in the *Government Gazettes* of 10 June 1971 and 6 January 1978; and

By-laws Relating to Removal and Disposal of Obstructing Animals or Vehicles, published in the *Government Gazette* of 10 March 1978.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

## PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

### *Division 1—General*

#### 2.1 General prohibitions

A person shall not—

- (a) plant any plant except Couch or Buffalo grass, or other grass or similar plant, approved in writing by the local government, on a thoroughfare;
- (b) damage a lawn or part of a plant from a lawn unless—
  - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
  - (ii) the person is acting under the authority of a written law;
- (c) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (d) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law; or
- (e) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare.

#### 2.2 Activities allowed with a permit—general

(1) A person shall not, without a permit—

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;



- (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
  - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
  - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
  - (f) damage a thoroughfare;
  - (g) light any fire or burn any thing on a thoroughfare;
  - (h) fell any tree onto a thoroughfare;
  - (i) unless installing or in order to maintain a permissible verge treatment—
    - (i) lay pipes under or provide taps on any verge; or
    - (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
  - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
  - (k) on a public place use anything or do anything so as to create a nuisance;
  - (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
  - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

### 2.3 No possession and consumption of liquor on thoroughfare

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

#### *Division 2—Vehicle crossing*

##### Subdivision 1—Temporary crossings

### 2.4 Permit required

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—
- (a) a crossing does not exist; or
  - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The “person responsible for the works” in subclause (1) is to be taken to be—
- (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
  - (b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

##### Subdivision 2—Redundant vehicle crossings

### 2.5 Removal of redundant crossing

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

#### *Division 3—Verge treatments*

##### Subdivision 1—Preliminary

### 2.6 Interpretation

In this Division, unless the context otherwise requires—

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

## Subdivision 2—Permissible verge treatments

**2.7 Permissible verge treatments**

(1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.

(2) The permissible verge treatments are—

- (a) the planting and maintenance of a lawn of Couch or Buffalo grass or other grass or similar plant approved in writing by the local government;
- (b) the installation of an acceptable material; or
- (c) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (b), and the planting and maintenance of a lawn on the balance of the verge in accordance with paragraph (a).

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

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

(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.9.

**2.9 Obligations of owner or occupier**

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

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

**2.10 Notice to owner or occupier**

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

## Subdivision 3—Existing verge treatments

**2.11 Transitional provision**

(1) In this clause—

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

(2) A verge treatment which—

- (a) was installed prior to the commencement day; and
- (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,

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

## Subdivision 4—Public works

**2.12 Power to carry out public works on verge**

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any lawn; and
- (c) is not liable to replace or restore any—
  - (i) verge treatment and, in particular, any lawn or any acceptable material or other hard surface; or
  - (ii) sprinklers, pipes or other reticulation equipment.

*Division 4—Property numbers*

## Subdivision 1—Preliminary

**2.13 Interpretation**

In this Division, unless the context requires otherwise—

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

*Subdivision 2—Assignment and marking of numbers***2.14 Assignment of numbers**

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

*Division 5—Fencing***2.15 Public place—Item 4(1) of Division 1, Schedule 3.1 of Act**

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

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

*Division 6—Signs erected by the local government***2.16 Signs**

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

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

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

**2.17 Transitional**

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.16 if—

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

*Division 7—Driving on a closed thoroughfare***2.18 No driving on closed thoroughfare**

(1) A person shall not drive or take a vehicle on a closed thoroughfare unless—

- (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
- (b) the person has first obtained a permit.

(2) In this clause—

“closed thoroughfare” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

**PART 3—ADVERTISING SIGNS ON THOROUGHFARES***Division 1—Preliminary***3.1 Interpretation**

In this Part, unless the context otherwise requires—

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

“direction sign” means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

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

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

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

*Division 2—Permit***3.2 Advertising signs and portable direction signs**

(1) A person shall not, without a permit—

- (a) erect or place an advertising sign on a thoroughfare; or
- (b) post any bill or paint, place or affix any advertisement on a thoroughfare.

(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m<sup>2</sup> in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.

- (3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—
- (a) on a footpath;
  - (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;
  - (c) on or within 3m of a carriageway;
  - (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
  - (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

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

In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to—

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

#### *Division 3—Conditions on permit*

### 3.4 Conditions on portable sign

If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions—

- (a) the portable sign shall—
  - (i) not exceed 1m in height;
  - (ii) not exceed an area of 1m<sup>2</sup> on any side;
  - (iii) relate only to the business activity described on the permit;
  - (iv) contain letters not less than 200mm in height;
  - (v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
  - (vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
  - (vii) be secured in position in accordance with any requirements of the local government;
  - (viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
  - (ix) be maintained in good condition; and
- (b) no more than one portable sign shall be erected in relation to the one building or business.

### 3.5 Conditions on election sign

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

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

**PART 4—OBSTRUCTING ANIMALS OR VEHICLES***Division 1—Animals and vehicles***4.1 Leaving animal or vehicle in public place or on local government property**

(1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorized to do so under a written law.

(2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

(3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

**4.2 Prohibitions relating to animals**

(1) In subclause (2), "owner" in relation to an animal includes—

- (a) an owner of it;
- (b) a person in possession of it;
- (c) a person who has control of it; and
- (d) a person who ordinarily occupies the premises where the animal is permitted to stay.

(2) An owner of an animal shall not—

- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
- (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
- (c) train or race the animal on a thoroughfare.

(3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

**PART 5—TRADING IN THOROUGHFARES AND PUBLIC PLACES***Division 1—Stallholders and traders*

## Subdivision 1—Preliminary

**5.1 Interpretation**

In this Division, unless the context otherwise requires—

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

**"public place"** includes—

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

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

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

**"stallholder"** means a person in charge of a stall;

**"stallholder's permit"** means a permit issued to a stallholder;

**"trader"** means a person who carries on trading;

**"trader's permit"** means a permit issued to a trader; and

**"trading"** includes—

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

but does not include—

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

- (e) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (f) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
- (g) the selling or hiring or the offering for sale or hire of—
  - (i) goods by a person who represents a manufacturer of the goods; or
  - (ii) services by a person who represents a provider of the services,
 which are sold directly to consumers and not through a shop.

#### Subdivision 2—Permits

##### 5.2 Stallholder's permit

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

##### 5.3 Trader's permit

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

##### 5.4 Relevant considerations in determining application for permit

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

- (d) such other grounds as the local government may consider to be relevant in the circumstances of the case.

### 5.5 Conditions of permit

(1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include—

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

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

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

(1) In this clause—

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

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

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

- (a) on a portion of a public place adjoining the normal place of business of the applicant; or
- (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

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

### Subdivision 3—Conduct of stallholders and traders

#### 5.7 Conduct of stallholders and traders

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

- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
- (b) not display a permit unless it is a valid permit; and
- (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Weights and Measures Act 1915*.

- (2) A stallholder or trader shall not—
- (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
  - (b) act in an offensive manner;
  - (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
  - (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

## PART 6—PERMITS

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

#### 6.1 Application for permit

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

#### 6.2 Decision on application for permit

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

### *Division 2—Conditions*

#### 6.3 Conditions which may be imposed on a permit

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

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



**6.4 Imposing conditions under a policy**

(1) In this clause—

“policy” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 6.2(1)(a).

(2) Under clause 6.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 6.2(2).

(4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

**6.5 Compliance with and variation of conditions**

(1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

*Division 3—General***6.6 Duration of permit**

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 6.10.

**6.7 Renewal of permit**

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

(2) The provisions of—

- (a) this Part; and
- (b) any other provision of this local law relevant to the permit which is to be renewed,

shall apply to an application for the renewal of a permit *mutatis mutandis*.

**6.8 Transfer of permit**

(1) An application for the transfer of a valid permit is to—

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

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

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—

- (a) an endorsement on the permit signed by the CEO; or
- (b) issuing to the transferee a permit in the form determined by the local government.

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

**6.9 Production of permit**

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

**6.10 Cancellation of permit**

(1) Subject to clause 7.1, a permit may be cancelled by the local government on any one or more of the following grounds—

- (a) the permit holder has not complied with a—
  - (i) condition of the permit; or
  - (ii) provision of any written law which may relate to the activity regulated by the permit; or
- (b) if it is relevant to the activity regulated by the permit—
  - (i) the permit holder has become bankrupt, or gone into liquidation;
  - (ii) the permit holder has entered into any composition or arrangement with creditors; or

- (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder's undertakings or property.
- (2) On the cancellation of a permit the permit holder—
  - (a) shall return the permit as soon as practicable to the local government; and
  - (b) is to be taken to have forfeited any fees paid in respect of the permit.

