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CEMETERIES ACT 1986

Shire of Manjimup—Order in Council

LOCAL GOVERNMENT ACT 1960

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LOCAL GOVERNMENT ACT 1995

Shire of Murray and City of Mandurah—Order in Council

LG1**CEMETERIES ACT 1986****CEMETERIES (MANJIMUP LAWN CEMETERY—DECLARATION AND VESTING)
ORDER No. 1 1996**

Made by His Excellency the Governor under the provisions of sections 4(1) and 5(1) of the *Cemeteries Act 1986*.

Citation

1. This Order may be cited as the *Cemeteries (Manjimup Lawn Cemetery—Declaration and Vesting) Order No. 1 1996*.

Commencement

2. This Order shall take effect on and from the date of publication in the *Government Gazette*.

Declaration of the Manjimup Lawn Cemetery

3. Reserve No. 39600 is declared to be a Cemetery to be known as the Manjimup Lawn Cemetery.

Vesting of Management of Manjimup Lawn Cemetery

4. The care, control and management of the Manjimup Lawn Cemetery is to be vested in the Shire of Manjimup.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

LG2**LOCAL GOVERNMENT ACT 1960***City of Melville***AMENDMENTS TO THE BY-LAWS RELATING TO FENCES**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned municipality hereby records having resolved on 16 April 1996 to make and submit for confirmation by the Governor the following amendments relating to the "By-laws Relating to Fences" as published in the *Government Gazette* No. 15 of 15 February 1985.

- (A) In by-law 1 delete the definition of "Height" and substitute the following—
 "Height" in relation to a fence shall be the height at any given point between that side which has the highest ground level, whether natural or retained, and the highest point of the fence immediately above that point."
- (B) In by-law 1 in the definition of "Town Planning Scheme" delete "No. 2" and "30 June 1972" and substitute "No. 3" and "31 March 1985" respectively.
- (C) Delete by-law 8 and substitute the following—
 "8. No person shall construct a fence with any material other than brick, concrete, masonry, wrought iron, tubular steel, link mesh, wire, timber, thatched brushwood, fibro sheeting or any colorbond sheeting unless the written approval of the Council has first been obtained."
- (D) Add the following by-law—
 "15. Electrified Fences may be approved on commercial and industrial sites subject to the fencing being installed by a person holding a Security Installer's Licence in accordance with the Security and Related Activities (Control) Act 1996 to install electrified fences and the installation being in accordance with the Australian Standard 3016-1994."
- (E) Delete item (c) in the First Schedule and substitute the following—
 "(c) A front fence exceeding 600mm in height adjoining a vehicle crossing which gives access to a property shall not be permitted within the truncation area, which may vary as follows—
 i. Where a footpath is located on the front property line a 3.0 metre diagonal truncation is required.
 ii. Where a footpath is located less than 1.8 metres from the front property line the truncation required may be reduced by the distance between the footpath and the front boundary.
 iii. Where the footpath is at or more than 1.8 metres from the front property line no truncation is required.
 iv. Where there is no footpath constructed—
 (a) If the verge is equal to or more than 3.5 metres wide, no truncation is required.
 (b) If the verge is less than 3.5 metres wide, a truncation equal to the difference between 3.5 metres and the verge width is required."

(F) Amend item (d) in the First Schedule by deleting "1500 mm" in line two and substituting "1800 mm".

(G) Delete the diagram in the First Schedule.

Dated this 20th day of September 1996.

The Common Seal of the City of Melville was hereunto affixed in the presence of—

KATIE MAIR, Mayor.
JOHN McNALLY, Chief Executive Officer.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of December 1996.

J. PRITCHARD, Clerk of the Council.

LG4*

LOCAL GOVERNMENT ACT

Shire of Carnarvon

BY-LAWS RELATING TO ADVERTISING DEVICES

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 27th day of September 1995 to make and submit for confirmation by the Governor the following amendments to the By-laws published in the *Government Gazette* on 18 March 1994.

1. By Deleting—

- By-law 3 — Exemptions
- By-law 4 — Requirement for the Erection, Display and Maintenance
- By-law 5 — Notwithstanding Requirements
- By-law 12 — Licensing Requirements and Conditions of Approval
- By-law 13 — Removal of Advertising Devices
- By-law 14 — Offences
- By-law 15 — Rebate of Fees
- By-law 16 — Penalties

The First Schedule, the Second Schedule and the Fourth Schedule.

2. By Substituting the following—

By-law 3

3. SPECIFIC REQUIREMENTS FOR ADVERTISING DEVICES

3.1 All advertising devices are to be constructed, erected and maintained, excepting where otherwise required in these By-laws, in accordance with the requirements of By-laws 4, 5 & 13 and the First Schedule to these By-laws.

By-law 4

4. LICENSING REQUIREMENTS AND CONDITIONS OF APPROVAL

4.1 General

4.1.1 Subject to the provisions of these By-laws no person shall erect, make or maintain an advertising device and the owner or occupier of premises shall not suffer or permit an advertising device to be erected, or made or remain on those premises so as to be visible from a street, reserve or other public place, except pursuant to the requirements and conditions of a licence issued under these By-laws.

4.1.2 Every licence that is granted for the erection, making, displaying or otherwise of an advertising device shall subsist subject only to the provisions of these By-laws.

4.2 Application for a Licence

4.2.1 An application for a licence under these By-laws shall—

4.2.1.1 be made in duplicate in the form of the Second Schedule hereto;

4.2.1.2 be accompanied by the fee as prescribed in Part One of the Fourth Schedule hereto;

- 4.2.1.3 where being made for the first issue of a licence, be accompanied by a plan and structural details of the advertising device drawn to a scale of not less than 1 to 50 showing the size, position, design and inscription to appear thereon, and a block plan of a scale 1:500 showing the location on the property where the advertising device is to be erected, the method of construction and fixing of the advertising device for which the licence is sought;
- 4.2.1.4 where being made for the first issue of a licence in respect to a hoarding, pylon sign, roof sign, semaphore, vertical sign or where otherwise required by the Council or the Building Surveyor be accompanied by a certificate from an architect or structural engineer certifying that the building or structure upon which it is proposed to erect the advertising device is in all respects of sufficient strength to support the advertising device under all conditions, and that the advertising device is itself of structurally sound design; and
- 4.2.1.5 where being made for the first issue in respect of an illuminated advertising device shall be accompanied by a letter of consent to the erection of the advertising device, signed by or on behalf of the person or body having for the time being the management of traffic control lights within the district of the Shire of Carnarvon.

4.2.2 An applicant for a licence shall furnish in writing such further particulars as may be required by the Council or the Building Surveyor.

4.3 LICENCE FEES

4.3.1 Licence fees, as prescribed in the Fourth Schedule to these By-laws shall be paid at the time of application and the licence issued in accordance with the Third Schedule to these By-laws shall be in force until the 30th day of September of the year next after the first approval.

4.3.2 All licenses for advertising devices other than those having been first approved shall be renewed annually on or before the 1st day of October of any one year and shall be in force until the 30th day of September of the year next after that date upon payment of the fees prescribed in the Fourth Schedule to these By-laws:

4.4 ALTERATIONS TO OR REMOVAL OF SIGNS

4.4.1 Notwithstanding the requirements and conditions contained in By-law 4.3 where a person proposes to alter, amend, relocate, or otherwise modify any advertising device in respect of which a licence has been issued such person shall make application for a new license in accordance with the requirements of these By-laws.

4.4.2 In the event that a person proposes to take down and remove an advertising device such person shall notify the Council no later than seven (7) days after the removal of such device in order that the licence may be cancelled.

4.5 EXEMPTIONS

4.5.1 The following are exempt from the requirements of these By-laws—

- 4.5.1.1 an advertising device erected or maintained pursuant to any Act having operation within the State;
- 4.5.1.2 a for sale sign not exceeding 1sq.m. in area for sale of that property upon which the sign is erected;
- 4.5.1.3 a plate not exceeding 1sq.m in area erected or affixed on or between the street alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- 4.5.1.4 advertising devices for use solely for the direction and/or control of people, animals and/or vehicles or to indicate the name and/or street number of a premises, providing the area of any such sign does not exceed 1sq.m in area;
- 4.5.1.5 advertisements affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- 4.5.1.6 advertising devices within a building unless such signs are deemed to be objectional by Council;
- 4.5.1.7 advertising devices not larger than 1sq.m in area on advertising pillars or panels approved by or with the consent of Council or the Building Surveyor for the purpose of displaying public notices for information;
- 4.5.1.8 building name signs on residential flats or home units not exceeding 1sq.m in area;
- 4.5.1.9 for businesses selling newspapers, advertising devices of the newspaper headline type, provided such advertising devices are secured flat against the wall of the premises.

4.6 SPECIAL PERMITS

4.6.1 Notwithstanding anything contained in these By-laws the Council or the Building Surveyor may, by permit allow the display of advertising devices at churches, theatres and other places of public entertainment, election signs or advertisements of

meetings or other matters of public interest upon such terms and for such period as Council or the Building Surveyor may in each case decide.

4.7 REVOCATION OF LICENSES

4.7.1 Where anything purporting to be done pursuant to a licence issued under these By-laws is not done in conformity with the licence or any conditions placed thereon or with these By-laws or where the Licencee is convicted of an offence against these By-laws the Council or the Building Surveyor may, without derogation of any penalty to which that person may be liable, by notice in writing, revoke the licence.

4.7.2 Where a licence has been issued under a Special Permit the Council or the Building Surveyor may revoke any such permit at any time without assigning any reason for such action. Upon the expiration or revocation of a permit issued under this Sub-By-law the person to whom it was issued shall forthwith remove the advertising device to which it relates and failure to remove the advertising device is an offence.

4.8 LICENSES TO BE PRODUCED

4.8.1 A licensee shall, on demand by an authorised officer of the Council, produce any licence issued under these By-laws for inspection.

By-law 5

5. RESTRICTIONS

5.1 An advertising device shall not be erected or maintained—

- 5.1.1 so as to obstruct the view, from a street or public place, of traffic, in any street or public place;
- 5.1.2 where it would detract from the aesthetic environment of a public park or pleasure ground;
- 5.1.3 on any road reserve for other purposes than a direction sign, except as otherwise approved pursuant to these By-laws;
- 5.1.4 on any natural feature, including a rock or tree, or any bridge or the structural approaches to a bridge or viaduct;
- 5.1.5 in the instance of an internally illuminated advertising device, where the manner of its display would cause glare, or dazzle or otherwise distract, the driver of any vehicle, or affect the amenity of the area;
- 5.1.6 in the instance of an externally illuminated advertising device, where the light would not be directed solely onto the device and its structural surround, and the light source was not so shielded that glare would not occur or extend beyond the advertising device and cause the driver of any vehicle to be distracted, or affect the amenity of the area;
- 5.1.7 where it would be likely to interfere with, or cause risk or danger to, road traffic by virtue of the fact that it:
 - 5.1.7.1 may be mistaken or confused with or obstruct or obscure or otherwise reduce the clarity or effectiveness of any traffic control device;
 - 5.1.7.2 would invite traffic to turn and would be sited so close to the turning point that there would not be reasonable time for a person to signal and turn safely;
 - 5.1.7.3 would invite traffic to move contrary to any traffic control device or turn where there is fast moving traffic; and
 - 5.1.7.4 may obscure the vision of a person driving a vehicle.
- 5.1.8 in the case of an illuminated advertising device where it—
 - 5.1.8.1 may be confused with or mistaken for the stop or tail lights of a vehicle or vehicles;
 - 5.1.8.2 includes animation which incorporates more than four changes per minute, or, in the case of chasing globes, more than one globe in four would chase;
 - 5.1.8.3 includes rotation and the rotation would exceed four equal changes per minute for a two-faced, three equal changes per minute for a three faced, two equal changes per minute for a four faced advertising device;
 - 5.1.8.4 would operate at a time when it might cause a traffic hazard.
- 5.1.9 on any building or structure of which the stability is, in the opinion of the Building Surveyor, likely to be affected by the advertising device;
- 5.1.10 on a light, power or street pole without the approval of the relevant authority responsible for the erection of that pole;
- 5.1.11 in any position where it obstructs or obscures or may obstruct or obscure a person's view from a dwelling of a river, the sea or any other natural feature of beauty.
- 5.1.12 or displayed or exhibited on a vehicle left standing or parked on a road reserve primarily for the purpose of displaying or exhibiting such advertisements or for the soliciting of business or sale of goods to which such advertisements refer.

- 5.1.13 as a movable or portable sign in a street or public place, unaffixed to a building except as otherwise approved by Council pursuant to these By-laws.

5.2 LICENCE REFUSAL

5.2 Notwithstanding that an advertising device would otherwise comply with the provisions of these By-laws the Council may refuse a license if—

- 5.2.1 the advertising device in its opinion, would increase the number or variety of signs so as to become too numerous or various to be acceptable in the area or be injurious to the amenity or natural beauty or safety of the area;
- 5.2.2 the advertising device advertises goods or services which are not displayed or offered for sale or otherwise available to the public upon or from the land near where the advertising device is located.

By-law 12

12. EXISTING ADVERTISING DEVICES

12.1 Where an existing advertising device fails to conform to By-law 5 of these by-laws, a person receiving a written direction from the Council or its authorised officer to remove the advertising device, shall remove it within seven days of receiving the direction,

By-law 13—Removal of Advertising Devices and inserting the following By-law—

13. REQUIREMENTS FOR PARTICULAR ADVERTISING DEVICES

13.0 An advertising devices shall comply with the particulars set out in the First Schedule.

13.1 ANIMATED SIGNS

13.1.1 An animated sign shall comply with the requirements for the particular sign of which it is part thereof or comprises in full and shall be in accordance with By-law 5 and 6.

13.1.2 It shall be located in such position that there is no conflict with any person or vehicle and may not be incorporated in a portable type system on any site.

13.1.3 An animated sign with moving parts shall be secured in situations where high wind speeds are anticipated to occur, in accordance with By-law 6 and not have any part thereof nearer any part of another advertising device erected on the same lot/site than as stated in column 10 of the First Schedule.

13.2 BILL POSTING

13.2.1 Subject to sub by-law 13.2.2 of this By-law, a person shall not post any bill, or paint, stencil, place or affix any advertisement on any street or on any building, structure, fence, wall, hoarding, sign, post, blind or awning within the Shire of Carnarvon.

13.2.2 This By-law does not apply to advertisements affixed to, or painted on, a shop window by the occupier thereof and relating to the business carried on therein in compliance with the requirements of the First Schedule.

13.3 DEVELOPMENT SIGNS

13.3.1 A development sign shall—

- a. only be erected where more than 4 subdivisional lots are to be produced in the development or the stage of development being advertised;
- b. only be erected in the ratio of 1 square metre of area per hectare up to a maximum of 50 square metres with no individual sign exceeding 20 square metres;
- c. not have any part thereof nearer any part of another advertising device erected on the same lot/site than as stated in column 10 of the First Schedule.
- d. be removed from the site within two years or when 80% of the lots in the subdivision have been sold, whichever is the sooner; and

13.4 DIRECTION SIGNS ON STREET POLES

13.4.1 A direction sign attached to a pole in a street shall not exceed the requirements in the First Schedule.

13.5 ELECTION SIGNS

13.5.1 Signs erected on private properties such as residential lots shall be setback from the boundary of the property as set out in the columns 8 and 9 of the First Schedule.

13.5.2 Signs erected within road reserves shall be—

- a. a minimum distance from any intersection, including traffic island turnaround accessways as set out in column 10 of the First Schedule;
- b. free standing and not affixed to any existing sign post, power or light pole, or similar structure;
- c. not to interfere with pedestrian, cycling or automotive access within the road reserve;
- d. placed in such other position that an adjacent landowner who may not be of an individual political following is not compromised by such election signage.

13.5.3 All signs and posters erected shall be maintained in good order and repair and where this does not occur, such signs may be removed by Council or its authorised officer.

13.5.4 Any signs or posters erected for electioneering purposes shall be removed within 24 hours of the close of polls on voting day.

