



MINUTES

ORDINARY COUNCIL MEETING

HELD ON

THURSDAY, 19 APRIL 2018

5.30^{PM}

SHIRE COUNCIL CHAMBERS



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Nil

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1 Declaration of Opening

The Shire President to declared the meeting open at 5.30pm.

1.1 Recording of Those Present

Cr K J Chappel	President
Cr D S Carslake	Deputy President
Cr D S Agar	
Cr J M Coaker	
Cr D B Collins	
Cr K Stokes	
Mr C Linnell	Chief Executive Officer
Ms S Appleton	Executive Manager Development & Administration
Mrs J Goodbourn	Executive Manager Corporate & Community Services
Ms E Cuthbert	Economic Development Manager
Mrs S Adams	Executive Assistant to CEO

1.2 Apologies

Nil

1.3 Approved Leave of Absence

Nil

1.4 Welcoming of Visitors to the Meeting

The President welcomed Carol Penn to the meeting.

1.5 Announcements by the Presiding Member without Discussion

Nil

2 Public Question Time

2.1 Response to previous public questions taken on notice

Nil

2.2 Public question time

Nil

3 Declaration of Interest

Cr Stokes declared a proximity interest in Item 7.2.3.2.

4 Confirmation of Minutes of Previous Meetings

COUNCIL RESOLUTION

180401 Moved: Cr Stokes
 Seconded: Cr Coaker

Council resolves that the minutes of the following meeting be confirmed:

4.1 Ordinary Council Meeting – 15 March 2018

CARRIED 6/0

5 Public Statements, Petitions, Presentations and Approved Deputations

Nil

6 Method of Dealing with Agenda Business

Nil

7 Reports

7.1 Reports from Committees

Nil

7.2 Reports from the Chief Executive Officer

7.2.2 Executive Manager Corporate & Community Services

7.2.3 Executive Manager Development & Administration

7.2.4 Economic Development Manager

Nil

7.2.5 Principal Works Manager

Nil

<i>Item No/Subject:</i>	7.2.2.1 Accounts Due For Payment – February 2018
<i>Date of Meeting:</i>	19 April 2018
<i>Date & Author:</i>	12 April 2018 Candice Smith - Senior Finance Officer
<i>Responsible Officer:</i>	Jenny Goodbourn – Executive Manager Corporate & Community Services
<i>Applicant/Proponent:</i>	Executive Manager Corporate & Community Services
<i>File Number:</i>	FM.CRD.1
<i>Previous minute/s & Reference:</i>	

SUMMARY

A list of accounts is attached for all payments made for the month of February 2018

DECLARATION OF INTEREST

Nil

ATTACHMENTS

Attachment 1 - 7.2.2.1a List of Accounts due for Payment

BACKGROUND INFORMATION

Local Government (Financial Management) Regulations 1996 – Reg 13

The local government has delegated to the CEO the exercise of power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to prepare each month showing for each account paid since the last such list was prepared.

OFFICER'S COMMENT

Nil

COMMUNITY CONSULTATION

Nil

COUNCILLOR CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 – Reg 13

POLICY IMPLICATIONS

Section 3 – Finance 3.6 Use of Corporate Credit Cards Policy

FINANCIAL IMPLICATIONS

As per list of accounts

STRATEGIC IMPLICATIONS

Nil

RISK MANAGEMENT

As per Policy Section 3 – Finance 3.11 Risk Management Controls

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to endorse the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- Municipal EFT Payment Numbers EFT 10462 to EFT 10572 inclusive, amounting to \$228,972.00
- Municipal Cheque Payments Numbered 11790 to 11805 amounting to \$16,652.91
- Municipal Direct Debit Payments Numbers DD5981.1 to DD6016.1 amounting to \$635,454.06
- Payroll for February 2018
07/02/2018 - \$ 82,437.39
21/02/2018 - \$ 44,191.75
- Credit Card Payment February 2018
\$939.38