## **PART 7—OBJECTIONS AND APPEALS**

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

When the local government makes a decision—

- (a) under clause 6.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

## **PART 8—MISCELLANEOUS NOTICES**

### **8.1 Notice to redirect or repair sprinkler**

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

### **8.2 Notice to repair damage to thoroughfare**

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

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

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

## **PART 9—ENFORCEMENT**

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

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

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

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

Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

### *Division 2—Offences and penalties*

#### *Subdivision 1—General*

#### **9.3 Offences**

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

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

#### **9.4 Prescribed offences**

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—
  - (a) commission of the prescribed offence is a relatively minor matter; and
  - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

**9.5 Forms**

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

**Schedule 1**  
**PRESCRIBED OFFENCES**

Clause	Description	Modified Penalty \$
2.1(a)	Planting other than grass	100
2.1(b)	Damaging lawn	100
2.1(c)	Placing hazardous substance on footpath	100
2.1(d)	Damaging or interfering with signpost or structure on thoroughfare	300
2.1(e)	Playing games so as to impede vehicles or persons on thoroughfare	100
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	100
2.2(1)(b)	Throwing or placing anything on a verge without a permit or other authorisation	100
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	100
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	200
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	200
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	300
2.2(1)(h)	Felling tree onto thoroughfare without a permit	100
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	100
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	300
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	100
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	100
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	100
2.3(1)	Consumption or possession of liquor on thoroughfare	100
2.4(1)	Failure to obtain permit for temporary crossing	200
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	300
2.8(1)	Installation of verge treatment other than permissible verge treatment	200
2.9	Failure to maintain permissible verge treatment or placement of obstruction on verge	100
2.10	Failure to comply with notice to rectify default	100
2.16(2)	Failure to comply with sign on public place	100
2.18(1)	Driving or taking a vehicle on a closed thoroughfare	300
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	100
3.2(3)	Erecting or placing of advertising sign in a prohibited area	100
4.1(1)	Animal or vehicle obstructing a public place or local government property	100
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	100
4.2(2)(b)	Animal on public place with infectious disease	100
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	100
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	100
5.2(1)	Conducting of stall in public place without a permit	300
5.3(1)	Trading without a permit	300
5.7(1)(a)	Failure of stallholder or trader to display or carry permit	100
5.7(1)(b)	Stallholder or trader not displaying valid permit	100
5.7(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	100
5.7(2)	Stallholder or trader engaged in prohibited conduct	100
6.5	Failure to comply with a condition of a permit	100
6.9	Failure to produce permit on request of authorized person	100
9.1	Failure to comply with notice given under local law	100

Dated 19th March 2001.

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

R. J. H. SMITH, Deputy President.  
G. K. SIMPSON, Chief Executive Officer.

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**SCHEDULE 1**

## DOG ACT 1976

## SHIRE OF PEPPERMINT GROVE

## DOGS LOCAL LAW

Under the powers conferred by the Dog Act 1976 and under all other powers enabling it, the Council of the Shire of Peppermint Grove resolved on 17<sup>th</sup> April 2000 to make the following local law.

## PART 1—PRELIMINARY

**1.1 Citation**

This local law may be cited as the *Shire of Peppermint Grove Dogs Local Law*.

**1.2 Repeal**

The By-laws Relating to Dogs published in the *Government Gazette* on 30 December 1983, as amended, are repealed.

**1.3 Definitions**

In this local law unless the context otherwise requires—

“Act” means the *Dog Act 1976*;

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

“CEO” means the Chief Executive Officer of the local government;

“local government” means the Shire of Peppermint Grove;

“pound keeper” means a person authorized by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

“Regulations” means the *Dog Regulations 1976*;

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

**1.4 Application**

This local law applies throughout the district.

## PART 2—IMPOUNDING OF DOGS

**2.1 Charges and costs**

The following are to be imposed and determined by the local government under sections 6.16 - 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 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) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

**2.2 Attendance of pound keeper at pound**

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are 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 the pound keeper or in the absence of the pound keeper, to the CEO.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory 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 No breaking into or destruction of pound**

A person who—

- (a) unless he or she is the pound keeper or a person authorized to do so, releases or attempts to release a dog from a pound; or

- (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
  - (i) any pound; or
  - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog, commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

### **PART 3—REQUIREMENTS AND LIMITATIONS ON THE 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 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.

**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

#### **3.2 Limitation on the number of dogs**

- (1) This clause does not apply to premises which have been 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(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.

### **PART 4—DOGS IN PUBLIC PLACES**

#### **4.1 Places where dogs are prohibited absolutely**

- (1) Dogs are prohibited absolutely from entering or being in any of the following places—
  - (a) where so indicated by a sign, a public building;
  - (b) a theatre or picture gardens;
  - (c) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*; and
  - (d) a construction, building or demolition site.
- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

#### **4.2 Places which are dog exercise areas**

- (1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas—
  - (a) that portion of Peppermint Grove Foreshore Reserve Number 17113 extending northwards from a line drawn in prolongation of the northern boundary of the Leake Street Road Reserve to the northern boundary of the local government, being a line drawn in prolongation of the northern boundary of Lot 8 The Esplanade;
  - (b) The total area of Manners Hill Park Reserve Number A7802 Monday to Friday of every week.
- (2) Subclause (1) does not apply to—
  - (a) land which has been set apart as a children's playground;
  - (b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or
  - (c) a car park.

### **PART 5—MISCELLANEOUS**

#### **5.1 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.

**Penalty:** \$200.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

## PART 6—ENFORCEMENT

### 6.1 Interpretation

In this Part—

“infringement notice” means the notice referred to in clause 6.3; and

“notice of withdrawal” means the notice referred to in clause 6.6(1).

### 6.2 Modified penalties

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

(2) The amount appearing in the third column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence if—

(a) the dog is not a dangerous dog; or

(b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

### 6.3 Issue of infringement notice

Where an authorized 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 7 of the First Schedule of the Regulations.

### 6.4 Failure to pay modified penalty

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

### 6.5 Payment of modified penalty

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

### 6.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorized to issue an infringement notice under clause 6.3 cannot sign or send a notice of withdrawal.

### 6.7 Service

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

(clause 6.2)

#### OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Offence	Nature of offence	Modified penalty	Dangerous Dog Modified Penalty
		\$	\$
2.4(a)	Attempting to or causing the unauthorized release of a dog from a pound	200	400
2.4(b)&(c)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	50	200
4.1(2)	Dog in place from which prohibited absolutely	200	400
5.1(2)	Dog excreting in prohibited place	40	

Dated 19th March 2001.

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

R. J. H. SMITH, Deputy President.  
G. K. SIMPSON, Chief Executive Officer.

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## **Ordinary Council Meeting**

### **8.5.1 – Financial Report January 2017 Attachment # 4**

**SHIRE OF PEPPERMINT GROVE**  
**Statement of Financial Activity**  
for the period 1 July 2016 to 31 January 2017

	<b>ADOPTED BUDGET 2016/17</b>	<b>REVISED BUDGET 2016/17</b>	<b>YTD BUDGET 2016/2017</b>	<b>YTD ACTUAL 2016/2017</b>	<b>VARIANCE \$ Actual v YTD Budget</b>	<b>VARIANCE % Actual v YTD Budget</b>	<b>Comment REF</b>
<b>Operating Revenue</b>							
FEES & CHARGES	300,600	374,780	314,780	304,144	(10,636)	-3%	1
GRANTS & SUBSIDIES	169,353	164,201	76,118	76,118	0	0%	
CONTRIBUTIONS, REIMBURSEMENTS	1,314,302	1,334,302	667,151	695,068	27,917	4%	2
INTEREST ON INVESTMENTS	47,800	47,800	27,883	14,964	(12,919)	-46%	3
OTHER REVENUE	27,300	27,300	15,925	15,637	(288)	-2%	
PROFIT ON SALE OF ASSETS	1,065	1,065	200	1,123	923	461%	
	<b>1,860,420</b>	<b>1,949,448</b>	<b>1,102,057</b>	<b>1,107,053</b>	<b>4,996</b>	<b>0%</b>	
<b>Operating Expenses</b>							
EMPLOYEE COSTS	(2,090,422)	(2,090,422)	(1,206,013)	(1,191,320)	14,693	-1%	4
MATERIALS & CONTRACTS	(1,795,767)	(1,967,026)	(1,147,432)	(1,125,408)	22,024	-2%	5
PUBLIC UTILITIES	(151,200)	(156,300)	(91,175)	(84,212)	6,963	-8%	
DEPRECIATION	(386,384)	(386,384)	(225,391)	(225,391)	0	0%	
INTEREST EXPENSES	(62,136)	(62,136)	(32,745)	(35,675)	(2,930)	9%	
INSURANCES	(117,750)	(117,750)	(117,750)	(100,685)	17,065	-14%	6
LOSS ON SALE OF ASSETS	0	0	0	0	0		
OTHER EXPENSES	(63,250)	(63,250)	(31,625)	(31,625)	0	0%	
	<b>(4,666,909)</b>	<b>(4,843,268)</b>	<b>(2,852,130)</b>	<b>(2,794,315)</b>	<b>57,815</b>	<b>-2%</b>	
<b>CHANGE IN NET ASSETS</b>	<b>(2,806,489)</b>	<b>(2,893,820)</b>	<b>(1,750,073)</b>	<b>(1,687,262)</b>	<b>62,811</b>	<b>-4%</b>	
<b>Adjustments for Non-Cash (Revenue) and Expenditure</b>							
(Profit)/Loss on Asset Disposals	(1,065)	(1,065)	(200)	(1,123)	(923)	461%	
Depreciation on Assets	386,384	386,384	225,391	225,391	0	0%	
	385,319	385,319	225,191	224,268	(923)		
<b>Capital Expenditure</b>							
Land & Buildings	(158,000)	(158,000)	0	0	0		
Plant and Equipment	(139,000)	(139,000)	(70,500)	(71,309)	(809)	1%	
Furniture & Equipment	(30,000)	(37,000)	(37,000)	(41,695)	(4,695)	13%	
Infrastructure Assets - Roads	(276,228)	(276,228)	(144,569)	(123,277)	21,292	-15%	7
Infrastructure Assets - Other	(232,000)	(232,000)	(105,000)	(102,771)	2,229	-2%	
Infrastructure Assets - Footpaths	(110,000)	(110,000)	(50,000)	(47,848)	2,152	-4%	
Infrastructure Assets - Parks & Reserves	0	0	0	0	0		
Infrastructure Assets - Drainage	0	0	0	0	0		
	<b>(945,228)</b>	<b>(952,228)</b>	<b>(407,069)</b>	<b>(386,900)</b>	<b>20,169</b>	<b>-5%</b>	
<b>Capital Revenue</b>							
Proceeds from Disposal of assets	132,250	132,250	67,250	71,480	4,230	6%	
<b>Debt Management</b>							
Repayment of Debentures	(24,186)	(24,186)	(11,888)	(11,888)	(0)	0%	
<b>Reserves and Restricted Funds</b>							
Transfers to Reserves	(140,300)	(155,300)	(3,900)	(6,644)	(2,744)	70%	
Transfers from Reserves	183,000	185,000	15,000	16,920	1,920	13%	
	42,700	29,700	11,100	10,276	(824)		
Net Current Assets July 1 B/Fwd	390,000	497,331	497,331	495,386	(1,945)	0%	
Net Current Assets Year to Date	229,466	229,466	1,680,942	1,768,405	87,463	5%	8
<b>Amount Raised from Rates</b>	<b>3,055,100</b>	<b>3,055,100</b>	<b>3,049,100</b>	<b>3,053,045</b>	<b>3,945</b>	<b>0%</b>	