13.6 FENCE SIGNS

13.6.1 Signs may, with approval be painted on the side or rear fence of lots, which are used for business purposes, but any such sign shall not be nearer to the street than a distance equal to its own height above the ground.

13.7 FLY POSTING

13.7.1 No person shall advertise by means of fly posting at any place or location within the district of the Shire of Carnarvon except on the inside of shop windows with the owner's approval and being in accordance with the First Schedule.

13.8 HOARDINGS

13.8.1 Hoardings shall not—

- a. be erected in a residential area;
- b. except with the approval of Council, be erected within such distance of any street or other public place as stated in column 8 and 9 of the First Schedule, and in any case not closer than its own height to a street or public place;
- c. be of greater area than as stated in column 4 of the First Schedule.
- d. not have any part thereof nearer any part of another advertising device erected on the same lot/site than as stated in column 10 of the First Schedule.

13.9 HORIZONTAL SIGNS

13.9.1 A horizontal sign shall—

- a. be fixed parallel to the wall of the building to which it is attached;
- b. not project from the wall to which it is attached greater than listed in column 7 of the First Schedule.

13.10 ILLUMINATED SIGNS

13.10.1 Every illuminated sign shall—

- a. conform with the restrictions and requirements of By-law 5;
- b. have its electrical installation constructed and maintained to the satisfaction of Western Power;
- c. conform with the requirement of the First Schedule; and
- d. not have any part thereof nearer any part of another advertising device erected on the same lot/site than as stated in column 10 of the First Schedule.

13.11 INFORMATION PANELS

13.11.1 The Council may provide information panels or bays of varying sizes and charge fees for the inclusion of advertisements in such panels or bays.

13.12 INSTITUTIONAL SIGNS

13.12.1 Institutional signs shall comply with the First Schedule, except with the approval of the Council, but in any case shall not exceed in area that stated in column 4 of the First Schedule.

13.13 PORTABLE SIGNS

13.13.1 Portable signs shall—

- a. be located wholly within the boundaries of land or approved prolongation thereof owned or occupied by a person who erected or who has maintained the sign;
- b. only advertise a product or service available within the boundaries of the land to which the sign relates;
- c. not exceed a height stipulated in column 2 of the First Schedule as measured above the level of the ground immediately below it;
- d. not exceed an area as stated in column 4 of the First Schedule;
- e. be placed so as not to cause interference or hazard to vehicular traffic or cause any interference or hazard to or impede pedestrians;
- f. be of a design which prevents any movement of the sign by the wind; and
- g. only be erected or maintained whilst the premises which the sign is referring to is open for business.

13.14 PROJECTION SIGNS

13.14.1 No person shall install or operate a projection sign which can be seen from any street, way, footpath, or other public place onto a building, screen or structure without a licence issued by the Council or the Building Surveyor, nor without the consent of the owner of the building or structure.

13.14.2 No licence shall be issued—

- a. unless the building, screen or structure onto which it is proposed to project such projection sign(s) is specified in the application for such licence; and

- b. in respect of any such projection sign which when projected onto a building, screen or structure is more than as stated in columns 2, 3, 4 and 6 of the First Schedule.

13.14.3 Where it is proposed to project such projection signs onto a building, screen or structure in a series, one licence may be issued in respect of all the projection signs in that series provided that no projection sign other than that or those in respect of which a licence has been issued shall be projected.

13.14.4 Where a licence has been issued pursuant to this By-law the projection sign in respect of which it has been issued shall not be projected onto any building, screen or structure not specified in such licence.

13.14.5 The owner or occupier of any building, screen or structure shall not permit any projection sign to be projected onto the same unless a licence has been issued pursuant to this By-law.

13.15 PYLON SIGNS

13.15.1 Subject to By-law 5, a pylon sign shall—

- a. not have any part thereof above the level of the ground immediately below it less than that stated in column 5 of the First Schedule;
- b. except with the approval of Council not exceed in area as stated in column 4 of the First Schedule;
- c. not project in or over any street more than as stated in column 7 of the First Schedule;
- d. where required by the Building Surveyor, be certified by a practising structural engineer in respect to the structural adequacy of the advertising device and supporting structures;
- e. subject to sub By-law 13.15.2 of this By-law, not be nearer the side boundaries of the lot on which it is erected than as stated in column 9 of the First Schedule; and
- f. not have any part thereof nearer any part of another advertising device erected on the same lot than as stated in column 10 of the First Schedule.

13.15.2 Where a lot on which a pylon sign is to be erected abuts on an intersecting street or right-of-way, the Council or the Building Surveyor may authorise the erection of the advertising device at a lesser distance from the side boundaries than that prescribed by paragraph (e) of sub By-law 13.15.1 of this By-law but no less than 50% of required setbacks.

13.16 ROOF SIGNS

13.16.1 Subject to By-law 5 of these By-laws a roof sign shall—

- a. not extend beyond the external walls of the building;
- b. not exceed in height above the point of the roof to which it is fixed greater than as stated in column 1 of the First Schedule; and
- c. be certified by a practising structural engineer in respect to structural adequacy of the advertising device and supporting structures.

13.17 RURAL PRODUCER SIGNS

13.17.1 A rural producer sign shall—

- a. not indicate or display any matter other than advertising the sale of produce grown on the land on which the sign is erected;
- b. be erected within the boundaries of the rural holding on which the produce offered for sale was grown;
- c. not exceed in area as stated in column 4 of the First Schedule; and
- d. not be of a height above the natural ground level than as stated in column 6 of the First Schedule.

13.18 SALE SIGNS

13.18.1 Subject to a licence issued under these By-laws and the exemption of signs in By-law 4 of these By-laws, a person may erect a sale sign not exceeding the area as stated in column 4 of the First Schedule as follows—

- a. in respect of an auction sale if it is erected not more than 28 days before the date on which the auction sale is to be held and if it is removed not later than 7 days after the sale;
- b. in respect of the sale of subdivisional land such sign is not permitted to remain for a period exceeding 6 months; and
- c. advertising that flats and dwelling units in a building erected or to be erected on the land on which the sale sign is situated are or will be available for letting or for purchase if that sale sign is not erected or allowed to remain upon the land before the date of issue of the building licence in respect of such building or after 3 months following the completion of the building.

13.18.2 No sale sign or advertising device shall be allowed to remain on any premises or property for longer than 7 days after the purpose or event of which it advertises has occurred.

13.19 SANDWICH BOARD SIGNS

13.19.1 Where a sandwich board sign is proposed to be located in a street or public place the owner of the business to which the sign relates, through his insurance company, shall provide Council with written evidence of indemnity arrangements made for public liability insurance in the joint names of the owner and the Council in respect to the sandwich board sign.

13.19.2 Where indemnity is so provided as required in By-law 13.19.1 such indemnity shall be of a limit to cover not less than five million dollars, and is acceptable in all other respects to the insurance company at the time acting for and on behalf of Council.

13.19.3 The indemnity shall be in the first instance provided to Council at the time of application and in all subsequent instances at the time of renewing of the licence for the sandwich board sign and shall be continuously maintained for the duration of approval and use of the sign.

13.19.4 A sandwich board sign shall—

- a. not exceed in height as stated in column 2 of the First Schedule;
- b. not exceed in area on each side as stated in column 4 of the First Schedule;
- c. relate only to the business activity of the advertiser; and
- d. contain the word "open".

13.19.5 A person shall not erect a sandwich board sign in any position other than immediately adjacent to the building or business to which the sign relates.

13.19.6 A person shall not erect more than one sandwich board sign in relation to the one building or business.

13.19.7 A person who erects a sandwich board sign shall remove it at the close of business each day and shall not erect it again until the commencement of business on the following or subsequent day.

13.19.8 A sandwich board sign shall be secured in position in accordance with requirements issued by an authorised officer.

13.19.9 A sandwich board sign shall be so located so as not to be or form a hazard to, or obstruct the thoroughfare or access to any person using or wishing to use a footpath, street or any other public place or wishing to cross a street.

13.20 SEMAPHORE SIGN

13.20.1 A semaphore sign shall—

- a. be fixed at right angles to the wall to which it is attached;
- b. not project more than as stated in column 7 of the First Schedule from any point of attachment nor be of a greater height at any point than as stated in column 2 of the First Schedule; and
- c. be fixed over or adjacent to the entrance to a building.

13.20.2 Not more than one semaphore sign shall be fixed over, or adjacent to any one entrance to a building or business.

13.21 SIGN INFILLS

13.21.1 Notwithstanding the provisions of By-law 13.15, Council or the Building Surveyor may permit the construction of a pylon sign infill at a lesser height than as stated in Column 5 of the First Schedule where the pylon sign is located wholly within the lot boundaries and within a landscaped area.

13.21.2 Where pylon signs are to be erected on a lot on which unit factories or small shops are erected or are to be erected Council or the Building Surveyor may require all the pylon signs to be incorporated into one pylon sign complying with the following—

- a. initial approval is to be given to the pylon sign framework together with one or more sign infills;
- b. an application is to be submitted and approval given for each additional infill;
- c. all infills to be of an equal size and space is to be provided for not more than one infill for each shop or unit on the lot; and
- d. where Council or the Building Surveyor requires pylon signs to be combined, the total area of the infill signs specified may be increased to a maximum of 50% over that stated in column 4 of the First Schedule.

13.22 TOWER SIGNS

13.22.1 A tower sign shall not, unless otherwise approved—

- a. exceed in height one fifth of the height of the mast, tower or chimney stack on which it is placed;
- b. extend laterally beyond any part of the mast, tower or chimney stack on which it is placed.

13.23 VERANDAH SIGNS

13.23.1 SIGNS ABOVE VERANDAHS—A sign above a verandah may be erected above the fascia of a verandah, if it does not exceed the height as stated in Columns 2 and 6 of the First Schedule.

13.23.2 **SIGNS ON VERANDAH FASCIAS**—A sign fixed to the outer or return fascia of a verandah—

- a. shall not exceed the height stated in Column 2 of the First Schedule; and
- b. shall not project beyond the outer metal frame or surround of the fascia.

13.23.3 **SIGNS UNDER VERANDAHS**—A sign under a verandah shall—

- a. not exceed the length or height as stated in columns 2 and 3 of the First Schedule;
- b. be fixed at right angles to the front wall of the building to which it is to be affixed except on a corner of a building at a street intersection where the sign may be placed at an angle with the wall so as to be visible from both streets;
- c. not to be within 2 metres of another advertising device under the verandah.

13.24 **VERTICAL SIGN**

13.24.1 A vertical sign shall—

- a. not project out from a wall more than as stated in column 7 of the First Schedule;
- b. not project more than as stated in column 7 of the First Schedule above the top of the wall to which it is attached, nor more than as stated in column 10 of the First Schedule back from the face of the wall;
- c. not be located nearer another advertising device on the same building than as stated in column 11 of the First Schedule;
- d. where placed on a corner of a building at a street intersection it may be placed at an angle with the walls, so as to be visible from both streets; and
- e. where required by the Building Surveyor, be certified by a practising structural engineer in respect to the structural adequacy of the sign and supporting structures.

13.25 **WALL PANELS (NOTICE BOARDS)**

13.25.1 Wall panels shall comprise of a framework surround with a lockable transparent cover behind which separate notices that may be pinned or affixed or painted with the approval of the property owner.

13.25.2 Such wall panels shall comply with the dimensions as set out in columns 2, 3, 4, 6 and 7 of the First Schedule.

13.25.3 An individual notice pinned, affixed or painted on the panel shall not be displayed for periods in excess of 30 days duration without renewal,

13.26 **WALL SIGN**

13.26.1 A wall sign painted or affixed to a wall of a structure shall comply with the dimensions as set out in columns 2, 3, 4, 5, 6 and 7 of the First Schedule.

13.26.2 Wall signs shall comply with requirements of By-laws 4, 5, 6, 9, 10 of these By-laws.

By-law 14

14. **OFFENCES**

14.1 Every person who erects or permits the erection of an advertising device which does not comply with, or erects or permits to be erected an advertising device in a manner contrary to the provisions of these By-laws commits an offence.

14.2 Every person who maintains an advertising device without a licence, or in respect to which a licence has expired, or has been cancelled, commits an offence.

14.3 Without prejudice to the proceeding provisions of this By-law the Council or the Building Surveyor may serve on the owner or occupier of any premises on which an advertising device is erected, fixed or maintained, contrary to these By-laws, notice to remove such advertising device within such a time as may be specified in the notice; and a person neglecting or failing to comply with the terms of a notice pursuant to these By-laws commits an offence.

14.4 An authorised officer or the Building Surveyor, acting on behalf of Council, may take down and remove any advertising device, placed or erected on any street, way, footpath or other public place which is erected or maintained contrary to the requirements of these By-laws. In addition, and without being liable for damages or otherwise an authorised officer may dispose of any advertising device or structures appurtenant thereto and reinstate the street, way, footpath or public place or any other structure to which the advertising device was attached or upon which it was placed at the expense of the person or persons responsible for the depositing or erecting of the advertising device thereon or injury thereto and recover any costs incurred in a Court of competent jurisdiction.

By-law 15

15. **PENALTIES**

15.1 Any person who is guilty of an offence against these By-laws is liable to—

- a. a penalty not exceeding \$500.00, and
- b. a daily penalty, during the breach, not exceeding \$50.00.

LOCAL GOVERNMENT ACT 1960
 The Municipality of the Shire of Camaroon
 BY-LAWS RELATING TO ADVERTISING DEVICES
 FIRST SCHEDULE
 DIMENSIONS AND PARTICULARS
 To be read in conjunction with By-law 13 to these By-laws

COLUMN 1 ADVERTISING DEVICE TYPE	COLUMN 2 MAX HEIGHT OF DEVICE MM	COLUMN 3 MAX LENGTH OF DEVICE MM	COLUMN 4 MAX AREA SQ. M.	COLUMN 5 MIN HEADROOM M	COLUMN 6 MAX HEIGHT ABOVE GROUND	COLUMN 7 PROJECTION MAX MM	COLUMN 8 SETBACKS FRONT MM	COLUMN 9 SETBACKS SIDE MM	COLUMN 10 OTHER M	COLUMN 11 LOCATION
Animated Signs	1500	1000	3	2.4	6.0	Nil	2000	1000	6	-
Bill Posting	1000	3000	3	-	3.0	Nil	-	-	-	Within Shops
Building Name	1200	5000	2	3.0	6.0	100	Nil	1000	-	On Facade
Development Sign	4000	5000	20	1.0	5.0	Nil	15000	10000	15	Development Sites
Direction Sign	200	1500	1	2.4	3.0	200	-	1000	-	On Street Pole
Election Sign	1200	2000	2	-	3.0	600	3000	5000	30	-
Fence Sign	1000	20000	-	-	-	Nil	2.4 height	-	-	-
Fly Posting	1500	1200	0.5	-	2.5	Nil	-	-	-	Within Shops only
Hoarding	10000	15000	90	1.0	10.0	Nil	10000	5000	15	Non Residential Sites
Horizontal Signs	1200	8000	8	1.0	5.0	200	Nil	1000	-	Fixed on Wall
Illuminated Signs	5000	3000	5	2.4	6.0	900	2000	1000	36	-
Information Panel	1200	2000	1.5	2.4	5.0	100	1000	1000	-	-
Institutional Sign	1200	2000	2	2.4	6.0	Nil	3000	1500	-	-
Other Sign	6000	8000	30	-	6.0	Nil	6000	3000	6	As Approved
Portable Sign	1200	1000	1	-	1.2	Nil	1000	1000	-	Own Property
Projection Sign	12000	12000	90	-	12.0	Nil	-	-	-	-
Pylon Sign	5000	3000	5	2.4	7.5	900	1000	2000	6	Min. 6m clear of another sign
Roof Sign	3000	5000	6	-	15.0	Nil	1000	1000	-	On Roof
Rural Producers Sign	2000	3000	4	2.4	3.0	900 over street	1000	1000	-	-
Sale Sign	3000	4000	5	-	-	-	-	-	-	-
Sandwich Sign Board	1200	1000	1	-	1.2	Nil	1000	1000	-	Own Property
Semaphore Sign	1000	3000	2	2.4	3.6	1500	-	1000	-	-
Sign Infill	3000	2000	4	2.4	7.5	Nil	1000	1000	6	Between Pylons
Tower Sign	20% of mast, tower or chimney	width mast tower or chimney st.	-	2.4	-	-	-	-	-	-
Verandah Sign	800	4000	3	-	5	Nil	-	-	-	-
Above Fascia	900	6000	4	-	-	Nil	-	-	-	-
On Fascia	900	4000	3	2.4	-	Nil	-	-	-	-
Below Fascia	3000	3000	5	-	15.0	900	-	-	900	Min. 6m clear of another sign
Vertical Sign	1500	1500	3	-	3.0	100	-	-	-	-
Wall Panel	3000	8000	12	1.0	5.0	100	-	-	-	-

LOCAL GOVERNMENT ACT 1960

The Shire of Carnarvon

ADVERTISING DEVICES BY-LAWS

SECOND SCHEDULE BY-LAW 4.2

APPLICATION FOR LICENCE

I hereby apply for a licence for an advertising device to be erected subject to the By-laws of the Shire of Carnarvon.