COUNCIL RESOLUTION

180402

Moved:	Cr Carslake
Seconded:	Cr Coaker

That Council resolves to endorse the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- **Municipal EFT Payment Numbers EFT 10462 to EFT 10572 inclusive, amounting to \$228,972.00**
- **Municipal Cheque Payments Numbered 11790 to 11805 amounting to \$16,652.91**
- **Municipal Direct Debit Payments Numbers DD5981.1 to DD6016.1 amounting to \$635,454.06**
- **Payroll for February 2018**
07/02/2018 - \$ 82,437.39
21/02/2018 - \$ 44,191.75
- **Credit Card Payment February 2018**
\$939.38

CARRIED 6/0

7.2.2.1a List of Accounts due for Payment

Minutes - OCM 19 Apr 2018

EFT10462	01/02/2018	Murchison Region Aboriginal Corporation	Rates refund for assessment A41	1	3,234.47
EFT10463	02/02/2018	Prestige Pty Ltd	Contract Cleaning January 2018	1	5,180.00
EFT10464	02/02/2018	Star Track Express	Freight	1	157.35
EFT10465	02/02/2018	WesTrac Equipment Pty Ltd	PARTS	1	702.72
EFT10466	02/02/2018	BL & MJ Thornton Waste Removal Services	Waste collection December 2017	1	7,498.92
EFT10467	02/02/2018	Purcher International Pty Ltd	Various Parts	1	481.58
EFT10468	02/02/2018	Refuel Australia	Bulk Diesel	1	14,555.10
EFT10469	02/02/2018	Think Water Geraldton	Water Parts	1	1,427.15
EFT10470	02/02/2018	S & K Electrical Contracting Pty Ltd	Various repairs	1	3,309.30
EFT10471	02/02/2018	Canine Control	Ranger Visit January 2018	1	982.72
EFT10472	02/02/2018	WA Local Government Association	Short course	1	515.00
EFT10473	02/02/2018	Courier Australia	Freight	1	54.64
EFT10474	02/02/2018	Geraldton Toyota	Service OM0	1	425.81
EFT10475	02/02/2018	Cramer & Neill	Various Repairs	1	3,763.45
EFT10476	02/02/2018	Frank Gilmour	Annual pest management shire buildings	1	8,620.00
EFT10477	02/02/2018	Midwest Fire Protection	Purchases	1	81.68
EFT10478	02/02/2018	Neverfail Springwater Limited	Water Cooler Rental	1	14.30
EFT10479	02/02/2018	WA Country Health Service - Midwest	Water consumption	1	245.09

EFT10480	02/02/2018	Covs Parts Pty Ltd	Parts	1	52.45
EFT10481	02/02/2018	Herrings Coastal Plumbing & Gas	Repairs	1	781.00
EFT10482	02/02/2018	Tadros Engineering Pty Ltd	Structural Assessments – Town Hall and Old Chambers	1	5,489.00
EFT10483	02/02/2018	Mitchell and Brown Communications Vidguard	Security alarm monitoring	1	115.50
EFT10484	02/02/2018	GNC Concreat & Precast	Concrete Pipe	1	7,108.20
EFT10485	08/02/2018	Ashdown Ingram	Purchases	1	68.59
EFT10486	08/02/2018	Moore Stephens	Audit - CLGF 2011-12 Annual; report year ended 30 June 2017	1	1,980.00
EFT10487	08/02/2018	WesTrac Equipment Pty Ltd	Various Purchases	1	2,088.39
EFT10488	08/02/2018	S & K Electrical Contracting Pty Ltd	Replace fuse with new circuit breaker	1	311.19
EFT10489	08/02/2018	Austral Mercantile Collections Pty Ltd	Debt collection fees and charges	1	1,945.00
EFT10490	08/02/2018	Neverfail Springwater Limited	Watercooler Rental	1	14.30
EFT10491	08/02/2018	Covs Parts Pty Ltd	Various purchases	1	162.41
EFT10492	08/02/2018	IGA Morawa	Purchases for January 18	1	457.30
EFT10493	08/02/2018	LG Professionals Australia	Executive Leadership Program 2017	1	2,540.00
EFT10494	08/02/2018	Christine Lyons	Refund of Tennis Room Hire Bond	1	250.00
EFT10495	08/02/2018	WINC Australia	Photocopier usage charges	1	819.72
EFT10496	08/02/2018	Colliers	Depot rent	1	423.85
EFT10497	08/02/2018	John Phillips Consulting	Consultancy - CEO KPI'S	1	880.00
EFT10498	09/02/2018	Australian Services Union	Payroll deductions	1	82.35