**SHIRE OF PEPPERMINT GROVE**  
**Notes to and forming part of the Statement of Financial Activity**  
for the period 1 July 2016 to 31 January 2017

**1 Basis of Accounting**

This financial report is a special-purpose financial report, which has been prepared in accordance with applicable Australian Accounting Standards, the Local Government Act 1995 (as amended) and accompanying regulations. The report has been prepared on an accrual basis under the convention of historical cost accounting.

**2 Net Current Assets**

	YTD ACTUAL 2016/2017	C/FWD 1 JULY 2016
<b>CURRENT ASSETS</b>		
Cash - Unrestricted	1,408,529	678,616
Cash - Restricted	481,648	491,924
Receivables	899,139	146,862
	<b>2,789,316</b>	<b>1,317,402</b>
<b>CURRENT LIABILITIES</b>		
Sundry Creditors	(409,376)	(199,708)
Leave Provisions	(166,919)	(166,919)
	<b>2,213,022</b>	<b>950,775</b>
Less: Cash - Reserves - Restricted	(481,648)	(491,924)
Add: Cash-Backed Leave Provision	37,031	36,535
<b>NET CURRENT ASSET POSITION</b>	<b>1,768,405</b>	<b>495,386</b>

## SHIRE OF PEPPERMINT GROVE

### Notes to and forming part of the Statement of Financial Activity

for the period 1 July 2016 to 31 January 2017

#### 3 Reserves

	YTD ACTUAL 2016/2017	BUDGET 2016/17
<b>(a) Roads Reserve</b>		
<i>To be used for</i>		
Opening Balance	105,424	105,424
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
Interest Received	1,447	2,100
	<b>106,871</b>	<b>107,524</b>
<b>(b) Library Infrastructure Reserve</b>		
<i>To be used for</i>		
Opening Balance	109,411	109,411
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	(15,000)
Interest Received	1,502	2,800
	<b>110,913</b>	<b>97,211</b>
<b>(c) Staff Leave reserve</b>		
<i>To be used for</i>		
Opening Balance	36,336	36,336
Amount Set Aside / Transfer to Reserve	0	112,500
Amount Used / Transfer from Reserve	0	0
Interest Received	499	1,080
	<b>36,835</b>	<b>149,916</b>
<b>(d) Infrastructure/Bld Mtce Reserve</b>		
<i>To be used for</i>		
Opening Balance	27,137	27,137
Amount Set Aside / Transfer to Reserve	0	20,000
Amount Used / Transfer from Reserve	0	0
Interest Received	373	0
	<b>27,510</b>	<b>47,137</b>
<b>(e) Plant Reserve</b>		
<i>To be used for</i>		
Opening Balance	0	0
Amount Set Aside/Transfer to Reserve	0	0
Amount Used/Transfer from Reserve	0	0
Interest Received	0	0
	<b>0</b>	<b>0</b>
<b>(f) Public Open Space Reserve</b>		
<i>To be used for</i>		
Opening Balance	156,803	156,803
Amount Set Aside/Transfer to Reserve	0	0
Amount Used/Transfer from Reserve	0	(153,000)
Interest Received	2,153	0
	<b>158,956</b>	<b>3,803</b>
<b>(g) Library Leave reserve</b>		
<i>To be used for</i>		
Opening Balance	2,145	2,145
Amount Set Aside/Transfer to Reserve	0	0
Amount Used/Transfer from Reserve	0	0
Interest Received	29	180
	<b>2,174</b>	<b>2,325</b>
<b>(h) Information Technology Reserve</b>		
<i>To be used for</i>		
Opening Balance	37,326	37,326
Amount Set Aside/Transfer to Reserve	0	0
Amount Used/Transfer from Reserve	(15,556)	(15,000)
Interest Received	412	1,120
	<b>22,181</b>	<b>23,446</b>

## SHIRE OF PEPPERMINT GROVE

### Notes to and forming part of the Statement of Financial Activity

for the period 1 July 2016 to 31 January 2017

#### 3 Reserves

(i) **Arts & Culture Reserve**

*To be used for*

Opening Balance	17,342	17,342
Amount Set Aside/Transfer to Reserve	0	0
Amount Used/Transfer from Reserve	(1,364)	0
Interest Received	229	520

	YTD ACTUAL 2016/2017	BUDGET 2016/17
	17,342	17,342
	0	0
	(1,364)	0
	229	520
	<b>16,208</b>	<b>17,862</b>
<b>Total Cash Backed Reserves</b>	<b>481,648</b>	<b>449,224</b>

**Total Cash Backed Reserves**

**Summary of Transfers To and (From)  
Cash Backed Reserves**

**Transfers to Reserves**

Roads Reserve	1,447	2,100
Library Infrastructure Reserve	1,502	2,800
Staff Leave reserve	499	113,580
Infrastructure/Bld Mtce Reserve	373	20,000
Plant Reserve	0	0
Public Open Space Reserve	2,153	0
Library Leave reserve	29	180
Information Technology Reserve	412	1,120
Arts & Culture Reserve	229	520

	YTD ACTUAL 2016/2017	BUDGET 2016/17
	1,447	2,100
	1,502	2,800
	499	113,580
	373	20,000
	0	0
	2,153	0
	29	180
	412	1,120
	229	520
	<b>6,644</b>	<b>140,300</b>
<b>Transfers from Reserves</b>		
Roads Reserve	0	0
Library Infrastructure Reserve	0	(15,000)
Staff Leave reserve	0	0
Infrastructure/Bld Mtce Reserve	0	0
Plant Reserve	0	0
Public Open Space Reserve	0	(153,000)
Library Leave reserve	0	0
IT Reserve	(15,556)	(15,000)
Arts & Culture Reserve	(1,364)	0
	<b>(16,920)</b>	<b>(183,000)</b>
<b>Total Transfer to/(from) Reserves</b>	<b>(10,276)</b>	<b>(42,700)</b>

**Transfers from Reserves**

Roads Reserve	0	0
Library Infrastructure Reserve	0	(15,000)
Staff Leave reserve	0	0
Infrastructure/Bld Mtce Reserve	0	0
Plant Reserve	0	0
Public Open Space Reserve	0	(153,000)
Library Leave reserve	0	0
IT Reserve	(15,556)	(15,000)
Arts & Culture Reserve	(1,364)	0

**Total Transfer to/(from) Reserves**

*All of the above reserve accounts are supported by money held in financial institutions.*

**SHIRE OF PEPPERMINT GROVE**  
**Notes to and forming part of the Statement of Financial Activity**  
for the period 1 July 2016 to 31 January 2017