Applicant Name:

Address: Telephone No:

Location of Advertising Device: Lot No: Street No:

Street Name:

Describe Position of Advertising Device on Property:

.....

Advertising Devices Types

- | | | |
|-----------------------------|-------------------|---------------------|
| Animated Signs | Bill Posting | Building Name |
| Development Sign | Direction Sign | Election Sign |
| Fence Sign | Fly Posting | Hoarding |
| Horizontal Signs | Illuminated Signs | Information Panel |
| Institutional Sign | Other Sign | Portable Sign |
| Projection Sign | Pylon Sign | Roof Sign |
| Rural Producers Sign | Sale Sign | Sandwich Board Sign |
| Semaphore Sign | Sign Infill | Tower Sign |
| Vertical Sign | Wall Panel | Wall Sign |
| Verandah Sign: Above Fascia | | |
| On Fascia | | |
| Below Fascia | | |

Dimensions of Advertising Device

..... mm width..... mm height..... mm depth..... area sq.m

Materials and Construction of Sign & supports.....

.....

.....

Inscription on Advertising Device (wording, motifs).

.....

.....

.....

Signature of Applicant Date

Application form in duplicate to be attached to two (2) copies of—

- (i) Block plan with all site details
- (ii) Plans and elevations of Advertising Device proposed including all dimensions and structural information.

LOCAL GOVERNMENT ACT 1960
The Municipality of the Shire of Carnarvon
BY-LAWS RELATING TO ADVERTISING DEVICES
THIRD SCHEDULE BY-LAW 4.3
LICENCE FOR ADVERTISING DEVICE

Licence No.:

This licence is granted to:- (Name—Person/Company)

.....

of (address)

in respect of (type of device)

on premises known as: Lot No: Street No: Street:

in accordance with application number:

and subject to the By-laws of the Shire of Carnarvon.

Issued on the day of 199 .

.....

Shire Clerk

1. This licence shall be renewed annually and remain valid unless any alteration is made to the advertising device, then in such event, a new licence is required.

2. This licence is not valid unless accompanied by a receipt issued by the Shire of Carnarvon and current for that year.

3. This licence is to be displayed on the premises to which the advertising device relates at all times.

LOCAL GOVERNMENT ACT 1960

Shire of Carnarvon

ADVERTISING DEVICES BY-LAWS

FOURTH SCHEDULE BY-LAW 4.3

PART I—LICENCE FEES

Licence fees are due and payable in accordance with By-law 4 of these By-laws.

By-law No.	Type of Sign	Application Fee \$	Annual Renewal Fee \$
13.1	Animated Sign	20.00	10.00
13.3	Development Sign	20.00	10.00
13.4	Direction Sign	10.00	5.00
13.5	Election Sign (per candidate)	10.00	
13.6	Fence Sign	20.00	10.00
13.8	Hoarding	50.00	50.00
13.9	Horizontal Sign	10.00	5.00
13.10	Illuminated Sign—on roof	20.00	10.00
13.21	Infill Panel	10.00	5.00
13.11	Information Panel	10.00	5.00
13.12	Institutional Sign	10.00	5.00
13.13	Portable Sign	25.00	25.00
13.14	Projection Sign	10.00	5.00
13.15	Pylon Sign	25.00	15.00
13.16	Roof Sign	25.00	15.00
13.17	Rural Producers Sign	10.00	5.00
13.18	Sale Sign	20.00	20.00
13.19	Sandwich Board Sign	20.00	20.00
13.20	Semaphore Sign	10.00	5.00
13.21	Sign Infill (each)	10.00	5.00
13.22	Tower Sign	25.00	15.00
13.23	Verandah Sign—above fascia	10.00	5.00
13.23	Verandah Sign—on fascia	10.00	5.00
13.23	Verandah Sign—below fascia	20.00	10.00
13.24	Vertical Sign	20.00	10.00
13.25	Wall Panel	10.00	5.00
13.26	Wall Sign	10.00	5.00

Dated this 26th day of November 1996.

The Common Seal of the Shire of Carnarvon was hereunto affixed in the presence of—

D. A. MILLS, President.
B. G. WALKER, Chief Executive Officer.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of December 1996.

J. PRITCHARD, Clerk of the Council.

LG5*

LOCAL GOVERNMENT ACT 1960
The Municipality of the Shire of Chittering
BY-LAW RELATING TO RESERVES AND FORESHORES

Pursuant to the powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the above Municipality hereby records having resolved on the 14 December, 1995, to make and submit for confirmation by the Governor the following By-law.

1. This By-law applies to the district of the Shire of Chittering.
2. In this By-law unless the context otherwise requires—
 - “Act” means the Local Government Act, 1960 (as amended).
 - “Authorised Officer” means an officer of the Council authorised by the Council to perform functions under and enforce this By-law and who is authorised to serve under s669C and s669D of the Act.
 - “Council” means the Council of the Municipality of the Shire of Chittering.
 - “Foreshore” means all land in the Shire of Chittering which lies between the low water mark and the high water mark of any lake, soak, river, tributary or dam either natural or artificially made.
 - “Reserve” means parklands, public open spaces and squares vested in or under the care, control and management of the Council.
 - “Vehicle” means every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means and includes trail bikes, beach buggies, trailers, caravans and other vehicles licensed and unlicensed, but does not include a wheelchair or a motorised wheelchair.
 - “Animal” does not include a dog.
3. On a Reserve or Foreshore a person shall not—
 - (a) cause a nuisance;
 - (b) be in a state of intoxication;
 - (c) behave in a disorderly manner, create or take part in a disturbance, use foul or indecent language or commit any act of indecency;
 - (d) damage or interfere with any building, equipment or thing placed on or used in a Reserve, which building, equipment or thing belongs to Council or has been authorised by Council to be placed on or used in the Reserve.
 - (e) bathe, swim or wade, nor wash or soak clothing or any other material in any swamp, drain, fountain, pond, dam or lake.
4. A person found on a Reserve in a state of intoxication, behaving in a disorderly manner, creating or taking part in a disturbance, using foul or indecent language or committing an act of indecency, commits an offence against this by-law and may be removed from the Reserve by a member of the police force or an Authorised Officer.
5. (1) All Reserves shall be open to the public daily for recreation purposes, subject to the provisions of this By-law.
 - (2) Council may grant to any person who applies in writing to Council, the exclusive right to use and occupy a Reserve, or part of a Reserve, for any purpose and Council may grant that right subject to any conditions it considers fit.
 - (3) An applicant granted such a right under sub-clause 5 (2)—
 - (a) must comply with any conditions Council imposes on the grant of the right; and
 - (b) must pay Council such charges for the grant of the right as are fixed from time to time by resolution of Council.
6. Where Council has granted a person exclusive right to use and occupy a reserve or part thereof, that person shall not permit any other person to exclusively use or occupy the reserve or the portion of the reserve over which the right has been granted without the prior written approval of Council.
7. Subject to clause 16 no person shall erect any building, tent, stall, fence, barrier or hoarding or any temporary cover on a Reserve without the prior written consent of Council, which consent shall be subject to any conditions Council considers fit to impose.
8. On a reserve or foreshore a person shall not—
 - (a) carry a firearm or throw or discharge any stone, arrow, bullet or other missile;
 - (b) climb over or upon a fence or gate;
 - (c) unlock or fasten a gate;
 - (d) enter or use any dressing room or training room or ablution block for any purpose other than for which it is intended;
 - (e) destroy, damage, injure or cause harm to any bird or animal;
 - (f) damage, destroy, prune, lop or interfere with any plant, lawn, flower, shrub or tree;

- (g) destroy, damage or interfere with any tree, tree guard, shrub, flower, plant, fence, building, seat, playground equipment, waterpipe, hose, hose fitting, soil, grass, surface or other property owned or vested in the Council;
 - (h) climb any tree;
 - (i) deposit or leave any rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind whatsoever except in a receptacle provided for the purpose.
9. A person shall not without written consent of the Council—
- (a) drive or ride or bring a vehicle onto a Reserve or Foreshore or permit any person to drive or ride or bring any vehicle onto a Reserve or Foreshore as are set aside as roads or driveways or vehicle parking areas or as access to areas set aside for the use of a vehicle and shall not exceed the speed of 15 kmh whilst on the Reserve;
 - (b) park or stand any vehicle on a Reserve except in an area set aside for that purpose.
10. (1) The Council may set aside, temporarily or permanently, a Reserve or portion of a Reserve or Foreshore as an area upon which a person may ride, drive, exercise, train, race or bring an animal.
- (2) A person shall not ride, drive, exercise, train, race or bring an animal upon any Reserve or portion of a Reserve or Foreshore set aside in accordance with clause 10 (1), in a manner so as to create a nuisance.
11. On a Foreshore or Reserve a person shall not—
- (a) sell, expose for sale or invite any offer to buy any thing except in an area set apart for the purpose by the Council and then only with the prior written consent of the Council;
 - (b) hire, expose for hire or invite any offer to take on hire any thing except in an area set apart for the purpose by the Council and then only with the prior written consent of the Council.
12. On a Foreshore or Reserve a person shall not without the written consent of Council—
- (a) play or practice golf except on an area set aside for that purpose;
 - (b) take part in a procession or demonstration;
 - (c) organise, address or participate in a political meeting or rally;
 - (d) use or install a loud speaker or amplifier;
 - (e) distribute or exhibit any printed or written pamphlet, hand bill, placard or notice in any manner whatsoever;
 - (f) exhibit, affix, construct or erect or cause to be exhibited, affixed, constructed or erected any signboard, hoarding, placard, hand bill, notice, advertisement or document;
 - (g) light a fire other than in compliance with the provisions of the Bush Fires Act and then only in the facilities specifically provided for the purpose of lighting fires in;
 - (h) camp, lodge or tarry overnight, or frequent for the purpose of camping, lodging or tarrying overnight except with the written approval of Council;
 - (i) disturb, dig up or remove any sand, soil, gravel or stone;
 - (j) add any dye or chemical to the water of any sump, drain, fountain, pond or dam or lake;
 - (k) erect, place, alter or relocate any fence, gate, garden furniture, or other equipment or improvement.
13. On a Reserve or Foreshore a person shall not operate play or practice with mechanically operated model aeroplanes, boats, cars or other similarly propelled model equipment other than in an area specifically set aside for that purpose.
14. Council may define or limit the hours and days during which a person can operate, play or practice with such model equipment in the areas set aside for that purpose.
15. (1) The Council may set aside a Reserve or portion of a Reserve as a children's playground.
- (2) The Council may limit the ages of persons who are permitted to use a playground set aside under sub-clause 15 (1) and may erect a notice to that effect on the playground.
- (3) A person over the age specified in a notice erected on a playground set aside under sub-clause 15 (1) other than a person having the charge of a child or children in that playground shall not enter or use that playground, or interfere with the use of it by a child or children of or under that age.
16. (1) A person wishing to erect a building on a Reserve must first apply for Council's approval.
- (2) The Council may grant its consent to the erection of a building upon such terms and conditions as it considers fit.
- (3) Notwithstanding that Council has consented to the erection of a building on a Reserve, and the building has been erected, Council may by notice in writing to the applicant or to the owner, or to the person who believes to be the owner of the building, direct by notice that the building be removed within a period of 14 days from the date of service of the notice.

(4) Any person who fails to comply with a notice given by the Council requiring him to remove a building on a Reserve commits an offence and the Council may sell the building or may sell the materials of which it is constructed and shall hold the balance of the purchase money received by it, after deducting therefrom all costs and expenses of such taking down, removal and sale, upon trust for the person entitled thereto.

(5) No person other than the owner of a building, or a person authorised by the owner, shall use a building lawfully erected on a Reserve.

(6) Where a person is granted exclusive right to use and occupy a Reserve, or part of a Reserve, in accordance with clause 5, then no person shall use or occupy a building on the Reserve or the relevant part of the Reserve for the duration of the exclusive right without the prior written approval of Council.

(7) No person shall assign or transfer his ownership or his interest in a building on a Reserve without having first delivered to the Council a duly completed notice of transfer in the form required by Council.

17. The Council may, by notice in writing, withdraw any approval or consent granted under this By-law if it is satisfied that the applicant has committed, or permitted or authorised the commission of a breach of this By-law.

18. (1) A person who is in breach of this By-law commits an offence.

(2) Nothing in this By-law shall be construed so as to inhibit or preclude an employee, contractor or agent of the Council from carrying out their normal and lawful duties.

19. A person on a Reserve or Foreshore in breach of this By-law may be forthwith removed from the Reserve or Foreshore by a member of the police force or an Authorised Officer.

20. A person who commits an offence against this By-law is liable on conviction to a maximum penalty of \$500.

21. (1) (a) A notice served under subsection (2) of Section 669C of the Act for an offence against this By-law shall be in or to the effect of Form 1 of the Schedule.

(b) An infringement notice served under Section 669D of the Act for an offence against this By-law shall be in or to the effect of Form 2 of the Schedule.

(c) A notice sent under subsection (5) of Section 669D of the Act withdrawing an infringement notice issued under that Section for an offence against this By-law, shall be in or to the effect of Form 3 of the Schedule.

(2) The modified penalty for offences against clauses 9 (a) and (b), 10 (2), 11 (a) and (b), 12 (g) and (h) of this By-law for which an infringement notice may be issued is \$50.00.

22. To the extent that there is an inconsistency between provisions of this By-law and any Act or regulation, the provisions of the latter shall prevail.

Schedule

Form 1

Reserves and Foreshores By-law

Shire of Chittering

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

To Brief No
 Make Date
 Plate No Type

You are hereby notified that it is alleged that on the day of 19
 at about am/pm the driver or person in charge of the above
 vehicle did on (*description of place of offence including Reserve Number if any*)

in contravention of the provisions of the By-law of the Shire of Chittering relating to Reserves and Foreshores.

You are hereby required to identify the person who was the driver or person in charge of the vehicle at the time when the above offence is alleged to have been committed.

Unless within 28 days after the date of the service of this notice you—

a. inform the Shire Clerk of the Shire of Chittering or authorised Officer(s) as to the identity and address of the person who was the driver or person in charge of the vehicle at the time of the offence;

b. satisfy the Shire Clerk or Authorised officer that the vehicle had been stolen or was being unlawfully used at the time of the offence;

you will in absence of proof to the contrary be deemed to have committed the above offence and Court proceedings may be instituted against you.

Signature of Authorised Officer

Designation:

Schedule
 Form 2
 Reserve and Foreshores By-Law
Shire of Chittering
 INFRINGEMENT NOTICE

To Brief No
 Make Date
 Plate No Type

You are hereby notified that it is alleged that on the day of at.....

 about am/pm you did on (*description of place of offence including Reserve No. if any and description of the offence*)

 in contravention of the provisions of the Shire of Chittering By-law relating to Reserves and Foreshores.