EFT10499	09/02/2018	Department of Human Services	Payroll deductions	1	438.96
EFT10500	13/02/2018	Morawa News & Gifts	Stationary for January 18	1	175.46
EFT10501	13/02/2018	Star Track Express	Freight	1	131.27
EFT10502	13/02/2018	Moore Stephens	Audit R4R Town Revitalisation Project 379	1	2,145.00
EFT10503	13/02/2018	Morawa Traders	Purchases for Australia Day Celebrations	1	175.43
EFT10504	13/02/2018	Morawa Roadhouse	Various Catering	1	900.00
EFT10505	13/02/2018	BL & MJ Thornton Waste Removal Services	Refuse collection January 2018	1	8,803.35
EFT10506	13/02/2018	Landgate	Valuations	1	80.90
EFT10507	13/02/2018	Everlastings Guest Homes Morawa	Catering	1	240.00
EFT10508	13/02/2018	Refuel Australia	Card purchases January 18	1	1,025.07
EFT10509	13/02/2018	S & K Electrical Contracting Pty Ltd	Various Repairs	1	1,866.15
EFT10510	13/02/2018	Canine Control	Ranger services	1	1,222.30
EFT10511	13/02/2018	WA Local Government Association	Update Council Website	1	7,019.00
EFT10512	13/02/2018	Stewart & Heaton Clothing Co Pty Ltd	Uniforms Volunteer Fire Fighters	1	532.19
EFT10513	13/02/2018	Courier Australia	Freight	1	11.62
EFT10514	13/02/2018	Vidguard Security Systems	Security Service	1	480.18
EFT10515	13/02/2018	Conway Highbury	Services	1	1,430.00
EFT10516	13/02/2018	Sigma Companies Group Pty Ltd	Purchases	1	180.13

EFT10517	13/02/2018	Greenfield Technical Services	Professional Services – Flood Damage 2017	1	1,842.50
EFT10518	13/02/2018	Morawa Historical Society Inc.	Yearly Donation 17/18	1	1,000.00
EFT10519	13/02/2018	Bob Waddell & Associates Pty Ltd	Services – Budget Review, Asset Register	1	1,353.00
EFT10520	13/02/2018	Leading Edge Computers Dongara & Geraldton	Ink various printers	1	459.00
EFT10521	13/02/2018	Logo Appointments	Service fees for EMCCS	1	7,335.35
EFT10522	13/02/2018	Alinta Sales Pty Ltd	Power Usage	1	421.61
EFT10523	13/02/2018	Records Archives Historical Management	Mentoring program	1	1,416.80
EFT10524	13/02/2018	Wildflower Country Inc	Annual contribution 17/18	1	4,950.00
EFT10525	13/02/2018	Garage Sale Trail Foundation	Annual Fees	1	2,239.60
EFT10526	13/02/2018	Great Southern Fuel Supplies	Fuel Card Purchases	1	1,353.69
EFT10527	20/02/2018	Prestige Pty Ltd	Cleaning 29/1/2018 to 4/2/2018	1	2,415.00
EFT10528	20/02/2018	Herbert Edward Kenyon	Carpet cleaning	1	50.00
EFT10529	20/02/2018	Star Track Express	Freight	1	48.76
EFT10530	20/02/2018	Kats Rural	Purchases	1	2,841.13
EFT10531	20/02/2018	Metal Artwork Creations	Plaque	1	12.65
EFT10532	20/02/2018	McDonalds Wholesalers	Purchases	1	55.35
EFT10533	20/02/2018	S & K Electrical Contracting Pty Ltd	Replace wind sock globes - airstrip	1	693.16
EFT10534	20/02/2018	GH Country Courier	Freight	1	137.97
EFT10535	20/02/2018	Courier Australia	Freight	1	10.44