**4 Cash and Investments**

	OPENING BALANCE 2016/2017	MOVEMENT	CLOSING BALANCE 2016/2017
<b>Restricted Cash Investments</b>			
Library Projects Reserve	109,410.72	1,502.09	110,912.81
Infrastructure/Building Mtce	27,136.83	372.55	27,509.38
Plant Reserve	0.00	0.00	0.00
IT Reserve	37,326.26	(15,144.70)	22,181.56
Road Works reserve	105,424.29	1,447.35	106,871.64
Library Leave reserve	2,144.96	29.45	2,174.41
Staff Leave Reserve	36,336.29	498.86	36,835.15
Arts/Culture Reserve	17,341.54	(1,134.41)	16,207.13
Public Open Space Reserve	156,803.10	2,152.73	158,955.83
<b>Total Reserves</b>	<b>491,923.99</b>	<b>(10,276.08)</b>	<b>481,647.91</b>

**Unrestricted Cash/Investments**

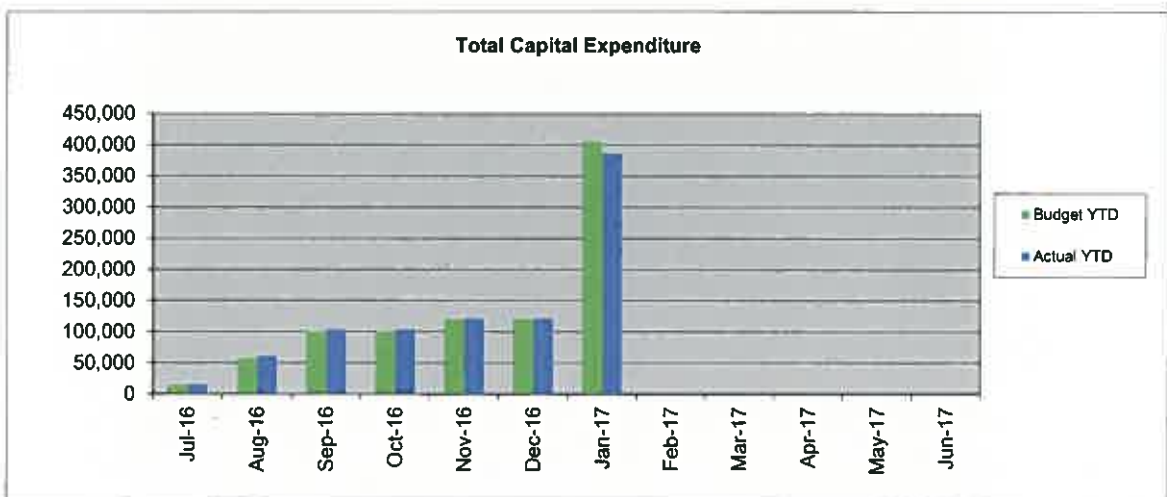
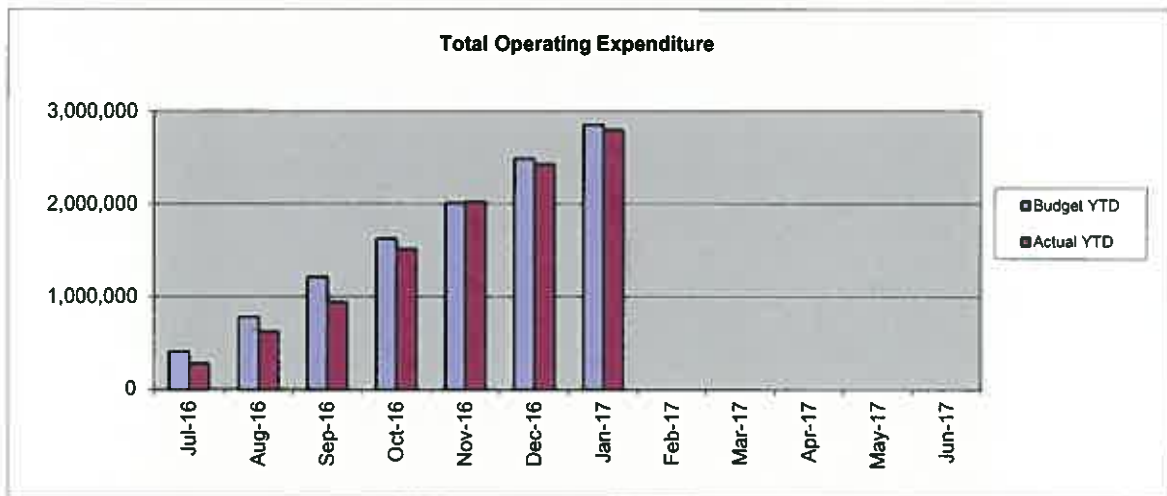
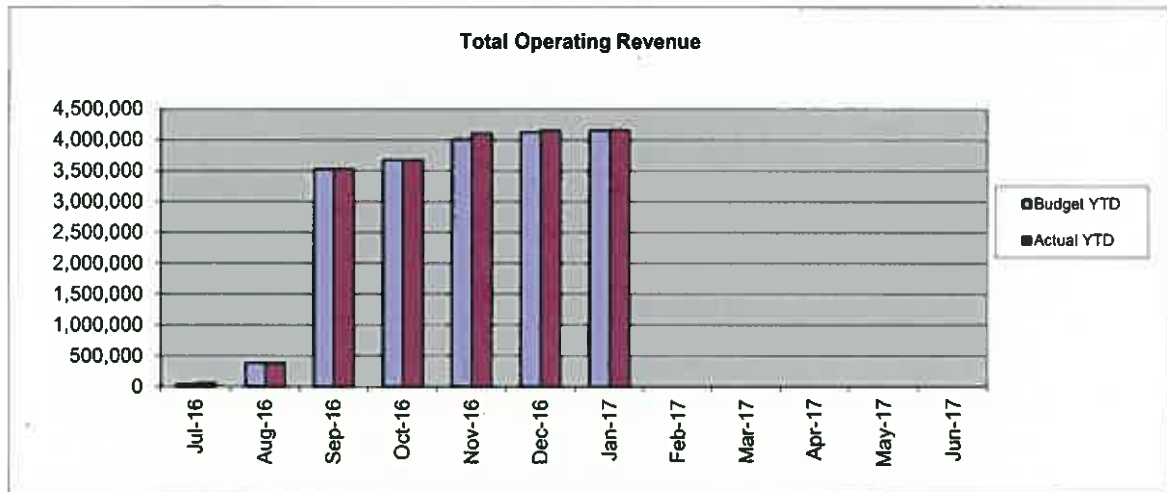
Municipal Fund	677,816.00	(478,776.80)	199,039.20
Petty Cash	800.00	0.00	800.00
Term Deposit Municipal	0.00	1,400,000.00	1,400,000.00
	<b>678,616.00</b>	<b>921,223.20</b>	<b>1,599,839.20</b>

Fund and TD Number	Amount Invested	Start Date	Maturity Date	Term (Days)	Interest Rate %	Expected Interest
Reserves	481,647.91	06-Dec-16	08-Mar-17	92	2.70%	3,277.84
<b>Reserves Interest Receivable</b>						<b>3,277.84</b>
Municipal 1	402,613.70	03-Jan-17	03-Apr-17	90	2.65%	2,630.78
Municipal 2	1,000,000.00	11-Nov-16	09-Feb-17	90	2.72%	6,706.85
Municipal 3	0.00					0.00
Municipal 4	0.00					0.00
<b>Municipal Interest Receivable</b>						<b>9,337.63</b>



**SHIRE OF PEPPERMINT GROVE**  
**Notes to and forming part of the Statement of Financial Activity**  
for the period 1 July 2016 to 31 January 2017