The modified penalty prescribed for this offence is \$..... If you do not wish to have a complaint of the above offence heard and determined by a court you may pay the modified penalty within 28 days after the date of the service of this notice.

Unless payment is made within twenty eight days of the date of the service of this notice, court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$..... mentioned above, to the Shire Clerk or the Shire of Chittering or by delivering this form and paying the amount at the Municipal Offices between the hours of am and pm.

Signature of Authorised Officer:
 Designation

Schedule
 Form 3
 Reserves and Foreshores By-law
Shire of Chittering
 WITHDRAWAL OF INFRINGEMENT NOTICE

To
 Infringement Notice No.
 Date
 For the alleged offence of.....
 Modified Penalty \$.....is hereby withdrawn.
 Signature of Authorised Officer:
 Designation:

Dated 16 May, 1996.

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

S. M. METCALF, President.
 R. P. HOOPER, Shire Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of December 1996.

J. PRITCHARD, Clerk of the Council.

LG6

LOCAL GOVERNMENT ACT

The Municipality of the Shire of Coolgardie

BY-LAWS RELATING TO FENCING AND OBSTRUCTIONS AT INTERSECTIONS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 27th day of October 1994, to make and submit for confirmation by the Governor the following By-laws.

1. In these By-laws unless the context otherwise requires—

“Council” means the Council of the Shire of Coolgardie.

“District” means the municipal district of the Shire of Coolgardie.

“Dangerous Fence” means a fence declared by a Building Surveyor to be in a dangerous condition by reason of any one or more of the following, namely; faulty design, location, construction, deterioration of materials, damage by termites, decay, damage by collision, changes in ground levels, or any other cause or causes.

“Fence” means a fence abutting a road way or street or a fence on or near the boundary line of a lot and includes any free standing wall and any retaining wall.

“Industrial and Commercial Zone” means any portion of the District that is classified or zoned industrial and commercial by a Town Planning Scheme or By-Law for the time being in force.

“Residential Zone” means any portion of the District that is classified or zoned Residential by a Town Planning Scheme or By-Law for the time being in force.

“Building Surveyor” means a building surveyor appointed by the Shire of Coolgardie.

“Dividing Fence” means a fence that separates the land of different owners whether the fence is on the common boundary of the adjoining land or on a line other than the common boundary.

“Town Planning Scheme” means the Town Planning Scheme of the Shire of Coolgardie for the time being in force under the provisions of the Town Planning and Development Act 1982 (as amended).

2. Subject to By-Law 3—

(a) A fence within a Residential Zone constructed in accordance with the specifications set out in the First Schedule hereto is hereby prescribed as a “sufficient fence” for the purpose of the Dividing Fences Act 1961 (as amended).

(b) A fence within an Industrial and Commercial Zone constructed in accordance with the specifications set out in the Second Schedule hereto is hereby prescribed as a “sufficient fence” for the purposes of the Dividing Fences Act 1961 (as amended).

3. (a) Where a fence is erected on the boundary between land in a Residential Zone and land in some other zone then a “sufficient fence” for the purposes of the Dividing Fences Act 1961 (as amended) shall be prescribed as a “sufficient fence” for a Residential Zone.

(b) Where a fence is erected on a boundary line between land in differing zones neither of which is a Residential Zone the Council shall determine which schedule shall apply for the purposes of prescribing a “sufficient fence” for the purposes of the Dividing Fences Act 1961 (as amended).

4. (a) No person shall construct a fence of second hand material within the townsites of Kambalda and Kambalda West under any circumstance, and in any other case without the written consent of the Council which consent the Council in its absolute discretion may refuse to grant or may grant upon such terms and conditions as it deems fit.

(b) No fence shall be constructed of sheet metal unless the fence to be erected is adequately capped.

5. (a) Within a Residential Zone, subject to By-law 7 a front boundary fence not exceeding 1200mm in height may be constructed along the full width of the frontage of a lot.

(b) A fence within a Residential Zone in excess of 1200mm and not exceeding 1800mm in height may be constructed along the front boundary of a lot subject to—

(i) approval by Council; and

(ii) By-law 7 being complied with.

(c) A fence within a Residential Zone shall not, within 7.5 metres of the front boundary of the lot, exceed 1200mm in height, without the express approval of Council.

(d) The Council at its discretion may upon written application approve a fence other than those permitted by these By-Laws.

6. No person shall erect any structure in front of the building line in an Industrial, Commercial or Residential Zone other than a fence permitted by these By-Laws without having first made written application to and obtained the written approval of the Council.

7. No person shall erect or permit to be erected on any land owned or occupied by him any wall, fence, hedge, tree, shrub or other obstruction of a greater height than 750mm measured from the level of the footpath, road or right-of-way immediately adjoining the same within the area enclosed by the boundaries of the streets, roads, or rights-of-way and a line joining the points located at a distance of 6 metres measured horizontally along each street, or road or right-of-way boundary from the point of intersection of the streets, roads or rights-of-way or from the point of intersection of a prolongation of the said boundaries except that this By-law shall not apply to intersections or junctions having the standard truncation of 8.5 metres or more.

8. No person shall erect a dividing fence greater than 1800mm in height in a Residential Zone without having first made application to and obtained the written approval of the Council.

9. (a) No person shall commence to erect or proceed with the erection of a retaining wall which is on a boundary line unless and until he has lodged with the Council two (2) copies of a plan and specifications thereof and in the case of a retaining wall exceeding 1000mm in height when required by the Council, engineering calculations in respect thereof and the Council has approved a copy of the plan and specifications and (where applicable) the calculations.

(b) No person shall erect or permit a dividing fence to act as a retaining wall without first having obtained Council permission.

10. A fence wholly or partly of barbed wire complying with these By-laws may only be erected—

(i) In any area that is used for rural purposes;

(ii) In an Industrial and Commercial Zone if no barbed wire is used below a height of 1800mm from the ground; or

(iii) In any other part of the Shire of Coolgardie with the written approval of the Council.

11. No person shall erect or maintain a dangerous fence anywhere within the Shire.

12. The use of metal spikes, broken glass or any other potentially dangerous material in or on any fence in the district is prohibited.

13. The owner or occupier of land on which a fence is erected shall maintain the fence in good condition and in such a manner as to prevent it from becoming dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood.

14. The Council may give notice in writing to the owner or occupier of any land upon which there is a dangerous fence or a fence which is in the opinion of the Building Surveyor in bad condition or repair, dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood or is contrary to the provisions of these By-laws requiring such owner or occupier to repair, paint, or maintain such fence within the time stipulated in the notice or in that time give satisfactory reason why the notice should not be complied with or be given extra time in which to comply. Any person who fails to comply with the terms of any notice served under these By-laws commits an offence.

15. Where the owner or occupier of land fails to comply with a written notice given by the Council in accordance with By-law 14 of these By-laws the Council may enter upon such land and carry out the works specified in the written notice and the costs and expenses incurred by the Council in so doing may be recovered from such owner or occupier in a Court of competent jurisdiction.

16. Any person who commits a breach of these By-laws commits an offence and shall on conviction be liable to—

(i) a maximum penalty of \$200, and

(ii) in addition a maximum daily penalty of \$20 for each day during which the offence occurs.

First Schedule
Residential Zone

A sufficient fence shall be—

(a) A free standing fibro cement fence having specifications as follows—

(i) A height of 1500mm;

(ii) An in-ground depth of 25% of the total length of the sheet with a minimum in-ground length of 600mm;

(iii) The combined height and depth of the fence shall consist of a single continuous fibre reinforced cement sheet;

(iv) Fibre reinforced cement sheets are to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturers' specifications.

Second Schedule

Industrial and Commercial Zones

A sufficient fence shall consist of rail-less link or chain mesh of a height of 1800mm on top of which are three strands of barbed wire carrying the fence to a height of 2100mm supported by galvanised iron posts of a diameter of 50mm spaced at three (3) metre centres and sunk in the ground 600mm and encased in a concrete footing having a dimension of 160mm x 600mm.

Dated this 27th day of November 1996.

The Common Seal of the Shire of Coolgardie was hereunto affixed in the presence of—

W. M. INGHAM, President.
A. A. McCABE, A/Chief Executive Officer

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of December 1996.

J. PRITCHARD, Clerk of the Council.

LG7

LOCAL GOVERNMENT ACT 1960*Municipality of the Shire of East Pilbara***BY-LAWS RELATING TO NEWMAN AIRPORT**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it the Council of the abovementioned Municipality hereby records having resolved on Friday 23rd February 1996 to make and submit for confirmation by the Governor the following by-laws.

Application

These by-laws shall apply to and be in force within that portion of the district of the Shire of East Pilbara as is hereinafter described as the Airport.

Interpretation

2. In these by-laws, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say—

“Act” means the Air Navigation Act 1920 as amended of the Commonwealth of Australia or any other Act or Acts of the Commonwealth relating to air navigation for the time being in force;

“Aircraft” means any machine or craft that can derive support in the atmosphere from the reactions of the air.

“Airport” means all those pieces of land being currently designated, vested and described as Newman Airport and shall include future designations, vesting and descriptions as Newman Airport.

“Airport Manager” means the officer appointed by or by the authority of the Council who shall be appointed to the position designated as Airport Manager and who shall be responsible for directing and controlling traffic of aircraft on and about the Airport, directing crew, passengers or any other person within the precincts of the Airport, the parking and movement of all vehicles within the precincts of the Airport and the enforcement of these By-laws together with all such other powers as may be given or conferred upon the Airport Manager by the Council in the capacity as the responsible officer of the Council for the operation of the Airport;

“bus” has the same meaning as Omnibus in the Road Traffic Act 1974;

“car park” means that portion of the Airport set aside for the purpose of parking vehicles which may be designated in accordance with these By-laws to be used for the parking of vehicles;

“Council” means the Council of the Municipality of the Shire of East Pilbara;

“Reporting Officers” means any person appointed by or under the authority of Council who either acting under the Supervision of or acting in the absence of the Airport Manager shall control and supervise the movement of aircraft, direct crew, passengers and any other person anywhere within the precincts of the Airport and supervise and direct the movement of vehicles within the precincts of the Airport and enforce these By-laws in relation to the same and generally supervise the use of the Airport;

“Local Government Act” means the Local Government Act 1960, as amended, or any Act for the time being in force amending or in substitution therefore;

“manoeuvring area” means that part of the Airport to be used for the take-off, landing and taxing of aircraft excluding open areas.

“movement” means the take off or landing of an aircraft in whatever manner within the precincts of the Airport;

“Non regular public transport” means any aircraft other than regular public transport;

“owner” includes lessee, charterer and person for the time being in possession or control of an aircraft;

“park” means to permit a vehicle whether attended or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, or complying with the provisions of any law, or of immediately taking up or setting down persons or goods;

“parking stall” means a section or part of a road or of a car park which is marked or defined whether by painted lines, metallic studs or by signs for the purpose of indicating where a vehicle may park or take up or set down persons or goods and the use of which may be restricted as to the length of time for which a vehicle that may so do, which may include public, hire car, Government, official, Council staff, taxis, buses and motor cycles;

“pilot” means the persons actually controlling an aircraft at the relevant time and if there is no such person, then the person entitled to be in control;

“Ranger” means any person appointed by or under the authority of the Council as a Ranger and whose duties include the control and supervision of the standing and parking of vehicles within the Airport and the enforcement of these By-laws;

“regular public transport” means any aircraft engaged in a commercial flight and which is operated regularly according to a time-table available in advance;

“Regulations” means the Air Navigation Regulations made under the Act and for the time being in force by virtue of the Act;

“Schedule” means the Schedule to these By-laws;

“sign” means a traffic sign, mark, structure or device placed or erected on the airport reserve for the purpose of regulating or directing pedestrian and vehicular traffic;

“stand” in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law;

“taxi” has the same meaning as taxi-car in the Road Traffic Act 1974;

“Shire Clerk” means any person appointed by or under authority of the Council as Chief Executive Officer of the Council and shall include an acting or relieving Chief Executive Officer as appointed;

“traffic island” means any physical provision other than lines marked on a road to guide vehicles;

“vehicles” includes buses, motor cycles and bicycles but does not include a wheelchair used by a physically impaired person; and

expressions used in these By-laws where the context so admits have the meanings given to them by the Local Government Act, the Act, or Regulations as the case may be.

Use by Aircraft

3. (1) The owner of every aircraft shall be entitled upon and subject to compliance with these By-laws to use the Airport for the landing, servicing and departure of their aircraft and the embarkment and disembarkment of passengers and freight.

Conduct of Business at the Airport

4. (1) Subject to the Act and Regulations and Aerodrome Manuals the Shire may erect, make or place upon the Airport in such positions as it may see fit such buildings, terminals, structures, runways, road barriers, car parks, signs, notices, markings and other things as it may see fit for the more complete, effective, convenient and safe use and enjoyment of the Airport as a landing ground for aircraft.

(2) (a) Any person or company who desires to erect any building, fuelling depot, structure, improvement or make any excavation, provide or remove fencing, or do any other thing within or about the Airport, must first apply in writing to the Shire of East Pilbara for permission to do so, at least (21) days prior to the commencement of the works and shall not commence any works as referred to without written permission of the Shire.

- (b) The Shire may grant permission to carry out such works upon such conditions as the Shire thinks fit, including but not limiting the generality of the foregoing payment of rental or other consideration for the use of the land upon which the works are proposed.

(3) The Council may from time to time set apart and grant authority for any land, building, structure or improvement or any part of a building structure or improvement within the Airport to be used (upon such terms and conditions as the Council may stipulate) by any person for the conduct of any business considered by the Council to be an amenity or operation of benefit to the Airport.

(4) Except in accordance with an Authority granted under this by-law and the term and conditions of that Authority, a person shall not, within the airport either personally or by their servant or agent or otherwise howsoever of another person—

- (a) Sell, for delivery within the airport or supply any goods or services.
(b) carry on, or solicit for, any business; or
(c) erect, display or contribute or communicate by sound, any advertisement or public notice.

Operation of Hire Vehicles at the Airport

5. (1) Save with the prior consent in writing of the Council no person shall—

- (a) provide a service or carry on the business of hiring self drive rental vehicles within the boundaries of the Airport;
(b) solicit for any business of hiring self drive rental vehicles within the boundaries of the Airport.

(2) Nothing in this By-law contained or implied shall apply to taxis.

Right of Entry to Airport

6. (1) Save as herein provided, a person other than—

- (a) a person lawfully employed upon duties in or about the supervision and control of the Airport of any business the conduct of which has been authorised pursuant to By-law 4(1) or in respect of any self drive vehicle rental business consented to pursuant to By-law 5 or in or about the arrival, departure or servicing of, or other attention upon aircraft lawfully using the Airport; or
(b) a passenger or intending passengers by aircraft lawfully using the Airport; or
(c) a person greeting or seeing off a passenger or intending passenger by aircraft lawfully using the Airport,

shall not enter or remain upon the Airport or any part thereof without the approval of the Airport Manager first had and obtained.

(2) The Council may from time to time designate or set apart any specified part or parts of the Airport—

- (a) to which only persons from time to time designated by the Council shall be admitted.
(b) to which persons other than those mentioned in by-law 6 (1) (a) shall not be admitted;
(c) to which the general public, or any limited classes of the general public may be admitted, either at all times or at specified times, or for limited periods and generally upon such terms and conditions as the Council may determine;
(d) to which no vehicle may be admitted or to which a limited class of vehicles may be admitted to which vehicles may be admitted only on such terms and conditions as the Council may determine;
(e) to which no aircraft may be admitted or to which a limited class or aircraft may be admitted or to which aircraft may be admitted only on such terms and conditions as the Council determine.

(4) Signs, markings or notices may be placed by the Council at the Airport indicating the limits of any part of the Airport set apart for any special or limited use under By-law 6 (2).

(5) Subject to By-law 6 (6) no person shall bring, or permit to stray, on to the Airport any dog, horse, cattle, sheep, goat, or other animal without authority from the Council. Any such animal so found trespassing without authority may be removed from the Airport by an officer or employee of the Council or by any other person authorised so to do and using all reasonable means to capture the animal including destroying it where the opinion of the officer, employee or other authorised person, a danger to persons or property might otherwise result.