**5 Revenues and Expenditures**



**CAPITAL EXPENDITURE 2016/17**  
**(as at 31 January 2017)**

Category Description	Description	EXPENDITURE		SOURCE OF FUNDS - BUDGET					SOURCE OF FUNDS - ACTUALS					
		2016/17 Budget	2016/17 Actual	2016/17 Grants	2016/17 Trade-In	2016/17 Reserves	2016/17 Muni.*	2016/17 Grants	2016/17 Trade-In	2016/17 Reserves	2016/17 Muni.*			
BUILDINGS - RENEWAL	KEANE'S POINT KIOSK - HEADWORKS	143,000				103,000	40,000							
BUILDINGS - RENEWAL	PAVILION	15,000				15,000								
<b>TOTAL</b>		<b>158,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>118,000</b>	<b>40,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
PLANT - RENEWAL	HOLDEN COMMODORE	27,500	28,175		26,000		1,500		28,607					(432)
PLANT - RENEWAL	TOYOTA HILUX (AUTO)	35,000			33,250		1,750							
PLANT - RENEWAL	TOYOTA HILUX (MANUAL)	33,500			31,750		1,750							
PLANT - RENEWAL	FORD RANGER	43,000	43,134		41,250		1,750		42,873					261
<b>TOTAL</b>		<b>139,000</b>	<b>71,309</b>	<b>0</b>	<b>132,250</b>	<b>0</b>	<b>6,750</b>	<b>0</b>	<b>71,480</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(1,171)</b>
FURNITURE - RENEWAL	OFFICE DESKTOP PC'S (10)	15,000	15,556			15,000						15,556		
FURNITURE - RENEWAL	COMMUNITY CENTRE AV EQUIPMENT	22,000	24,775			15,000	7,000							
FURNITURE - NEW	ARTWORK	0	1,364									1,364		
<b>TOTAL</b>		<b>37,000</b>	<b>41,695</b>	<b>0</b>	<b>0</b>	<b>30,000</b>	<b>7,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16,920</b>	<b>0</b>	<b>0</b>
ROADS - RENEWAL	MONUMENT STREET	55,000	42,667	34,834			20,166		5,090					37,577
ROADS - RENEWAL	HOBBS PLACE	25,000					25,000							
ROADS - RENEWAL	BAY VIEW TERRACE	69,569	63,053	27,827			41,742		0					63,053
ROADS - RENEWAL	RIGHTS-OF-WAY	86,659	17,557				86,659							17,557
ROADS - RENEWAL	KERBING	40,000					40,000							
<b>TOTAL</b>		<b>276,228</b>	<b>123,277</b>	<b>62,661</b>	<b>0</b>	<b>0</b>	<b>213,567</b>	<b>0</b>	<b>5,090</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>118,187</b>
FOOTPATH - RENEWAL	FOOTPATHS	110,000	47,848				110,000							15,613
<b>TOTAL</b>		<b>110,000</b>	<b>47,848</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>110,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15,613</b>
OTHER INF. - RENEWAL	WALL - REAR OF OFFICE/GROVE	60,000					60,000							
OTHER INF. - RENEWAL	RIVER WALL	105,000	102,771			35,000	70,000							
OTHER INF. - NEW	RIVER WALL	67,000		32,000			35,000					30,440		
<b>TOTAL</b>		<b>232,000</b>	<b>102,771</b>	<b>32,000</b>	<b>0</b>	<b>35,000</b>	<b>165,000</b>	<b>0</b>	<b>30,440</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Grand Total</b>		<b>952,228</b>	<b>386,900</b>	<b>94,661</b>	<b>132,250</b>	<b>183,000</b>	<b>542,317</b>	<b>0</b>	<b>35,530</b>	<b>71,480</b>	<b>0</b>	<b>16,920</b>	<b>133,630</b>	<b>0</b>
					<b>952,228</b>				<b>257,559</b>					
RENEWAL CAPEX		885,228	385,536											
NEW CAPEX		67,000	1,364											
<b>Grand Total</b>		<b>952,228</b>	<b>386,900</b>											

\* Includes grants totalling \$115,901 received in 2015/16 & brought forward as part of 2016/17 opening surplus

Renewal CAPEX net of grants/trade-ins (inc 15/16 grants b/fwd)	542,416	278,527
Estimated depreciation expenses	386,384	225,391
Asset Sustainability Ratio	1.40	1.24



## **Ordinary Council Meeting**

### **8.5.2 – Accounts Paid - Attachment # 5**

# ACCOUNTS PAID BY EFT - FEBRUARY 2017

Account No.	Vendor Name	Details	EFT Amount	Payment Date
1697	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	590.00	3/02/2017
3136	WORKWEAR GROUP	STAFF UNIFORMS - LIBRARY	1,724.90	3/02/2017
3181	MAEK PTY LTD	BOND REFUNDS	2,000.00	3/02/2017
3182	LIFE ETERNAL TRUST WA	BOND REFUND	100.00	3/02/2017
	<b>TOTAL EFT00057</b>		<b>4,414.90</b>	
1	AUSTRALIA POST	POSTAGE - JANUARY	682.14	9/02/2017
109	PROFESSIONAL PC SUPPORT PTY LTD (PPS)	LIBRARY MANAGED IT SERVICES - FEBRUARY	4,108.50	9/02/2017
162	WESTERN METROPOLITAN REGIONAL COUNCIL	WASTE DISPOSAL W/E 15.1.2017	5,520.15	9/02/2017
2233	EASIFLEET	STAFF NOVATED LEASE PAYROLL DEDUCTIONS	2,075.09	9/02/2017
3013	Heritage Tree Surgeons	TREE MAINTENANCE - JANUARY 2017	19,195.00	9/02/2017
3030	Marketforce	ADVERTISING - POST NEWSPAPER	493.59	9/02/2017
3065	KENNARDS HIRE PTY LTD	HIRE OF MINI EXCAVATOR (FORESHORE WORKS)	429.00	9/02/2017
3134	SUNNY SIGN COMPANY PTY LTD	ROADWORKS NOTIFICATION SIGNAGE	3,111.46	9/02/2017
3172	MMM CIVIL WA PTY LTD	RIVERWALL REPAIRS	33,415.80	9/02/2017
3183	FENCE WRIGHT - SECURITY FENCING SOLUTIONS	FENCE REPAIRS - TENNIS CLUB	902.00	9/02/2017
3185	URBIS PTY LTD	LPS 4 UPDATING OF SCHEME MAPS	1,540.00	9/02/2017
3186	ROADS 2000	BAY VIEW TERRACE & MONUMENT STREET WORKS	116,292.52	9/02/2017
598	PHIL JOHNSON PLUMBING & GAS	PLUMBING MAINTENANCE	230.00	9/02/2017
693	CLEAN CITY GROUP PTY LTD	BIN VALET/BBQ CLEANING W/E 23.1, 30.1 & 5.2.17	5,005.00	9/02/2017
	<b>TOTAL EFT00058</b>		<b>193,000.25</b>	

# ACCOUNTS PAID BY EFT - FEBRUARY 2017

Account No.	Vendor Name	Details	EFT Amount	Payment Date
123	SYNERGY	POWER - STREET LIGHTS & KEANES PT/MANNERS HILL	5,059.65	14/02/2017
162	WESTERN METROPOLITAN REGIONAL COUNCIL	WASTE DISPOSAL W/E 23.1.2017 & 31.1.2017	9,060.17	14/02/2017
1736	ACURIX NETWORKS PTY LTD	LIBRARY WiFi FEBRUARY 2017	357.50	14/02/2017
2414	OPEN SYSTEMS TECHNOLOGY PTY LTD	HP-COUNCILFIRST RECORDS INTEGRATION	946.00	14/02/2017
300	SUEZ RECOVERY & RECYCLING (PERTH) PTY LTD	DEPOT BULK BIN - JANUARY 2017	587.47	14/02/2017
3002	Staples Australia Pty Ltd	STATIONERY - LIBRARY	142.12	14/02/2017
3012	BUNNINGS TRADE	HARDWARE	44.72	14/02/2017
3033	JMG BUILDING SURVEYORS	2 X CERT. OF DESIGN COMPLIANCE	660.00	14/02/2017
3045	DORMA AUSTRALIA PTY LTD	AUTOMATIC DOOR MAINTENANCE	550.00	14/02/2017
3049	PERTH WATER FEATURES	WATER FOUNTAIN MAINTENANCE	150.00	14/02/2017
3050	ENVIRO SWEEP PTY LTD (EWCS)	STREET SWEEPING - JANUARY	2,462.90	14/02/2017
3057	CTI COURIERS	FREIGHT - LIBRARY	656.00	14/02/2017
3058	RAECO	SUPPLIES - LIBRARY	430.05	14/02/2017
3067	MURPHYS ELECTRICAL CO	BBQ ELEMENT - LILLA STREET	500.50	14/02/2017
3095	ADS - ADVERTISING DESIGN SERVICE	PRINTING OF INVITATION CARDS	96.80	14/02/2017
3109	DIVERSITY WINDOW CLEANING	WINDOW CLEANING - NOVEMBER 2016	385.00	14/02/2017
3133	CONCEPT AV	AV EQUIPMENT - COMMUNITY CENTRE & CHAMBERS	28,957.50	14/02/2017
3159	MCINTOSH & SON PTY LTD	CASE SSL - SWEEPER BROOMS	198.00	14/02/2017
3184	GREAT SOUTHERN TOYOTA	NET PURCHASE - TOYOTA HILUX CAB CHASSIS	1,000.00	14/02/2017
3187	BALE DATA SERVICES	THERMAL ROLLS - LIBRARY	49.28	14/02/2017
3188	PROTEC ASPHALT	IRVINE STREET MAINTENANCE	3,355.00	14/02/2017
3189	DONOVAN NORGARD	REIMBURSEMENT - TRUCK RADIO	160.00	14/02/2017
3190	BMW CLUB WA INC	BOND REFUND	550.00	14/02/2017
3191	COTTESLOE PEST CONTROL	COCKROACH TREATMENT - OFFICE/GROVE	330.00	14/02/2017
598	PHIL JOHNSON PLUMBING & GAS	PLUMBING MAINTENANCE	92.00	14/02/2017
	<b>TOTAL EFT00059</b>		<b>56,780.66</b>	
3000	CLICK SUPER	EMPLOYER/EMPLOYEE SUPERANNUATION - FEB.	31,351.71	16/02/2017
	<b>TOTAL EFT00060</b>		<b>31,351.71</b>	
10	BP AUSTRALIA LIMITED	FUEL - JANUARY 2017	1,364.71	16/02/2017
	<b>TOTAL EFT00061</b>		<b>1,364.71</b>	