(6) A blind person may bring onto the Airport an accompanying guide dog and any person may bring onto the Airport any animal being or to be airfreighted to or from the Airport as the case may be provided that person exercises effective control over that animal at all times.

(7) The owner and pilot of any aircraft and the driver or person in charge of any vehicle within or entering the airport and the lessees, licensee or occupier of any hanger, building or any area within the Airport shall upon request by any officer or employee of the Council provide a sample or allow a sample to be taken of any liquid, substance or other matter which is in the opinion of the authorised officer shall contravene any regulation or law of the State or this By-law.

Conduct of Persons on the Airport

(8) Every person admitted to or being upon the Airport shall whilst thereon conduct themselves in a proper and becoming manner and so as not to cause any annoyance or inconvenience to any other person lawfully thereon and shall obey any directions given to them by the Airport Manager, Ranger or any person acting under them, or under authority of the Council for the purpose of the conduct of people, the movement of people, vehicles and aircraft, the preservation of order, or the promotion of or the facilitation of the lawful use and enjoyment of the Airport.

(9) Any person, whether or not a passenger or intending passenger on an aircraft, who the Airport Manager or Ranger may consider to be intoxicated or under the influence of liquor so as to make their presence on the Airport dangerous to themselves or others, or offensive to others, or otherwise undesirable, may be refused admission to the Airport, or if upon the Airport may be removed by the Airport Manager, Ranger or any other person acting under the direction of the Airport Manager or Ranger or the Council.

(10) A person shall not use any building, structure, convenience or amenity provided upon the Airport for any other purpose other than that for which it is provided or intended, or destroy, remove, obliterate, deface, alter or otherwise interfere with any fence, barrier, notice, sign, or marking design or intended for the direction, guidance, warning, control or of information for people or vehicles on or about the Airport.

Fees, Charge, etc

11. (1) The Council may require the owner of every aircraft using the Airport to pay fees as determined by a resolution of Council, levied in accordance with the Local Government Act and which is so permitted to be charged by the Act and Regulations.

(2) In the case of an aircraft or an owner using the Airport on a regular basis the Council may allow payment of an annual or other periodic charge in respect to the movement of such aircraft or such amount as the Council may deem fit provided that such charge shall not exceed the total fees that would otherwise be payable under these By-laws in respect of the actual movement of the aircraft in question.

12. (1) The fees payable under Sub-by-law 11 (2) shall be payable at or before the time of the movement of aircraft or at such time as may be specially fixed by the Council; other charges and expenses under Sub-by-law 11 (2) shall be payable upon demand and for the purpose of which demand the registered aircraft owner as detailed on the Australian aircraft register shall be deemed to be the agenda of the owner.

(2) Any fee, charge or expense payable in accordance with these By-laws shall constitute a debt due by the owner of the aircraft concerned and may be recovered by the Council from him in any court of competent jurisdiction.

Parking and Standing of Vehicles on the Airport

13. The Council may designate and mark out any car park or parking stall on any part of the Airport as it shall think fit and such designation or marking out shall be in such a form as the Council thinks fit.

14. No person shall park or stand a vehicle in any part of the Airport other than in a car park or parking stall designated or set apart by the Council for that purpose.

15. The Council may affix such conditions to the parking or standing of vehicles as it thinks fit including conditions as to length of time for which a vehicle may park or stand or the class of vehicle which may do so.

16. Unless a sign shall indicate to the contrary in respect of that specific area, no person shall stand or park a vehicle in a parking stall on a road otherwise than parallel to the kerb or edge of the road as the case may be and as close thereto as practicable and wholly within such stall and headed in the direction of the movement of traffic on the side of the road on which the stall is situated.

17. Where a parking stall, whether in a road or car park, or any car park is reserved for the parking of vehicles of a particular class or designated for a particular use, no person shall stand or park in any part of that parking stall or car park, any vehicle other than those of the class for which the car park or parking stall is reserved or use the parking stall or car park other than in accordance with the particular use to which the car park or parking stall may be put.

18. Where a maximum parking or standing period is specified on any sign or in any other way which is attributable to a parking stall or car park, a person shall not permit a vehicle to remain parked or standing in that car park or parking stall for longer than the period specified and no persons shall park or stand such vehicle again in that car park or parking stall unless the vehicle has first been removed from that car park or parking stall for not less than twenty minutes.

19. The Council may declare that the provisions of the last preceding by-law shall not apply during periods on particular days or times nominated by the Council.

20. Unless otherwise directed by the Airport Manager or Ranger or any person acting under their control, no person shall park a vehicle in a parking stall otherwise than wholly within the boundaries, if any are designated, of that parking stall.

21. No person shall—

- (a) park or stand a vehicle so as to obstruct an entry to, and exit from or a carriage-way, passage or roadway within a car park or the Airport or beyond the limits of any defined roads within the Airport unless the Airport Manager or Ranger shall so direct;
- (b) permit a vehicle to park or stand on any part of a car park or parking stall whether or not such parking or standing would otherwise be allowed when the Airport Manager or Ranger directs the driver of such vehicle to move it;
- (c) park or stand or attempt to park or stand a vehicle in a parking stall in which another vehicle is standing provided that this clause shall not prevent the parking or standing of more than one motor cycle or bicycle in an area designated for the parking of motor cycles and/or bicycles;
- (d) park or stand a vehicle or permit a vehicle to stand on any road so as to cause an obstruction;
- (e) park or stand a vehicle or permit a vehicle to park or stand on road abreast or alongside a standing or parked vehicle unless any Airport Manager or Ranger shall so direct;
- (f) park or stand a vehicle or permit a vehicle to park or stand on a road or elsewhere within a distance of one metre of a fire hydrant;
- (g) park or stand a vehicle or permit a vehicle to park or stand on any part of a pedestrian crossing provided that it shall not be an offence against this paragraph—
 - (i) if the driver of such a vehicle is prevented from proceeding by circumstances beyond the drivers control; or
 - (ii) if it is necessary for a driver to stop on such a crossing in order to avoid an accident.

22. Where the parking or standing of a vehicle in a parking stall, car park or any road is restricted in duration to a particular length of time and a vehicle remains parked there for greater than that period, the fine applicable shall increase by the amount of the initial fine for each successive period equal to that for which parking or standing was allowed provided that the total fine does not exceed the amount mentioned in By-law 25.

23. Any person who commits or causes a breach of any of the respective provisions of these by-laws relating to the parking or standing of vehicles on the Airport shall be liable to a penalty not exceeding the amounts respectively mentioned in by-law 25.

24. The Airport Manager, Ranger or other employee of the Council empowered to do so, may enforce such these By-laws as related to the parking or standing of vehicles on the Airport by—

- (a) completing a notice in the form or substantially in the form of Form 1 and Form 2 in the Schedule; and
- (b) placing it on the windscreen or some other conspicuous place on the vehicle that it is alleged is in breach of these By-laws.

and the placement of a notice as aforesaid shall be deemed to be service of it.

25. (1) (a) A notice served under subsection (2) of Section 669C of the Act for an offence against these By-laws shall be in or to the effect of Form 1 of the Schedule.
- (b) An infringement notice served under Section 669D of the Act for an offence against these By-laws shall be in effect of Form 2 of the Schedule.
- (c) A notice under subsection (5) of Section 669D of the Act withdrawing and infringement notice issued under that Section for an offence against these By-laws, shall be in or to the effect of Form 3 of Schedule.

(2) The modified penalty for offences against by-laws 14, 16, 17, 18, 20 and 21 inclusive for which an infringement notice may be issued is \$50.00.

26. Any person who does not contest an allegation that they committed an offence against a provision of these by-laws relating to the parking or standing of vehicles on the Airport may pay to the Council within (28) days after the commission of the offence the applicable penalty mentioned in by-law 25 (2) and production of an acknowledgment from the Council of payment of such penalty within the time aforesaid shall be a defence to a charge of the offence in respect of which the modified penalty has been paid.

27. Where an alleged offender—

- (a) informs the Council that they decline to pay any modified penalty provided for in these by-laws; or
- (b) omits to sent or deliver to the Council payment of the modified penalty within the time specified in the preceding By-law or in such extended time the Council allows.

the Council may take proceedings against the alleged offender in a Court of Petty Sessions for breaches of these By-laws.

28. A person who does not comply with any of these by-laws commits an offence and where no other penalty is provided is liable to—

- (a) a maximum penalty of \$500.00; and in addition
- (b) a maximum daily penalty during the breach of \$50.00 per day.

29. The Council in its absolute discretion may either generally or for specific use waive all or any of the requirements of these by-laws.

Schedule
Form 1

By-laws relating to Newman Airport
Shire of East Pilbara

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

To Brief No

Make Date

Plate No Type

You are hereby notified that it is alleged that on the day of 19.....
at about am/pm the driver or person in charge of the above vehicle
did on (description of place of offence)

in contravention of the provisions of the By-laws of the Shire of East Pilbara relating to Newman Airport.

You are hereby required to identify the person who was the driver of persons in charge of the vehicle at the time when the above offence is alleged to have been committed.

Unless within 28 days after the date of the service of this notice you—

- a) Inform the Shire Clerk of the Shire of East Pilbara or Authorised Officer(2) as to the identity and address of the person who was the driver or persons in charge of the vehicle at the time of the offence.
- b) Satisfy the Shire Clerk or Authorised Officer(s) that the vehicle has been stolen or was being used unlawfully used at the time of the offence;

you will in absence of proof to the contrary be deemed to have committed the above offence and Court proceedings may be instituted against you.

Signature of Authorised Officer

Designation

Schedule
Form 2

By-laws relating to Newman Airport
Shire of East Pilbara

INFRINGEMENT NOTICE

To Brief No

Make Date

Plate No Type

You are hereby notified that it is alleged that on the day of 19.....
at about am/pm the driver or person in charge of the above vehicle
did on (description of place of offence)

in contravention of the provisions of the By-laws of the Shire of East Pilbara relating to Newman Airport.

The modified penalty for this offence is \$..... If you do not wish to have a complaint of the above offence heard and determined by a court, you may pay the modified penalty within 28 days after the date of the service of this notice.

Unless payment is made within 28 days of the date of the service of this notice, court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount of \$ mentioned above to the Shire Clerk, Shire of East Pilbara, PO Box 231, Newman W.A. 6753, or by delivering this form and paying the amount at the Council offices at the corner of Kalgan and Newman Drives, Newman, between the hours of 8.30 a.m. and 4.00 p.m. Monday to Friday.

Signature of Authorised Officer
Designation

Schedule
Form 3

By-laws relating to Newman Airport
Shire of East Pilbara

WITHDRAWAL OF INFRINGEMENT NOTICE

To
Infringement Notice No
Date
For the alleged offence of
Modified Penalty \$ is hereby withdrawn.
Signature of Authorised Officer
Designation
Date

The Common Seal of the Shire of East Pilbara hereunto affixed by authority of a resolution of the Council in the presence of—

President
Shire Clerk

The Common Seal of the Municipality of the Shire of East Pilbara hereto affixed by Authority of a resolution of the Council in the presence of—

A. COCHRANE, President.
P. A. ANNING, Chief Executive Officer/Shire Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of December 1996.

J. PRITCHARD, Clerk of the Council.

LG8

LOCAL GOVERNMENT ACT 1960

Municipality of the Shire of Murray

BY-LAWS—FENCING

In pursuance of the powers conferred upon it by the abovementioned Act, the Shire of Murray hereby records having resolved on 15 February 1996 to make and submit for confirmation by the Governor the following by-laws.

The by-laws relating to fencing as published in the *Government Gazette* on 8 April 1988 are hereby revoked.

1. In these by-laws—

“Commercial Zone” means any part of the district classified as a Commercial, Town Centre, Service Commercial, or similar Zone under the provisions of a Town Planning Scheme of the Shire of Murray and used for the purposes of a business or trade;

- “Council” means the council of the municipality of the Shire of Murray;
- “Dangerous”, in relation to any fence, means a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, by reason of its faulty design, location or construction, deterioration of materials, damage by termites, decay, changes in ground levels or any other cause whatsoever;
- “District” means the municipal district of the Shire of Murray;
- “Dividing Fence” means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary;
- “Fence” means any fence or wall and includes a retaining wall;
- “Height” in relation to a fence means the distance between the top of a fence at any point and the ground immediately below that point;
- “Industrial Zone” means any part of the district classified as an Industrial Zone under the provisions of a Town Planning Scheme of the Shire of Murray;
- “Residential Zone” means any part of the district classified as a Residential Zone under the provisions of a Town Planning Scheme or, in the absence of any Town Planning Scheme, means land in a street of which the majority of lots are occupied by houses;
- “Rural-Residential Zone” means any part of the district classified as a Special Rural, Hills Landscape Protection, Farmlot, or similar Zone under the provisions of a Town Planning Scheme of the Shire of Murray;
- “Rural Zone” means any part of the district classified as a Rural Zone under the provisions of a Town Planning Scheme of the Shire of Murray, and includes any land within the Shire used solely or predominantly for rural purposes.
- “Special Use Zone” means any part of the district classified as a Special Use Zone under the provisions of a Town Planning Scheme of the Shire of Murray.
- “Surveyor” means the Building Surveyor of the Municipality.

1.A. These by-laws apply to the whole of the Shire of Murray.

2. Subject to By-laws 4, 7 and 8 of these by-laws a person shall not commence to erect, proceed with the erection, rebuild, reconstruct or alter any fence, pergola or hood attached to any gateway or fence if it is situated within 9 metres of a street alignment and exceeds 1.2 metres in height unless and until he has lodged with the Council two copies of the plan and specifications of the proposed fence or the proposed rebuilding, reconstruction, or alteration, and the Council has approved a copy of the plan and specifications.

3. A person shall not commence to erect, proceed with the erection, rebuild, reconstruct or alter any fence exceeding 1.8 metres in height on the boundary of an allotment unless and until he has lodged with the Council two copies of the plan and specifications of the proposed fence or the proposed rebuilding, reconstruction or alteration and the Council has approved a copy of the plan and specifications.

4. A person shall not erect a fence exceeding 0.75 metres in height on any frontage of an allotment which is situated at the intersection of two or more streets within a distance of 6 metres from the point of intersection of the lines obtained by producing the streets alignments fronting the allotment provided however that on an allotment being lawfully used for industrial purposes the Council may permit a link mesh fence to be erected to a greater height if the Council is satisfied that any such fence would not materially affect the visibility of drivers of vehicles approaching the intersection.

5. A person shall not erect a fence exceeding 1.0 metres in height within 12 metres of the natural waterfront boundary of lots as set out in the Seventh Schedule.

6. A person shall not erect or affix or allow to remain on any fence bounding an allotment owned or occupied by him in a Residential or Commercial Zone, barbed or other wire with spiked or jagged projections nor shall any person erect or affix or allow to remain on any fence bounding an allotment owned or occupied by him in an Industrial Zone, any barbed or other wire with spiked or jagged projections unless the wire is carried on posts bent back into the allotment from the boundary at an angle of 45 degrees, nor unless the bottom row of wire is set back 150 mm from the face of the fence and is not nearer than 2.1 metres to the ground.

7. (i) The owner or occupier of a fence on land within a Rural Zone or Rural-Residential Zone may place or fix barbed wire thereon provided that where a fence to which such wire is fixed is adjacent to a road or other place open to the public such wire shall be fixed to the side of the fence posts furthest from such road or other place.

(ii) Within a Rural Zone or Rural-Residential Zone a fence which is parallel to and within 7.5 metres of a street may be constructed to a height of not more than 1.5 metres.

8. A wire mesh fence of not more than 1.8 metres in height may be erected on land within a Commercial Zone.

9. A person shall not affix to or allow to remain upon any fence on an allotment owned or occupied by him in a Residential or Commercial Zone any broken glass, nor shall a person affix to or allow to remain upon any fence which is erected upon an allotment owned or occupied by him in such zones and which abuts onto any street or public place any broken glass.

10. A person shall not construct any fence with secondhand galvanised steel sheet or other secondhand material unless he shall previously have obtained the written consent of the Council, which consent the Council may in its absolute discretion refuse or grant upon such terms and conditions as it deems fit.

11. A person shall not construct any fence with any material other than approved recognised new durable building products or other material approved by the Council.

12. A person shall not erect or commence to erect an electric fence in the district except in the case of an electric fence erected or to be erected in compliance with AS3129/1981 in a Rural Zone or Rural-Residential Zone for the purpose of controlling stock.

13. The owner or occupier of any land shall maintain all fences erected thereon in good condition and so as to prevent them from becoming dilapidated, dangerous, unsightly or prejudicial to the property or the inhabitants of the neighbourhood.

14. The Council may give notice in writing to the owner or occupier of any land upon which there exists a fence that has not been maintained in accordance with By-law 13 of these bylaws, requiring such owner or occupier to repair, paint or maintain such fence within the time stipulated in the notice.

15. A person who fails to comply with a notice given to him pursuant to By-law 14 commits an offence.

16. If an owner or occupier of land who has been given notice pursuant to By-law 14 fails to comply therewith the Council may enter upon such land and maintain the fence and recover the amount of the expenses thereof from the owner in a court of competent jurisdiction and may prosecute the owner for committing a breach of By-law 13.

17. Fencing Specifications—

- (a) A fence must be constructed in a Residential Zone in accordance with the specifications set out in the First Schedule.
- (b) A fence must be constructed in a Rural Zone in accordance with the specifications set out in the Second Schedule.
- (c) A fence must be constructed in a Rural-Residential Zone in accordance with the specifications set out in the Third Schedule.
- (d) A fence must be constructed in an Industrial and a Commercial Zone in accordance with the specifications set out in the Fourth Schedule.
- (e) A fence must be constructed in a Special Residential Zone in accordance with the specifications set out in the Fifth Schedule.
- (f) A fence to be constructed in a Special Use Zone shall be constructed in accordance with specifications determined by Council from the First to Fifth Schedules inclusive.

18. Sufficient fences—

- (a) A fence constructed in accordance with the specifications set out in the Sixth Schedule is hereby prescribed as a sufficient fence for the purposes of the Dividing Fences Act 1961.
- (b) Where a fence is erected on the boundary between a Residential Zone and another zone other than a Rural or Rural-Residential Zone, a sufficient fence is that prescribed for a Residential Zone in item (i) of the Sixth Schedule.
- (c) Where a fence is erected on the boundary between a Residential Zone and a Rural Zone or Rural-Residential Zone, a sufficient fence is that prescribed for a Rural Zone or Rural-Residential Zone respectively in items (ii) and (iii) of the Sixth Schedule.
- (d) Where a fence is erected on the boundary between differing zones, neither of which is a Residential Zone, the Council shall determine which item of the Sixth Schedule shall apply for the purpose of prescribing a sufficient fence for the purpose of the Dividing Fences Act 1961.
- (e) Where a fence is erected on the boundary between land zoned Special Use and land zoned other than Residential, the Council shall determine which item of the Sixth Schedule shall apply for the purpose of prescribing a sufficient fence for the purpose of the Dividing Fences Act 1961.
- (f) Where a fence is erected on the boundary between lots zoned Special Use, the Council shall determine which item of the Sixth Schedule shall apply for the purpose of prescribing a sufficient fence for the purpose of the Dividing Fences Act 1961.

19. Any person who does anything in contravention of any of the provisions of these by-laws or who fails to carry out any duty or requirements imposed upon him by these by-laws commits an offence and shall be liable, on conviction, to a maximum penalty of \$500 and in addition to a maximum daily penalty of \$50 per day for every day during which the offence continues.

First Schedule

Fences in Residential Zones

- (i) A fence shall be constructed of any new, durable, sound, recognised building product, fixed and supported in accordance with the Australian Standards appropriate to the material used.
- (ii) River frontages: on land with frontage to rivers, for a distance of 12 metres from the riverside lot boundary, fences shall comply with the requirements of By-law 5.
- (iii) Where all or portion of the side boundary of one lot forms all or portion of the rear boundary of another lot, the provisions relating to rear boundaries shall apply to such boundary or portion thereof.

Second Schedule

Fences in Rural Zones

A fence shall be erected from—

- (i) Sawn, split or round wooden posts set not less than 600 mm in the ground and not less than 1.2 metres out of the ground and spaced not more than 3.6 m apart with strainer posts set 1.1 metres in the ground and suitably and securely strutted at all corners, gateways and fence line angles but not exceeding 200 metres apart. Each fence post shall be bored with not less than six 12 mm suitably spaced holes, to be threaded with not less than six plain galvanised wires. Wire shall be wrapped around strainer posts and strained tight.

The following materials shall be used—

- (a) Wire—Shall be high tensile galvanised steel wire and not less than 2.5 mm in diameter.
- (b) Posts—If of paperbark, jam, white gum, jarrah or other timber shall be cut not less than 1.8 metres long by 100 mm diameter at small end if round, or 125 mm x 62 mm if split or sawn.
- (c) Strainer Posts—Shall be not less than 2.3 metres long and 150 mm diameter at small end and shall be cut from indigenous timber.
- (d) Barbed Wire—A barbed wire may be affixed along the top of the fence or on the inside of such fence. One or more barbed wires may be substituted for plain wire, to be affixed along the top of the fence or on the inside of such fence.

OR

- (ii) Concrete posts to Australian Standard N36-1964, with not less than six suitably spaced high tensile galvanised steel wires of not less than 2.5 mm in diameter. A barbed wire may be affixed along the top of the fence or on the inside of such fence.

OR

- (iii) Steel posts and wire to such specifications as may be from time to time approved by the Council, provided that such specifications shall provide for a standard of fencing generally compatible with alternatives (i) and (ii).

A fence may be erected with a combination of timber, concrete or steel posts provided that the general standards are adhered to and that the specifications of such fence are approved in writing by the Council.

Wire netting or "ringlock" type fencing may be used in place of or in conjunction with plain wires provided specifications are approved in writing by the Council.

OR

- (iv) Any other material and of a specification approved by the Council.

Third Schedule

Fences in Rural-Residential Zones

A fence shall be erected from—

- (i) Sawn, split or round wooden posts set not less than 600 mm in the ground and not less than 1.2 metres out of the ground and spaced not more than 3.6 m apart with strainer posts set 1.1 metres in the ground and suitably and securely strutted at all corners, gateways and fence line angles but not exceeding 200 metres apart. Each fence post shall be bored with not less than six 12 mm suitably spaced holes, to be threaded with not less than six plain galvanised wires. Wire shall be wrapped around strainer posts and strained tight.

The following materials shall be used—

- (a) Wire—Shall be high tensile galvanised steel wire and not less than 2.5 mm in diameter.

- (b) Posts—If of paperbark, jam, white gum, jarrah or other timber shall be cut not less than 1.8 metres long by 100 mm diameter at small end if round, or 125 mm x 62 mm if split or sawn.
- (c) Strainer Posts—Shall be not less than 2.3 metres long and 150 mm diameter at small end and shall be cut from indigenous timber.
- (d) Barbed Wire—A barbed wire may be affixed along the top of the fence or on the inside of such fence. One or more barbed wires may be substituted for plain wire, to be affixed along the top of the fence or on the inside of such fence.

Wire netting or “ringlock” type fencing may be used in place of or in conjunction with plain wires provided specifications are approved in writing by the Council.

OR

- (ii) Any other material and of a specification approved by the Council.

Fourth Schedule

Fences in Industrial and Commercial Zones

- (a) Corner posts shall have not less than two struts at right angles to each other, and gate posts not less than one strut.
- (b) Intermediate posts shall be constructed of galvanised steel tubing having an internal diameter of not less than 40 mm and shall have caps to tops and be set into concrete blocks having a depth of not less than 450 mm and sides of a width not less than 225 mm spaced at not more than 3.6 metres.
- (c) Cables shall be affixed to the top, centre and bottom of all posts and shall consist of two or more 3.15 mm wires twisted together.
- (d) Galvanised steel link mesh shall be not less than 1.8 metres high and constructed of 50 mm mesh 2.5 mm galvanised iron wire and shall be strained neatly, secured and laced to the posts and affixed to the cables.
- (e) Gates shall provide an opening of not less than 3.6 metres and shall be constructed of 25 mm tubular galvanised steel framework with one horizontal and one vertical stay constructed of 18 mm piping, and shall be covered with 50 mm mesh 2.5 mm galvanised link mesh strained and laced to framework. Gates shall be fitted with a drop bolt and locking attachment.
- (f) Dividing fences along side or rear boundaries: Corner and gate posts shall be constructed of galvanised steel tubing having an internal diameter of not less than 50 mm and shall have caps to tops and be set into concrete blocks having a depth of not less than 750 mm and sides of a width of not less than 225 mm.

Fifth Schedule

Fences in Special Residential Zones

- (i) On lots of 2,000 m²-4,000 m² in area—as for Residential Zones.
- (ii) On lots of 4,001 m²-10,000 m² in area—

A fence shall be erected from sawn, split or round wooden posts set not less than 600 mm in the ground and not less than 1.2 metres out of the ground and spaced not more than 3.6 m apart with strainer posts set 1.1 metres in the ground and suitably and securely strutted at all corners, gateways and fence line angles but not exceeding 200 metres apart. Each fence post shall be bored with not less than six 12 mm suitably spaced holes, to be threaded with not less than six plain galvanised wires. Wire shall be wrapped around strainer posts and strained tight.

The following materials shall be used—

- (a) Wire—Shall be high tensile galvanised steel wire and not less than 2.5 mm in diameter.
- (b) Posts—If of paperbark, jam, white gum, jarrah or other timber shall be cut not less than 1.8 metres long by 100 mm diameter at small end if round, or 125 mm x 62 mm if split or sawn.
- (c) Strainer Posts—Shall be not less than 2.3 metres long and 150 mm diameter at small end and shall be cut from indigenous timber.

Wire netting or “ringlock” type fencing may be used in place of or in conjunction with plain wires provided specifications are approved in writing by the Council.

Sixth Schedule
Sufficient Fences

The following specifications are hereby prescribed for sufficient fences for the purposes of the Dividing Fences Act 1961—

(i) Residential Zones

A fence of corrugated fibre reinforced pressed cement sheeting constructed in compliance with the following—

- (a) the in-ground depth to be of 25 per cent of the total length of the sheet;
- (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement sheet;
- (c) the sheets to be lapped and capped with extruded 'snap fit' type capping; and
- (d) the height of the fence to be 1800 mm.

(ii) Rural Zones

A fence shall be erected from split wooden posts set 600 mm in the ground and 1.2 metres out of the ground, and spaced 3.6 m apart, with strainer posts set 1.1 metres in the ground and struted at all corners, gateways and fence line angles but not exceeding 200 metres apart. Each fence post shall be bored with six 12 mm holes, to be threaded with six plain galvanised wires. Wire shall be wrapped around strainer posts and strained tight.

The following materials shall be used—

- (a) Wire—shall be high tensile galvanised steel wire 2.5 mm in diameter.
- (b) Posts—shall be cut 1.8 metres long by 125 mm x 62 mm.
- (c) Strainer Posts—shall be 2.3 metres long and 150 mm diameter at small end and shall be cut from indigenous timber.

(iii) Rural-Residential Zones

A fence shall be erected from split wooden posts set 600 mm in the ground and 1.2 metres out of the ground, and spaced 3.6 m apart, with strainer posts set 1.1 metres in the ground and struted at all corners, gateways and fence line angles but not exceeding 200 metres apart. Each fence post shall be bored with six 12 mm holes, to be threaded with six plain galvanised wires. Wire shall be wrapped around strainer posts and strained tight.

The following materials shall be used—

- (a) Wire—shall be high tensile galvanised steel wire 2.5 mm in diameter.
- (b) Posts—shall be cut 1.8 metres long by 125 mm x 62 mm.
- (c) Strainer Posts—shall be 2.3 metres long and 150 mm diameter at small end and shall be cut from indigenous timber.

(iv) Industrial and Commercial Zones

- (a) Corner posts shall have two struts at right angles to each other, and gate posts shall have one strut.
- (b) Intermediate posts shall be constructed of galvanised steel tubing having an internal diameter of 40 mm and shall have caps to tops and be set into concrete blocks having a depth of 450 mm and sides of a width of 225 mm spaced at 3.6 metres.
- (c) Cables shall be affixed to the top, centre and bottom of all posts and shall consist of two 3.15 mm wires twisted together.
- (d) Galvanised steel link mesh shall be 1.8 metres high and constructed of 50 mm mesh 2.5 mm galvanised iron wire and shall be strained neatly, secured and laced to the posts and affixed to the cables.
- (e) Gates shall provide an opening of 3.6 metres and shall be constructed of 25 mm tubular galvanised steel framework with one horizontal and one vertical stay constructed of 18 mm piping, and shall be covered with 50 mm mesh 2.5 mm galvanised link mesh strained and laced to framework. Gates shall be fitted with a drop bolt and locking attachment.
- (f) Dividing fences along side or rear boundaries: Corner and gate posts shall be constructed of galvanised steel tubing having an internal diameter of 50 mm and shall have caps to tops and be set into concrete blocks having a depth of 750 mm and sides of a width of 225 mm.

(v) Special Residential Zones

- (a) On lots of 2,000 m²-4,000 m² in area—as for Residential Zones.
- (b) On lots of 4,001 m²-10,000 m² in area—

A fence shall be erected from round wooden posts set 600 mm in the ground and 1.2 metres out of the ground, and spaced 3.6 m apart, with strainer posts set 1.1 metres in the ground and struted at all corners, gateways and fence line angles but not exceeding 200 metres apart. Each fence post shall be bored with six 12 mm holes, to be threaded with six plain galvanised wires. Wire shall be wrapped around strainer posts and strained tight.

The following materials shall be used—

- (a) Wire—shall be high tensile galvanised steel wire 2.5 mm in diameter.
- (b) Posts—shall be cut 1.8 metres long by 100 mm diameter at small end.
- (c) Strainer Posts—shall be 2.3 metres long and 150 mm diameter at small end and shall be cut from indigenous timber.

Seventh Schedule

Fences in Specified Area—North Yunderup

By-law 5

Residential Zone fencing specifications as set out in Schedule One hereto shall apply to the undermentioned localities—

From Part Location 182 to Lot 52 of Part Location 186 Culeenup Road, North Yunderup, inclusive, as defined on Plan Numbers 4970, 4841 and 5503, Lands and Surveys Lithographs Murray 3 and 5.

The Common Seal of the Shire of Murray was hereunto affixed by the authority of the Council in the presence of—

N. H. NANCARROW, President.
D. A. McCLEMENTS, Chief Executive/Shire Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of December 1996.

J. PRITCHARD, Clerk of the Council.

LG9

LOCAL GOVERNMENT ACT 1960

The Municipality of the Shire of Three Springs

BY-LAWS RELATING TO REPEAL OF BY-LAWS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 12th day of December 1995, to make and submit for confirmation by the Governor the following by-laws.

Repeal of By-laws

That the following By-laws previously gazetted be repealed—

By-law	<i>Government Gazette</i>	Page No.
1. General By-laws	21/03/1930	976/81
2. Poundage Fees	16/12/1932	1874
3. Halls	16/02/1934	223
4. Appointment of Employees	07/11/1941	1645
5. Vehicles on Roads	02/11/1951	3016
6. Parking	18/04/1952	981/82
7. One Way Traffic	09/01/1953	43
8. Storage of Inflammable Liquids	17/08/1966	2233
9. Hawkers	22/04/1968	1106/7
10. Old Refrigerators/Cabinets	22/09/1969	2892
11. Petrol Pumps	22/09/1969	2892
12. Clearing of Land & Rubbish	09/02/1970	401/2

By-law	<i>Government Gazette</i>	Page No.
13. Vehicles Driven on Shire Land	04/06/1970	1522
14. Swimming Pool By-laws	04/05/1971	1339/43
15. Management & Use of Halls	18/02/1977	527
16. Removal of Verandahs	16/09/1977	3367
17. Caravan Parks & Camping Grounds	28/10/1977	3833
18. Fencing	25/08/1978	3160
19. Control & Storage of Old & Disused Motor Vehicles & Machinery	19/01/1979	174
20. Pest Plants	28/09/1979	3028/29
21. Swimming Pools	12/12/1980	4270
22. Swimming Pools	19/04/1984	1137
23. Halls	18/05/1984	1319
24. Signs Hoardings & Bill Posting	07/06/1985	49

Dated this 12th day of December 1995.