## ACCOUNTS PAID BY EFT - FEBRUARY 2017

Account No.	Vendor Name	Details	EFT Amount	Payment Date
123	SYNERGY	POWER STREET LIGHTS TO 24.1.2017	3,105.10	17/02/2017
162	WESTERN METROPOLITAN REGIONAL COUNCIL	WASTE DISPOSAL W/E 16.2.2017	3,342.57	17/02/2017
1861	ROCKWATER PTY LTD	GROUNDWATER MONITORING - JANUARY 2017	3,575.99	17/02/2017
2233	EASIFLEET	STAFF NOVATED LEASE PAYROLL DEDUCTIONS	2,075.09	17/02/2017
24	CHARLES SERVICE COMPANY	CLEANING - JANUARY 2017	7,553.07	17/02/2017
300	SUEZ RECOVERY & RECYCLING (PERTH) PTY LTD	WASTE COLLECTIONS/RECYCLABLES - JAN 2017	16,808.04	17/02/2017
3008	Civica Pty Ltd	SPYDUS LIBRARY MANAGE. SYSTEM - ANNUAL FEE	16,667.68	17/02/2017
3019	ITVision	SYNERGYSOFT ACCESS - JANUARY 2017	770.00	17/02/2017
3117	AXIIS CONTRACTING PTY LTD	STIRLING HWY VERGE CONCRETE INFILL	35,458.50	17/02/2017
	<b>TOTAL EFT00062</b>		<b>89,356.04</b>	
3084	SHIRE CREDIT CARDS	JANUARY PURCHASES - SEE SEPARATE STATEMENTS	2,701.20	28/02/2017
	<b>TOTAL EFT00063</b>		<b>2,701.20</b>	
		<b>GRAND TOTAL FOR FEBRUARY 2017</b>	<b>378,969.47</b>	

**ACCOUNTS PAID BY CHEQUE -  
FEBRUARY 2017**

Cheque No.	Payee	Details	Cheque Amount	Payment Date
249	WA GENEALOGICAL SOCIETY	SUBSCRIPTION - 2016/17	100.00	3/02/2017
250	TELSTRA	TELEPHONE & DATA EXPENSES	1,688.74	3/02/2017
251	WATER CORPORATION	WATER EXPENSES	349.37	14/02/2017
252	TELSTRA	TELEPHONE & DATA EXPENSES	1,882.79	27/02/2017
<b>TOTAL CHEQUES</b>			<b>4,020.90</b>	



**FlexiPurchase  
Account Statement**

**Statement for NAB**

**Statement Period:** 29 Dec 2016 to 27 Jan 2017  
**Cardholder Name:** Paul Rawlings



**JSKR VISA Purchasing Card (Client Expenses)**

<u>Date</u>	<u>Details</u>		<u>Department</u>	<u>Approval</u>	<u>Receipt Amount (\$AUD)</u>	
	<u>GL Code</u>	<u>CC Code</u>		<u>Net</u>	<u>Tax</u>	<u>Gross</u>
28 Dec 2016	Account Fees			<b>No Appr Req'd</b>	<input type="checkbox"/>	\$110.00
27130	129	0403		\$100.00	\$10.00	\$110.00
	Account Fees Cc Maintenance Fee Credit card fees					
<b>Total for this period:</b>						\$110.00

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature *Paul Rawlings*

Dated 7/12/17

Employee ID: 24

**Approved By**

Signature *[Signature]*

Dated 16/2/2017

**On Completion**

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator





**FlexiPurchase  
Account Statement**

**Statement for NAB**

**Statement Period:** 29 Dec 2016 to 27 Jan 2017  
**Cardholder Name:** John Merrick



**JSKR VISA Purchasing Card (Client Expenses)**

<u>Date</u>	<u>Details</u>		<u>Approval</u>	<u>Receipt Amount (\$AUD)</u>		
	<u>GL Code</u>	<u>CC Code</u>		<u>Department</u>	<u>Net</u>	<u>Tax</u>
27 Jan 2017	Account Fees		<b>No Appr Req'd</b>		<input type="checkbox"/>	\$6.82
27130	129	0403		\$6.20	\$0.62	\$6.82
	Account Fees Cc Fp User Fee Card fees					
<b>Total for this period:</b>						<b>\$6.82</b>

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature \_\_\_\_\_ Dated \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Employee ID: 1

**Approved By**

Signature  \_\_\_\_\_ Dated 16 / 2 / 2017

**On Completion**

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



**FlexiPurchase  
Account Statement**

**Statement for NAB**

**Statement Period:** 29 Dec 2016 to 27 Jan 2017  
**Cardholder Name:** Paul Rawlings



**JSKR VISA Purchasing Card (Client Expenses)**

Date	Details		Department	Approval	Receipt Amount (\$AUD)	
	GL Code	CC Code		Net	Tax	Gross
03 Jan 2017	28830	129	1404	Approved	<input checked="" type="checkbox"/>	\$37.40
	Purchase Consolidated Bearings 4 x bearings			\$34.00	\$3.40	\$37.40
16 Jan 2017	27210	129	1002	Approved	<input checked="" type="checkbox"/>	\$54.35
	Purchase Yabrn Pty Ltd Cla Plan printing			\$49.41	\$4.94	\$54.35
23 Jan 2017	27210	129	1002	Approved	<input checked="" type="checkbox"/>	\$20.00
	Purchase Yabrn Pty Ltd Cla Plan printing - 70 Leake St			\$18.18	\$1.82	\$20.00
25 Jan 2017	28340	129	0401	Approved	<input checked="" type="checkbox"/>	\$56.00
	Purchase Coles 0392 Australia Day catering			\$50.91	\$5.09	\$56.00
25 Jan 2017	28340	129	0401	Approved	<input checked="" type="checkbox"/>	\$86.40
	Purchase Claremont Art Framers And Australia Day Citizen's Awards			\$78.55	\$7.85	\$86.40
27 Jan 2017	27130	129	0403	No Appr Req'd	<input type="checkbox"/>	\$6.82
	Account Fees Cc Fp User Fee Card Fees			\$6.20	\$0.62	\$6.82
24 Jan 2017	30400	129	0403	Approved	<input checked="" type="checkbox"/>	\$65.00
	Purchase Optus Billing Pay My Bill MCS Mobile Phone			\$59.09	\$5.91	\$65.00
25 Jan 2017	28340	129	0401	Approved	<input checked="" type="checkbox"/>	\$10.00
	Purchase Post Cottesloe Pos Australia Day award			\$9.09	\$0.91	\$10.00
<b>Total for this period:</b>						<b>\$335.97</b>

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature *Paul Rawlings*

Dated 21/2/17

Employee ID: 24

**Approved By**



**FlexiPurchase  
Account Statement**

**Statement for NAB**

**Statement Period:** 29 Dec 2016 to 27 Jan 2017

**Cardholder Name:** Stewart Farley



**JSKR VISA Purchasing Card (Client Expenses)**

<u>Date</u>	<u>Details</u>	<u>Approval</u>	<u>Receipt</u>	<u>Amount (\$AUD)</u>	
GL Code	CC Code	Department	Net	Tax	Gross
28 Dec 2016	Bookdepository.Com 441452307905		<b>Approved</b>	✓	\$97.48
28471	139	1106	\$88.62	\$8.86	\$97.48
	Purchase Bookdepository.Com books for the junior collection				
30 Dec 2016	Officeworks 0610 Cannington		<b>Approved</b>	✓	\$26.99
28770	139	1106	\$24.54	\$2.45	\$26.99
	Purchase Officeworks 0610 A3 sign holder for kids early reader section				
30 Dec 2016	Cannington 017 Cannington		<b>Approved</b>	✓	\$67.22
28471	139	1106	\$61.11	\$6.11	\$67.22
	Purchase Cannington 017 junior kids books purchased from Aldi				
17 Jan 2017	Bookdepository.Com 441452307905		<b>Approved</b>	✓	\$272.28
28471	139	1106	\$247.53	\$24.75	\$272.28
	Purchase Bookdepository.Com books purchased for the kids library				
27 Jan 2017	Account Fees		<b>No Appr Req'd</b>		\$6.82
28770	139	1106	\$6.20	\$0.62	\$6.82
	Account Fees Cc Fp User Fee credit card fees				
<b>Total for this period:</b>					<b>\$470.79</b>

**Cardholder Declaration**

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature Stewart Farley

Dated 21/2/2017

Employee ID: 63

**Approved By**

Signature [Signature]

Dated 21/2/2017

**On Completion**

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



FlexiPurchase Account Statement

Statement for NAB

Statement Period: 29 Dec 2016 to 27 Jan 2017

Cardholder Name: Lance Hopkinson



JSKR VISA Purchasing Card (Client Expenses)

Date	Details		Approval	Receipt		Amount (SAUD)
	GL Code	CC Code		Department	Net	
05 Jan 2017	28470	139	1106	Approval Req'd	<input checked="" type="checkbox"/>	\$560.85
				\$560.85	\$0.00	\$560.85
Purchase Booktopia Pty Ltd Adult Books						
05 Jan 2017	28470	139	1106	Approval Req'd	<input checked="" type="checkbox"/>	\$273.76
				\$273.76	\$0.00	\$273.76
Purchase Jb Hi Fi Adult DVDs						
09 Jan 2017	28470	139	1106	Approval Req'd	<input checked="" type="checkbox"/>	\$185.20
				\$185.20	\$0.00	\$185.20
Purchase Booktopia Pty Ltd Adult Books						
Total for this period:						\$1,019.81

Cardholder Declaration

I declare that all purchases were authorised or necessarily incurred on behalf of the company.

Signature 

Dated 12/11/17

Employee ID: 60

Approved By

Signature 

Dated 16/12/17

On Completion

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator


**FlexiPurchase  
Account Statement**
**Statement for NAB**
**Statement Period:** 29 Dec 2016 to 27 Jan 2017

**Cardholder Name:** Debra Burn

**JSKR VISA Purchasing Card (Client Expenses)**

<u>Date</u>		<u>Details</u>		<u>Approval</u>	<u>Receipt Amount (\$AUD)</u>	
<u>GL Code</u>	<u>CC Code</u>	<u>Department</u>		<u>Net</u>	<u>Tax</u>	<u>Gross</u>
03 Jan 2017	Collins Booksellers	Cottesloe	<b>Approved</b>		<input checked="" type="checkbox"/>	\$29.99
28470	139	1106	\$27.26	\$2.73	\$29.99	
Purchase Collins Booksellers Adult book						
01 Jan 2017	Westnet Perth		<b>Approved</b>		<input checked="" type="checkbox"/>	\$60.00
28550	129	1106	\$54.55	\$5.45	\$60.00	
Purchase Westnet Hosting domain renewal thegrovelibrary.com x 2 years						
11 Jan 2017	Architecture Media South Melbour		<b>Approved</b>		<input checked="" type="checkbox"/>	\$53.00
27180	139	1106	\$48.18	\$4.82	\$53.00	
Purchase Architecture Media Magazine Subscription						
11 Jan 2017	Ata Renew Sanctuary Melbourne		<b>Approved</b>		<input checked="" type="checkbox"/>	\$128.00
27180	139	1106	\$116.36	\$11.64	\$128.00	
Purchase Ata Renew Sanctuary Magazine Subscriptions						
11 Jan 2017	The Monthly 1y 61394860288		<b>Approved</b>		<input checked="" type="checkbox"/>	\$129.95
27180	139	1106	\$118.14	\$11.81	\$129.95	
Purchase The Monthly 1y Magazine subscription						
12 Jan 2017	Woolworths 4356 Cottesloe		<b>Approved</b>		<input checked="" type="checkbox"/>	\$38.58
28770	139	1106	\$32.35	\$3.23	\$35.58	
28770	139	1106	\$3.00	\$0.00	\$3.00	
Purchase Woolworths 4356 Biscuits sugar and washing detergent						
11 Jan 2017	Indesign Publishing Surry Hills		<b>Approved</b>		<input checked="" type="checkbox"/>	\$55.00
27180	139	1106	\$50.00	\$5.00	\$55.00	
Purchase Indesign Publishing Magazine Subscription						
16 Jan 2017	Time Singapore Pte Sydney		<b>Approved</b>		<input checked="" type="checkbox"/>	\$143.64
27180	139	1106	\$143.64	\$0.00	\$143.64	
Purchase Time Singapore Pte Magazine subscription						
17 Jan 2017	Adobe Creative Cloud 800-833-6687		<b>Approved</b>		<input checked="" type="checkbox"/>	\$16.49
28545	190	1106	\$14.99	\$1.50	\$16.49	
Purchase Adobe Creative Cloud Imaging software licence						
18 Jan 2017	Hmd* O The Oprah Magaz 8008464020		<b>Approved</b>		<input checked="" type="checkbox"/>	\$68.69
27180	139	1106	\$68.69	\$0.00	\$68.69	
Purchase (USD 51.00) Hmd* O The Oprah Magaz Magazine subscription						
18 Jan 2017			<b>Approved</b>		<input checked="" type="checkbox"/>	\$14.01

Bookdepository.Com 441452307905						
28470	139	1106	\$14.01	\$0.00	\$14.01	
Purchase Bookdepository.Com adult books						
27 Jan 2017	Account Fees		No Appr Req'd			\$6.82
<i>Not Coded</i>	<i>Not Coded</i>	<i>Not Coded</i>	\$6.20	\$0.62	\$6.82	
Account Fees Cc Fp User Fee						
<b>Total for this period:</b>					<b>\$744.17</b>	

**Cardholder Declaration**

I declare that all purchases were authorized or necessarily incurred on behalf of the company.

Signature  Dated 8 / 3 / 2017

Employee ID: 51

**Approved By**

Signature  Dated 8 / 3 / 2017

**On Completion**

ALL Receipts should be attached to this form and then forwarded to your P-Card Administrator



## **Ordinary Council Meeting**

### **8.5.4 - Compliance Audit Return Attachment # 6**



## Peppermint Grove - Compliance Audit Return 2016

<b>Commercial Enterprises by Local Governments</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s3.59(2)(a)(b)(c) F&G Reg 7,9	Has the local government prepared a business plan for each major trading undertaking in 2016.	N/A		Paul Rawlings
2	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2016.	N/A		Paul Rawlings
3	s3.59(2)(a)(b)(c) F&G Reg 7,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2016.	N/A		Paul Rawlings
4	s3.59(4)	Has the local government given Statewide public notice of each proposal to commence a major trading undertaking or enter into a major land transaction for 2016.	N/A		Paul Rawlings
5	s3.59(5)	Did the Council, during 2016, resolve to proceed with each major land transaction or trading undertaking by absolute majority.	N/A		Paul Rawlings





<b>Delegation of Power / Duty</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.16, 5.17, 5.18	Were all delegations to committees resolved by absolute majority.	N/A		Paul Rawlings
2	s5.16, 5.17, 5.18	Were all delegations to committees in writing.	N/A		Paul Rawlings
3	s5.16, 5.17, 5.18	Were all delegations to committees within the limits specified in section 5.17.	N/A		Paul Rawlings
4	s5.16, 5.17, 5.18	Were all delegations to committees recorded in a register of delegations.	N/A		Paul Rawlings
5	s5.18	Has Council reviewed delegations to its committees in the 2015/2016 financial year.	N/A		Paul Rawlings
6	s5.42(1),5.43 Admin Reg 18G	Did the powers and duties of the Council delegated to the CEO exclude those as listed in section 5.43 of the Act.	Yes		Paul Rawlings
7	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO resolved by an absolute majority.	Yes		Paul Rawlings
8	s5.42(1)(2) Admin Reg 18G	Were all delegations to the CEO in writing.	Yes		Paul Rawlings
9	s5.44(2)	Were all delegations by the CEO to any employee in writing.	Yes		Paul Rawlings
10	s5.45(1)(b)	Were all decisions by the Council to amend or revoke a delegation made by absolute majority.	Yes		Paul Rawlings
11	s5.46(1)	Has the CEO kept a register of all delegations made under the Act to him and to other employees.	Yes		Paul Rawlings
12	s5.46(2)	Were all delegations made under Division 4 of Part 5 of the Act reviewed by the delegator at least once during the 2015/2016 financial year.	Yes		Paul Rawlings
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record as required.	Yes		Paul Rawlings

<b>Disclosure of Interest</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.67	If a member disclosed an interest, did he/she ensure that they did not remain present to participate in any discussion or decision-making procedure relating to the matter in which the interest was disclosed (not including participation approvals granted under s5.68).	Yes		Paul Rawlings
2	s5.68(2)	Were all decisions made under section 5.68(1), and the extent of participation allowed, recorded in the minutes of Council and Committee meetings.	Yes		Paul Rawlings



No	Reference	Question	Response	Comments	Respondent
3	s5.73	Were disclosures under section 5.65 or 5.70 recorded in the minutes of the meeting at which the disclosure was made.	Yes		Paul Rawlings
4	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly elected members within three months of their start day.	N/A		Paul Rawlings
5	s5.75(1) Admin Reg 22 Form 2	Was a primary return lodged by all newly designated employees within three months of their start day.	N/A		Paul Rawlings
6	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all continuing elected members by 31 August 2016.	Yes		Paul Rawlings
7	s5.76(1) Admin Reg 23 Form 3	Was an annual return lodged by all designated employees by 31 August 2016.	Yes		Paul Rawlings
8	s5.77	On receipt of a primary or annual return, did the CEO, (or the Mayor/ President in the case of the CEO's return) on all occasions, give written acknowledgment of having received the return.	Yes		Paul Rawlings
9	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained the returns lodged under section 5.75 and 5.76	Yes		Paul Rawlings
10	s5.88(1)(2) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70 and 5.71, in the form prescribed in Administration Regulation 28.	Yes		Paul Rawlings
11	s5.88 (3)	Has the CEO removed all returns from the register when a person ceased to be a person required to lodge a return under section 5.75 or 5.76.	Yes		Paul Rawlings
12	s5.88(4)	Have all returns lodged under section 5.75 or 5.76 and removed from the register, been kept for a period of at least five years, after the person who lodged the return ceased to be a council member or designated employee.	Yes		Paul Rawlings
13	s5.103 Admin Reg 34C & Rules of Conduct Reg 11	Where an elected member or an employee disclosed an interest in a matter discussed at a Council or committee meeting where there was a reasonable belief that the impartiality of the person having the interest would be adversely affected, was it recorded in the minutes.	Yes		Paul Rawlings
14	s5.70(2)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to the Council or a Committee, did that person disclose the nature of that interest when giving the advice or report.	Yes		Paul Rawlings