The Common Seal of the Shire of Three Springs was hereunto fixed by the authority of a resolution of Council in the presence of—

A. J. McALEER, President.
G. J. LITTLE, Shire Clerk.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of December 1996.

J. PRITCHARD, Clerk of the Council.

LG10*

LOCAL GOVERNMENT ACT 1960

Shire of Yalgoo

BY-LAW RELATING TO STANDING ORDERS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 15th day of May 1996, to make and submit for confirmation by the Governor the following By-law.

1. INTERPRETATIONS AND STANDING ORDERS

1.1 Proceedings Conducted According to Standing Orders

The proceedings and business of the Council shall be conducted in accordance with the Act, and where not specifically prescribed, according to this By-law, the clauses of which shall be referred to as "the Standing Orders".

1.2 All Meetings Governed by Standing Orders

The proceedings of all Council meetings, Committee meetings and other meetings of the Council as described in the Act shall be governed by these Standing Orders except where specific exceptions apply either in the Act or in the Standing Orders.

1.3 Interpretations

The following interpretations should be used in these Standing Orders, unless the context otherwise requires—

"Act" means the "Local Government Act 1995, and amendments and successors;

"clause" means a clause of these Standing Orders;

"Committee" means any Committee appointed in accordance with the provisions of the Act;

"Council" means the Council of the Shire of Yalgoo;

“President” includes the Deputy President, in the absence of the President, and any councillor chosen to preside at any meeting of the Council in the manner prescribed by the Act.

“meeting” includes any Ordinary or Special Meeting of the Council or any other meeting held in accordance with the Act and properly convened as the Act requires;

“member” means the President, or a councillor of the Council, or in the case of Committees, a member of the Committee appointed in accordance with the Act;

“officer” is an employed member of the staff of the Council;

“Chief Executive Officer” means the Chief non-elected officer of the Shire or other officer who, for the time being, is acting in that capacity;

“absolute majority” is more than 50% of the current number of elected Council positions whether they are vacant or not regardless of the number actually present;

“simple majority” is more than 50% of the councillors present and voting at a meeting.

2. MEETINGS—NOTICE AND BUSINESS

2.1 Notice of Meetings—Members to Receive Notice

Before any ordinary or special meeting of the Council a notice from the Chief Executive Officer, stating the place, date and hour of holding the meeting, and specifying the business to be transacted shall be transmitted by post or facsimile or otherwise delivered to each member of the Council, at least 72 hours before the meeting, at the usual or last known place of abode or business, or to another address any member may request by notice in writing to the Chief Executive Officer.

2.2 Emergency Meetings

A meeting of Council for the purpose of dealing with an emergency situation may be called in accordance with section 5.4 of the Act. Decisions made at this meeting must be by absolute majority.

2.3 Business to be Specified on Notice Paper

No business shall be transacted at any meeting of the Council other than that specified in the notice without the approval of the President or the approval of the majority of councillors present determined by vote.

2.4 Specified Papers

Any member may, in writing addressed to the Chief Executive Officer and delivered to the office of the Chief Executive Officer at least 48 hours before any meeting of the Council, or of any Committee of the Council, request that any specified papers be laid upon the table at any meeting to be named, and the papers shall be laid upon the table accordingly.

2.5 Papers Relating to Matter Under Discussion

At any meeting of the Council, or of any Committee of the Council, the President or any member may require the production of any specified papers, documents, books or records, books of accounts, plans, or any other record or matter whatsoever relating to any question then under discussion providing that wherever possible, the notice prescribed in the preceding clause shall be given. In the event of notice not having been given, the proceedings of the Council shall not be unreasonably delayed while documents are obtained.

2.5.1 No papers produced as described in clause 2.4 shall be deemed to be public unless otherwise ordered by resolution of the Council.

2.6 Objectionable Business

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

2.6.1 Any member of the Council may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the President shall stand.

3. MEETINGS—QUORUM

3.1 Quorum at Meetings

In accordance with the Act, the quorum at all meetings of Council and its Committees shall be a minimum of 50% of the total number of places whether vacant or not.

3.2 Count-out/Adjournment

At any time during any meeting of the Council any councillor or the Chief Executive Officer may call the attention of the President to the fact that a quorum is not present. The President shall immediately suspend the proceedings of the meeting for a period of five minutes. If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out, and the President shall adjourn it to a later hour of the same day or to any other time, not more than seven days from the date of adjournment.

3.3 Absence of Quorum—Record in Minute Book

At all meetings of the Council when the Council is counted out, and an absence of quorum noted, the circumstances, together with the names of the members present, shall be recorded in the Minute Book.

4. MEETINGS—MINUTES

4.1 Recording and Reading of Minutes

4.1.1 Binding or pasting or otherwise permanently affixing the minutes to the leaves of a book shall be a sufficient recording of the minutes.

4.1.2 Reading of the minutes of a previous meeting may be dispensed with provided that a copy of those minutes has been supplied to each member at least 72 hours prior to the date of the ordinary meeting at which they are presented for confirmation.

4.2 Confirmation of Minutes

The minutes of any preceding meeting or meetings as described in the Act, not previously confirmed, shall be submitted for confirmation as the first business at all meetings of the Council, and no discussion of them shall be permitted except as to their accuracy as a record of the proceedings. Each page of the minutes shall then be initialled and dated by the President or person presiding over the meeting as prescribed by the Act, except that the last page of the minutes must receive a full signature and date. The minutes, when confirmed, shall not be altered, except by resolution after notice given in accordance with the Act.

5. MEETINGS—ORDER OF BUSINESS

5.1 Ordinary Meeting—Order of Business

- (a) reception of public statements or questions and limited to a total of fifteen minutes of duration, except by consent of the President. Each speaker will be limited to three minutes' duration to speak except by consent of the President;
- (b) confirmation of previous minutes;
- (c) apologies and leave of absence;
- (d) business arising from previous minutes;
- (e) declarations of interest;
- (f) receiving of Reports from Shire President, councillors, Chief Executive Officer, Environmental Health Officer/Building Surveyor and Works Foreman;
- (g) receiving and dealing with Inward, Tabled, Outward and Late Correspondence;
- (h) receiving of minutes or reports or recommendations of Committees held since the previous meeting of Council;
- (i) receiving of financial statements and passing of accounts for payment;
- (j) notice of motions; and
- (k) any other business the reception of which has been approved according to clause 2.3 of these Standing Orders.

5.2 Late Correspondence

In cases of extreme urgency or other special circumstance, late correspondence may, with the consent of the President, or at the request of a majority of councillors present, be read and dealt with.

6. MEETINGS—PUBLIC CONDUCT

6.1 Admission and Removal of the Public

6.1.1 The public is admitted to the Council chamber on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the Council shall take place. In the event of any such interruption, the President may use discretion and without a vote of the Council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the Council chamber. This direction by the President may not be challenged by moving dissent with the ruling and the President's ruling is final.

6.1.2 Any person, not being a member of the Council, who interrupts the orderly conduct of the business of the Council who does not withdraw immediately upon being called by the President to withdraw from the meeting may, by order of the President, be removed from the meeting.

7. ROLE OF PRESIDENT

7.1 Directions by the President

7.1.1 At any meeting of the Council the President shall have the right to direct attention to any matter of interest or relevance to the business of the Council or propose a change to the order of business.

7.1.2 Any councillor may move that a change in order of business proposed by the President not be accepted and if carried by a majority of councillors present, the proposed change in order will not take place.

7.2 The President to Take Part in Debates

Subject to the provisions of these Standing Orders, the President may take part in a discussion upon any question before the Council, provided that like other councillors in accordance with these Standing Orders, the President may only speak once and provided that this is done before the right of reply is exercised.

7.3 Precedence of President

When the President rises during the progress of a debate, any member of the Council then speaking, or offering to speak, shall immediately sit down and every member of the Council present shall preserve strict silence so that the President may be heard without interruption. This clause should not be used by the President to exercise the right provided in clause 7.2, but should be used to preserve order.

7.4 Dissent With the President's Ruling

Except where expressly denied in these Standing Orders or the Act, a member of the Council may move a procedural motion to disagree with a ruling given by the President. The President must immediately call for a seconder and put the motion without debate.

8. QUESTIONS

8.1 Questions of Which Due Notice Has to be Given

8.1.1 Any councillor seeking to ask a question at any meeting of the Council shall give written notice of the specific question to the Chief Executive Officer at least 24 hours before the meeting.

8.1.2 All questions and answers shall be submitted as briefly and concisely as possible, and no discussion shall be allowed thereon.

8.2 Questions Not to Involve Argument or Opinion

In putting any question, no argument or expression of opinion shall be used or offered, nor any facts stated, except those necessary to explain the question.

9. PETITIONS

9.1 Petitions and Memorials—Petitions to be in Writing

Any petition to be submitted to the Council shall be in writing or typewritten, and be authenticated by the signature of the member of the Council presenting it.

9.2 Presentation of Petitions

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

9.3 Responsibility of Member Presenting Petition

It shall be incumbent on a member of the Council presenting a petition to be familiar with the nature and contents of the petition, and to ascertain that it does not contain language disrespectful to the Council.

9.4 Procedure of Petitions

The only question which shall be considered by the Council on the presentation of any petition shall be—

- (a) That the petition shall be accepted; or
- (b) That the petition not be accepted; or
- (c) That the petition be accepted and referred to a Committee for consideration and report; or
- (d) That the petition be accepted and be dealt with by the full Council.

10. CONDUCT OF MEMBERS

10.1 Official Titles to be Used

Members of the Council shall address each other in the Council during the transaction of business by their respective titles of President or councillor. Members of the Council, in speaking of or addressing officers, shall designate them by their respective official titles.

10.2 Members to Occupy Own Seats

10.2.1 At the first meeting attended by a councillor after election the Chief Executive Officer shall allot by random draw, a position at the Council table to each councillor and the councillor shall, until such time as there is a call by a majority of councillors for a reallocation of positions, occupy that position when present at meetings of the Council.

10.2.2 No member of the Council shall be deemed to be present unless occupying their allotted place within the Council chambers.

10.3 Leaving Meetings

After a meeting of the Council has been formally constituted, and the business commenced, no member shall enter, leave or withdraw from the meeting without first seeking leave from the President.

10.4 Debate—Maintenance of Order—Imputations—Offensive Expressions

No member of Council may impute motives or use offensive or objectionable expressions in reference to any member, officer of the Council, or any other person.

10.5 Alcohol

Consumption of alcohol in Council or Committee meetings is prohibited.

10.6 Smoking

Smoking in Council or Committee meetings is prohibited.

11. CONDUCT OF MEMBERS DURING DEBATE

11.1 Members to Rise

Every member of the Council wishing to speak shall indicate by raising their hand or by such other method as agreed by Council. When invited by the President to speak, members shall rise and address the Council through the President, provided that any member of the Council unable conveniently to stand by reason of sickness or infirmity shall be permitted to sit while speaking.

11.2 Priority

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

11.3 Relevance

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

11.4 Limitation of Number of Speeches

No member of the Council shall address the Council more than once on any motion or amendment before the Council except where the member is the mover of a substantive motion.

11.5 Limitation of Duration of Speeches

All addresses shall be limited to a maximum of three minutes. Extension of time is permissible only with the agreement of the majority of councillors present.

11.6 Members Not to Speak After Conclusion of Debates

No member of the Council may speak to any question after it has been put by the chair.

11.7 Irrelevance, Repetition, Imputations, Offensive Expressions

11.7.1 A member may call the attention of the Council to continued irrelevance, tedious repetition, unbecoming language, or any breach of order or decorum on the part of a member of the Council, and may direct the councillor, if speaking to discontinue the speech, and the councillor shall then cease speaking and sit down.

11.7.2 If, after a councillor has drawn the attention of the President according to clause 11.7.1, a councillor continues without complying with the President's direction, a councillor may move that the councillor cease to speak. Upon moving this motion the President must immediately call for a seconder, but there shall be no debate. If carried by a majority of councillors present, the councillor may take no further part in debate on the question before the meeting.

11.8 Members Not to Interrupt

No member of the Council shall interrupt another member of the Council who is speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum.

11.9 Re-Opening Discussion on Resolutions

No member of the Council shall re-open discussion on any resolution of the Council, except for the purpose of moving that the resolution be rescinded, altered or varied.

11.10 Members Repeatedly Called to Order

Any member of the Council who converses aloud, or makes any noise, or disturbance after being called to order by the President, or who wilfully obstructs or interrupts the orderly conduct of business shall, upon the request of the President, withdraw from the Council chamber and, in the event of the member persistently disregarding the authority of the President and not withdrawing when requested, may by order of the President be removed from the Council chamber for the remainder of the sitting.

11.10 Chair's Right to Adjourn Without Explanation to Regain Order

If a meeting ceases to operate in an orderly manner, the President may use discretion to adjourn the meeting for a period of fifteen minutes without explanation, for the purpose of regaining order. This action cannot be challenged by any member of Council. Upon resumption, debate will continue at the point at which the meeting was adjourned.

12. PROCEDURES FOR DEBATE OF MOTIONS

12.1 Motions To be Read

Any member of the Council who intends to submit a substantive motion or amendment to a substantive motion shall read, aloud, the text before speaking to it.

12.2 To be Seconded

No motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded except in Council Committees.

12.3 Only One Substantive Motion Considered

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

12.4 Order of Call in Debate

The President will call speakers to a substantive motion in the following order—

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view;
- (h) Mover takes right of reply which closes debate.

12.5 Limit of Debate

The President may offer the right of reply and put the motion to the vote if the President believes sufficient discussion has taken place even though all councillors may not have spoken.

12.6 Secunder Requesting Right To Speak

A seconder may request the right to speak at a later time in debate, however the moving of any procedural motion which will close debate, or any amendment to the substantive motion will automatically deny the seconder the right to speak to the substantive motion.

13. PROCEDURAL MOTIONS

13.1 Permissible Procedural Motions

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a councillor to move the following procedural motions—

- (a) that the Council proceed to the next business;
- (b) that the question be adjourned;
- (c) that the Council do now adjourn;
- (d) that the question be now put;
- (e) that the question be not now put;
- (f) that the Council moves into a Committee of the whole;
- (g) that the councillor be no longer heard;
- (h) that the ruling of the President (or person chairing the meeting) be disagreed with;
- (i) that the motion lie on the table;
- (j) that the Council meet behind closed doors.

13.2 Procedural Motions Not Required in Writing

Procedural motions are not required to be presented in writing.

13.3 Procedural Motions—Recording in Minutes

The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting.

13.4 Procedural Motions—Majority Required

Any procedural motion, as stated in clause 13.1, shall be carried upon the majority of councillors present voting in the affirmative.

13.5 Procedural Motions—Closing Debate—Who May Move

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

13.6 Procedural Motions—Right of Reply

There shall be no right of reply on any procedural motion.

13.7 Procedural Motions—Right of Reply on Substantive Motion

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

14. EFFECT OF PROCEDURAL MOTIONS

14.1 That the Council Proceed to the Next Business—Effect of Motion

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

14.2 That the Question be Adjourned—Effect of Motion

This motion, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is re-convened.

14.3 That the Council do Now Adjourn—Effect of Motion

This motion, having been carried, will cause the meeting to stand adjourned until it is reopened at which time the meeting continues from the point at which it was adjourned unless the President or the majority of councillors upon vote, determine otherwise.

14.4 That the Question be Now Put—Effect of Motion

14.4.1 This motion, having been carried during discussion on a substantive motion without amendment, will cause the President to offer the right of reply and then immediately put the question under consideration without further debate.