No	Reference	Question	Response	Comments	Respondent
15	s5.70(3)	Where an employee disclosed an interest under s5.70(2), did that person also disclose the extent of that interest when required to do so by the Council or a Committee.	Yes		Paul Rawlings
16	s5.103(3) Admin Reg 34B	Has the CEO kept a register of all notifiable gifts received by Council members and employees.	Yes		Paul Rawlings

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Was local public notice given prior to disposal for any property not disposed of by public auction or tender (except where excluded by Section 3.58(5)).	N/A		Paul Rawlings
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property.	N/A		Paul Rawlings

### Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Reg 30G (1)	Did the CEO establish and maintain an electoral gift register and ensure that all 'disclosure of gifts' forms completed by candidates and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the candidates.	N/A		Paul Rawlings

### Finance

No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act.	Yes		Paul Rawlings
2	s7.1B	Where a local government determined to delegate to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority.	N/A		Paul Rawlings
3	s7.3	Was the person(s) appointed by the local government to be its auditor, a registered company auditor.	N/A		Paul Rawlings
4	s7.3, 7.6(3)	Was the person or persons appointed by the local government to be its auditor, appointed by an absolute majority decision of Council.	N/A		Paul Rawlings



No	Reference	Question	Response	Comments	Respondent
5	Audit Reg 10	Was the Auditor's report for the financial year ended 30 June 2016 received by the local government within 30 days of completion of the audit.	Yes		Paul Rawlings
6	s7.9(1)	Was the Auditor's report for the financial year ended 30 June 2016 received by the local government by 31 December 2016.	Yes		Paul Rawlings
7	S7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken by the local government, was that action undertaken.	N/A		Paul Rawlings
8	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a report prepared on any actions undertaken.	N/A		Paul Rawlings
9	S7.12A (4)	Where the local government determined that matters raised in the auditor's report (prepared under s7.9 (1) of the Act) required action to be taken by the local government, was a copy of the report forwarded to the Minister by the end of the financial year or 6 months after the last report prepared under s7.9 was received by the local government whichever was the latest in time.	N/A		Paul Rawlings
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives of the audit.	Yes		Paul Rawlings
11	Audit Reg 7	Did the agreement between the local government and its auditor include the scope of the audit.	Yes		Paul Rawlings
12	Audit Reg 7	Did the agreement between the local government and its auditor include a plan for the audit.	Yes		Paul Rawlings
13	Audit Reg 7	Did the agreement between the local government and its auditor include details of the remuneration and expenses to be paid to the auditor.	Yes		Paul Rawlings
14	Audit Reg 7	Did the agreement between the local government and its auditor include the method to be used by the local government to communicate with, and supply information to, the auditor.	Yes		Paul Rawlings



<b>Local Government Employees</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Admin Reg 18C	Did the local government approve the process to be used for the selection and appointment of the CEO before the position of CEO was advertised.	N/A		Paul Rawlings
2	s5.36(4) s5.37(3), Admin Reg 18A	Were all vacancies for the position of CEO and other designated senior employees advertised and did the advertising comply with s.5.36(4), 5.37(3) and Admin Reg 18A.	N/A		Paul Rawlings
3	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position of CEO under section 5.36(4).	N/A		Paul Rawlings
4	Admin Regs 18E	Did the local government ensure checks were carried out to confirm that the information in an application for employment was true (applicable to CEO only).	N/A		Paul Rawlings
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss a designated senior employee.	N/A		Paul Rawlings

<b>Official Conduct</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.120	Where the CEO is not the complaints officer, has the local government designated a senior employee, as defined under s5.37, to be its complaints officer.	Yes		Paul Rawlings
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that result in action under s5.110(6)(b) or (c).	Yes		Paul Rawlings
3	s5.121(2)(a)	Does the complaints register maintained by the complaints officer include provision for recording of the name of the council member about whom the complaint is made.	Yes		Paul Rawlings
4	s5.121(2)(b)	Does the complaints register maintained by the complaints officer include provision for recording the name of the person who makes the complaint.	Yes		Paul Rawlings
5	s5.121(2)(c)	Does the complaints register maintained by the complaints officer include provision for recording a description of the minor breach that the standards panel finds has occurred.	Yes		Paul Rawlings
6	s5.121(2)(d)	Does the complaints register maintained by the complaints officer include the provision to record details of the action taken under s5.110(6)(b) or (c).	Yes		Paul Rawlings

**Tenders for Providing Goods and Services**

No	Reference	Question	Response	Comments	Respondent
1	s3.57 F&G Reg 11	Did the local government invite tenders on all occasions (before entering into contracts for the supply of goods or services) where the consideration under the contract was, or was expected to be, worth more than the consideration stated in Regulation 11(1) of the Local Government (Functions & General) Regulations (Subject to Functions and General Regulation 11(2)).	Yes		Paul Rawlings
2	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than inviting tenders for a single contract.	N/A		Paul Rawlings
3	F&G Reg 14(1) & (3)	Did the local government invite tenders via Statewide public notice.	Yes		Paul Rawlings
4	F&G Reg 14 & 15	Did the local government's advertising and tender documentation comply with F&G Regs 14, 15 & 16.	Yes		Paul Rawlings
5	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer, notice of the variation.	N/A		Paul Rawlings
6	F&G Reg 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Reg 16.	Yes		Paul Rawlings
7	F&G Reg 18(1)	Did the local government reject the tenders that were not submitted at the place, and within the time specified in the invitation to tender.	N/A		Paul Rawlings
8	F&G Reg 18 (4)	In relation to the tenders that were not rejected, did the local government assess which tender to accept and which tender was most advantageous to the local government to accept, by means of written evaluation criteria.	Yes		Paul Rawlings
9	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17.	Yes		Paul Rawlings
10	F&G Reg 19	Was each tenderer sent written notice advising particulars of the successful tender or advising that no tender was accepted.	Yes		Paul Rawlings
11	F&G Reg 21 & 22	Did the local governments's advertising and expression of interest documentation comply with the requirements of F&G Regs 21 and 22.	N/A		Paul Rawlings
12	F&G Reg 23(1)	Did the local government reject the expressions of interest that were not submitted at the place and within the time specified in the notice.	N/A		Paul Rawlings



No	Reference	Question	Response	Comments	Respondent
13	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services.	N/A		Paul Rawlings
14	F&G Reg 24	Was each person who submitted an expression of interest, given a notice in writing in accordance with Functions & General Regulation 24.	N/A		Paul Rawlings
15	F&G Reg 24AD(2)	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice.	N/A		Paul Rawlings
16	F&G Reg 24AD(4) & 24AE	Did the local government's advertising and panel documentation comply with F&G Regs 24AD(4) & 24AE.	N/A		Paul Rawlings
17	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16 as if the reference in that regulation to a tender were a reference to a panel application.	N/A		Paul Rawlings
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application, notice of the variation.	N/A		Paul Rawlings
19	F&G Reg 24AH(1)	Did the local government reject the applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time specified in the invitation for applications.	N/A		Paul Rawlings
20	F&G Reg 24AH(3)	In relation to the applications that were not rejected, did the local government assess which application (s) to accept and which application(s) were most advantageous to the local government to accept, by means of written evaluation criteria.	N/A		Paul Rawlings
21	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers, comply with the requirements of F&G Reg 24AG.	N/A		Paul Rawlings
22	F&G Reg 24AI	Did the local government send each person who submitted an application, written notice advising if the person's application was accepted and they are to be part of a panel of pre-qualified suppliers, or, that the application was not accepted.	N/A		Paul Rawlings



No	Reference	Question	Response	Comments	Respondent
23	F&G Reg 24E	Where the local government gave a regional price preference in relation to a tender process, did the local government comply with the requirements of F&G Reg 24E in relation to the preparation of a regional price preference policy (only if a policy had not been previously adopted by Council).	N/A		Paul Rawlings
24	F&G Reg 24F	Did the local government comply with the requirements of F&G Reg 24F in relation to an adopted regional price preference policy.	N/A		Paul Rawlings
25	F&G Reg 11A	Does the local government have a current purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150,000 or less.	Yes		Paul Rawlings

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