14.4.2 This motion, having been carried during discussion on an amendment, will cause the President to put the amendment to the vote without further debate.

14.4.3 This motion, having been lost, will allow debate to continue.

14.5 That the Question be Not Now Put—Effect of Motion

14.5.1 This motion, if carried during the discussion of either a substantive motion or an amendment, will cause the meeting to proceed to the next business with no decision required to be made. In this case, there is no requirement for the matter to be raised again, except that it can only be raised by way of another substantive motion for which due notice must be given.

14.5.2 This motion, if lost, will cause the President to immediately put any amendment to the vote and then to offer the right of reply and put the substantive motion to the vote immediately.

14.6 That the Council Move Into a Committee Of The Whole—Effect of Motion

This motion, having been carried, will allow free and open discussion on the matter before the meeting. Councillors will not be required to stand, nor will there be restrictions on the number of times each councillor may speak, provided that normal courtesy and order is maintained. Any decisions made during the time that the Council sits in Committee of the whole must be formally agreed by a substantive motion when the Council moves out of Committee of the whole.

14.7 That The councillor Be No Longer Heard—Effect of Motion

This motion, having been carried, will cause the President to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

14.8 That the Ruling of the President be Disagreed With—Effect of Motion

14.8.1 This motion, having been carried, will cause the ruling of the President about which this motion was moved, to be reversed and for the meeting to proceed accordingly.

14.8.2 Where the President has given a ruling in strict accordance with the Act, this motion may not be moved.

14.8.3 Where the President has adjourned the meeting in accordance with clause 11.10 of these Standing Orders, this motion may not be moved.

14.9 That the Motion Lie on the Table—Effect of Motion

14.9.1 This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.

14.9.2 Any councillor may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.

14.9.3 When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to re-introduce the matter after which debate shall continue according to these Standing Orders.

14.10 That the Council Meets Behind Closed Doors—Effect of Motion

In accordance with the Act, this motion, if carried, will cause the general public and any officers or employees the Council determines, to leave the room.

15. DECISION MAKING PROCEDURES

15.1 Voting and Decisions—Majority to Determine

All acts of the Council, and all questions coming before the Council, may be decided by a simple majority of the members of the Council present within the Council chamber, and voting, at a properly constituted meeting, unless otherwise provided for in these Standing Orders or the Act.

15.2 Breaking Down of Complex Questions

The President may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence.

15.3 Member May Require Questions to be Read

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

15.4 Order of Amendments

Any number of amendments may be proposed to a motion, but whenever an amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

15.5 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended shall then be submitted as the substantive motion, and shall become the question before the Council upon which any member may speak and any further amendment may be moved.

15.6 Repetition of Motions

No motion or amendment shall be proposed which is the same in substance as a motion or amendment which has been resolved during the same sitting of the Council.

15.7 Consent of Secunder Required to Accept Alteration of Wording

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

15.8 Withdrawal of Motion and Amendments

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

15.9 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion shall not be withdrawn, except by consent of the majority of members of the Council present, and subject to clause 15.10, until the amendment proposed has been withdrawn or lost.

15.10 Authority for Withdrawal

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

15.10 Right of Reply

15.10.1 The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other member of the Council shall speak on the question.

15.10.2 The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

15.11 Right of Reply Provisions

The right of reply shall be governed by the following provisions—

- (a) If there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion on the motion.
- (b) If there is an amendment, the mover of the substantive motion shall take the right of reply at the conclusion of the vote on any amendments.
- (c) The mover of any amendment does not have a right of reply.
- (d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the substantive motion as amended is immediately put to the vote.

15.12 Motions and Amendments—to be in Writing

Every substantive motion or amendment, but not procedural motions, shall be written and shall be signed by the proposer and seconder and provided to the President and the Chief Executive Officer immediately upon being seconded.

15.13 Amendments Must be Relevant

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

15.14 Amendments Must Not Negate Original Motion

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

15.15 Mover of Motion Not to Speak on Amendment

On an amendment being moved, any member may speak to the amendment, except the person who moved the substantive motion who is only entitled to a right of reply except, that if the person who moved the substantive motion does choose to speak to the amendment, their right of reply is forfeited.

15.16 Question—When Put

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

15.17 Question—Method of Putting

If a decision is not clear or in doubt, the President shall put the question as often as necessary to determine the decision from a show of hands before declaring the decision which shall be final unless a division is called, as provided for in clause 15.18 of these Standing Orders.

15.18 Division—Method of Operation

15.18.1 It is the right of any councillor to call for a division on the vote for any substantive motion.

15.18.2 Upon a division being called, the President shall direct that all councillors move to the right of the chair if they are in favour of the motion and move to the left of the chair if they are against the motion.

15.18.3 The Chief Executive Officer shall ensure that the names of all councillors, together with their individual votes, are recorded in the minutes.

15.19 Revoking Decisions

Revoking or changing decisions made at Council or Committee meetings shall comply with clause 10 of the Local Government (Administration) Regulations 1996.

16. POINTS OF ORDER

16.1 Points of Order—When to Raise—Procedure

Upon a matter of order arising during the progress of a debate, any member of the Council may raise a point of order including interrupting the speaker. Any member of the Council who is speaking when a point of order is raised, shall immediately sit down while the President listens to the point of order.

16.2 Points of Order—Definitions

Rising to express difference of opinion or to contradict a speaker shall not be recognised as raising a point of order, but the following shall be recognised as valid points of order—

- (a) that the discussion is of a question not before the Council.
- (b) that offensive or insulting language is being used.
- (c) drawing attention to the violation of any local law or Standing Order of the Council, providing that the member rising to the point of order shall state the local law or Standing Order believed to be breached.

16.3 Points Of Order—Ruling

The President shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.

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

The ruling of the President upon any question of order shall be final, unless a majority of the members of the Council support a motion of dissent with the ruling.

16.5 Points of Order—Motion Against Ruling Procedure

An objection having been taken to the ruling of the President, the councillor so objecting may immediately move dissent with the ruling. Should the motion be seconded it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action of the Council.

16.6 Points of Order Take Precedence

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

17. ADJOURNMENT OF MEETING

17.1 Meeting May be Adjourned

The Council may, upon a motion moved and seconded, adjourn any meeting to a later hour of the same day, or to any other time not more than seven days from the date of the adjournment.

17.2 Notice of Adjourned Meeting

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member in the manner provided in clause 2.

17.3 Business at Adjourned Meeting

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting.

17.4 Limit to Moving Adjournment of Council

No member of the Council shall be allowed to move or second more than one motion of adjournment during the same sitting of the Council.

17.5 Unopposed Business—Motion for Adjournment of Council

On a motion for the adjournment of the Council, the President, before putting the motion, may seek leave of the Council to proceed to the transaction of unopposed business.

17.6 Withdrawal of Motion for Adjournment of Council

A motion or an amendment relating to the adjournment of the Council may be withdrawn by the mover, with the consent of the seconder, except that if any councillor objects to the withdrawal the motion must continue to be debated.

18. PERSONAL EXPLANATION

18.1 Personal Explanation

No member of the Council shall speak, except upon the question before the Council, unless it is to make a personal explanation. Any member of the Council who is permitted to speak under these circumstances must confine the observations to a succinct statement of what is to be explained in relation to a specific part of the former speech which may have been misunderstood and to the explanation itself. When a member gives an explanation, that member shall make no reference to matters not strictly necessary for that purpose, nor endeavour to strengthen the former position by introducing new argument or matter, nor reply to other members of the Council.

18.2 Personal Explanation—When Heard

A member of the Council wishing to make a personal explanation of matters referred to by any member of the Council then speaking shall be entitled to be heard forthwith, if the member of the Council then speaking consents at the time, but if the member of the Council who is speaking declines to give way, the explanation must be offered at the conclusion of that speech.

18.3 Ruling on Questions of Personal Explanation

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

19. COMMITTEES OF COUNCIL

19.1 Committees

The Council shall, at the first meeting held after the ordinary election, appoint one or more Committees in accordance with the Act.

19.2 Standing Orders to Apply to Committees

These Standing Orders shall apply to the proceedings of Committees of Council except that the requirement for members to speak only once shall not be applied in meetings of Committees.

20. ADMINISTRATIVE MATTERS

20.1 Copies of Acts and Standing Orders and Papers to Members of the Council

The Chief Executive Officer shall provide to each member of the Council as soon as convenient after being elected to office, a copy of the Acts and local-laws regulating and governing the administration of the Shire.

20.2 Custody and Use of Common Seal

The Chief Executive Officer shall have charge of the common seal of the Shire, and shall be responsible for the safe custody and proper use of it.

20.3 Seal Not to be Improperly Used

Except as required by law, or in the exercise of the express authority of the Council, the Chief Executive Officer shall not use the common seal of the Shire.

20.4 Custody of Corporate Property

The custody of all property whatsoever, belonging to, or held in trust by the Shire shall be in the Chief Executive Officer, who shall be responsible to the Council therefore.

20.5 Suspension of Standing Orders

- (a) The mover of a motion to suspend any Standing Order or Orders shall state the Standing Order or Orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the Standing Orders regulating the proceedings and business of the Council must be seconded, but the motion need not be presented in writing.

20.6 Penalty for Breach of Standing Orders

Any person guilty of any breach of these Standing Orders or any of the provisions hereof, shall be liable to a penalty not exceeding \$1,000.

20.7 Duty of Chief Executive Officer

It is the duty of the Chief Executive Officer to draw the attention of the Council to any breach or likely breach of these Standing Orders even if it requires interrupting any person speaking, including the President.

Dated this 19th day of June 1996.

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

JOHN H. MORRISSEY, President.
ANDRIES J. GERTENBACH, Chief Executive Officer.

Recommended—

PAUL D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 31st day of December 1996.

J. PRITCHARD, Clerk of the Council.

LG11**LOCAL GOVERNMENT ACT 1995****SHIRE OF MURRAY AND CITY OF MANDURAH (ALTERATION OF DISTRICT AND WARD BOUNDARIES) ORDER No. 1, 1996**

Made by his Excellency the Governor under the provisions of sections 2.1 and 2.2 of the *Local Government Act 1995*.

Citation

1. This Order may be cited as the *Shire of Murray and City of Mandurah (Alteration of District and Ward Boundaries) Order No. 1, 1996*.

Commencement

2. This Order shall take effect on and from the day it is published in the *Government Gazette*.

Alteration of District Boundaries

3. The boundaries of the districts of the Shire of Murray and the City of Mandurah are hereby altered by severing from the district of the Shire of Murray the land described in Schedule A of this Order and annexing that land to the district of the City of Mandurah.

Alteration of Ward Boundaries

4. The boundaries of the South Ward of the Shire of Murray and the Coastal and East Wards of the City of Mandurah are hereby altered by—

- (a) severing the land described in Schedule B of this Order from the South Ward of the Shire of Murray and annexing that land to the Coastal Ward of the City of Mandurah; and
- (b) severing the land described in Schedule C of this Order from the South Ward of the Shire of Murray and annexing that land to the East Ward of the City of Mandurah.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

Schedules

SCHEDULE A

PROPOSED TRANSFER OF TERRITORY FROM THE SHIRE OF MURRAY TO THE CITY OF MANDURAH

All that portion of land, Harvey Estuary bed and Peel Inlet bed bounded by lines, starting from the intersection of the right bank of the Serpentine River with the low water mark of the Peel Inlet, a point on a present southern boundary of the City of Mandurah and extending southwesterly to the intersection of South Latitude 32 degrees 34 minutes 36.1756 seconds with East Longitude 115 degrees 45 minutes 20.8228 seconds; thence southwesterly to the intersection of South Latitude 32 degrees 34 minutes 50.6273 seconds with East Longitude 115 degrees 42 minutes 28.8139 seconds;

thence southwesterly to the intersection of South Latitude 32 degrees 36 minutes 13.3879 seconds with East Longitude 115 degrees 40 minutes 16.0861 seconds; thence southwesterly to the intersection of South Latitude 32 degrees 36 minutes 36.4156 seconds with East Longitude 115 degrees 39 minutes 32.5950 seconds; thence southwesterly to the intersection of South Latitude 32 degrees 38 minutes 11.6744 seconds with East Longitude 115 degrees 39 minutes 9.7166 seconds; thence southeasterly to the intersection of South Latitude 32 degrees 39 minutes 44.7877 seconds with East Longitude 115 degrees 39 minutes 34.9775 seconds; thence southeasterly to the intersection of the left bank of the Harvey River with the high water mark of the Harvey Estuary, a point on a present northern boundary of the City of Mandurah and thence generally southerly, generally northwesterly, generally northeasterly, generally easterly and generally southeasterly along boundaries of that city to the starting point.

Area: about 3878 hectares.

Department of Land Administration Public Plans:

BG32 (2) 01.26, 01.27, 01.28, 01.29, 01.30, 01.32, 02.24, 02.25, 02.34, 02.35, 03.36, 07.37, 08.35 and 08.36

BG32 (10) 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, 2.7 and 2.8

SCHEDULE B

PROPOSED TRANSFER OF TERRITORY FROM THE SOUTH WARD OF THE SHIRE OF MURRAY TO THE COASTAL WARD OF THE CITY OF MANDURAH

All that portion of land, Harvey Estuary bed and Peel Inlet bed bounded by lines, starting from the intersection of the low water mark of the Peel Inlet with a line joining the eastern extremity of Creery Island with the intersection of the prolongation southerly of the western side of Kurdal Road with the low water mark of the Peel Inlet, the present easternmost eastern corner of the Coastal Ward of the City of Mandurah and extending south to a line joining the intersection of South Latitude 32 degrees 34 minutes 36.1756 seconds with East Longitude 115 degrees 45 minutes 20.8228 seconds with the intersection of South Latitude 32 degrees 34 minutes 50.6273 seconds with East Longitude 115 degrees 42 minutes 28.8139 seconds; thence southeasterly along that line to the last mentioned intersection; thence southwesterly to the intersection of South Latitude 32 degrees 36 minutes 13.3879 seconds with East Longitude 115 degrees 40 minutes 16.0861 seconds; thence southwesterly to the intersection of South Latitude 32 degrees 36 minutes 36.4156 seconds with East Longitude 115 degrees 39 minutes 32.5950 seconds; thence southwesterly to the intersection of South Latitude 32 degrees 38 minutes 11.6744 seconds with East Longitude 115 degrees 39 minutes 9.7166 seconds; thence southeasterly to the intersection of South Latitude 32 degrees 39 minutes 44.7877 seconds with East Longitude 115 degrees 39 minutes 34.9775 seconds; thence southeasterly to the intersection of the left bank of the Harvey River with the high water mark of the Harvey Estuary, a point on a present northern boundary of the Coastal Ward of the City of Mandurah and thence generally southerly, generally northwesterly, generally northeasterly and generally easterly along boundaries of that ward to the starting point.

Area: about 3648 hectares.

SCHEDULE C

PROPOSED TRANSFER OF TERRITORY FROM THE SOUTH WARD OF THE SHIRE OF MURRAY TO THE EAST WARD OF THE CITY OF MANDURAH

All that portion of land and Peel Inlet bed bounded by lines, starting from the intersection of the low water mark of the Peel Inlet with a line joining the eastern extremity of Creery Island with the intersection of the prolongation southerly of the western side Kurdal Road with the low water mark of the Peel Inlet, a present southwestern corner of the East Ward of the City of Mandurah and extending south to a line joining the intersection of South Latitude 32 degrees 34 minutes 50.6273 seconds with East Longitude 115 degrees 42 minutes 28.8139 seconds with the intersection of South Latitude 32 degrees 34 minutes 36.1756 seconds with East Longitude 115 degrees 45 minutes 20.8228 seconds; thence northeasterly along that line to the last mentioned intersection; thence northeasterly to the intersection of the right bank of the Serpentine River with the low water mark of the Peel Inlet, a point on a present southern boundary of the East Ward of the City of Mandurah and thence generally northwesterly and generally westerly along boundaries of that ward to the starting point.

Area: about 230 hectares.



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