EFT10536	20/02/2018	Sigma Companies Group Pty Ltd	Purchases	1	152.90
EFT10537	20/02/2018	Winchester Industries	5mm washed stone	1	3,792.36
EFT10538	20/02/2018	Bob Waddell & Associates Pty Ltd	Budget review assistance	1	924.00
EFT10539	20/02/2018	Leading Edge Computers Dongara & Geraldton	Various ink for printers	1	408.00
EFT10540	20/02/2018	Novus Autoglass Repairs & Replacement	Replace windcreens	1	716.80
EFT10541	20/02/2018	Covs Parts Pty Ltd	Parts	1	1,592.48
EFT10542	20/02/2018	Easy Guides	Inspections	1	1,921.00
EFT10543	20/02/2018	Morawa Rural Enterprises Two	Various Parts	1	2,988.15
EFT10544	20/02/2018	Safe Roads WA	Patch repairs before sealing – Nanekine Road	1	23,639.00
EFT10545	20/02/2018	MEEDAC Incorporated	Tip attendant	1	10,200.00
EFT10546	20/02/2018	Batavia Timber & Salvage	Inspection Old Hospital	1	165.00
EFT10547	20/02/2018	Waste Initiatives	Twine	1	264.00
EFT10548	20/02/2018	Incite Security	CCTV issues	1	242.00
EFT10551	26/02/2018	Australian Taxation Office	January 2018 BAS	1	21,822.00
EFT10552	26/02/2018	Australian Services Union	Payroll deductions	1	82.35
EFT10553	26/02/2018	Department of Human Services	Payroll deductions	1	334.24
EFT10554	28/02/2018	Star Track Express	Freight	1	351.86
EFT10555	28/02/2018	Department of Fire and Emergency Services	17/18 ESL QUARTER 3	1	12,467.55
EFT10556	28/02/2018	Morawa District High School	Scholarship 18/19	1	500.00

EFT10557	28/02/2018	Kats Rural	Paint for Oval House	1	648.06
EFT10558	28/02/2018	Metal Artwork Creations	New Desk Name Plaque and name badge - Jenny Goodbourn	1	69.30
EFT10559	28/02/2018	Landmark Operations Limited	Water parts for Winfield Street Gardens	1	176.00
EFT10560	28/02/2018	S & K Electrical Contracting Pty Ltd	Various repairs	1	2,013.63
EFT10561	28/02/2018	Canine Control	Ranger Services - 22/02/2018	1	982.72
EFT10562	28/02/2018	Stewart & Heaton Clothing Co Pty Ltd	Uniforms Fire Brigade	1	809.42
EFT10563	28/02/2018	Neverfail Springwater Limited	Water Cooler Rental	1	14.30
EFT10564	28/02/2018	Migre Enterprises P/T T/AS Morawa Rural Enterprises Two	Various Parts - Tip Truck	1	155.90
EFT10565	28/02/2018	Sandy Adams	Meal reimbursements and Travel Allowance	1	236.09
EFT10566	28/02/2018	Boomerang	2 Spring rings with nets	1	380.00
EFT10567	28/02/2018	Ellie Cuthbert	Meal Reimbursement	1	106.50
EFT10568	28/02/2018	DALLYWATER CONSULTING	Contract EHO on Site work 25/02/18 - 02/03/2018	1	4,444.00
EFT10569	28/02/2018	Globe Pest Solutions	Insecticide	1	3,179.00
EFT10570	28/02/2018	Geraldton Mower & Repairs Specialists	Parts for Leaf Blower	1	90.40
EFT10571	28/02/2018	Coates Hire	Hire Demolition Saw 350mm - Child Care Centre	1	97.67
EFT10572	28/02/2018	Herrings Coastal Plumbing & Gas	Purchase and fit electric hot water system to day care centre	1	693.77
11790	02/02/2018	City of Greater Geraldton	Certification Services	1	1,586.70
11791	02/02/2018	Western Power	Service charge	1	500.00

11792	02/02/2018	Shire of Morawa	Morawa CWA Donation A315	1	75.00
11793	02/02/2018	Synergy	Power usage	1	1,776.05
11794	02/02/2018	Telstra Corporation Limited	Phone usage	1	1,603.65
11795	08/02/2018	Morawa Licensed Post Office Emmlee's	Postage January 2018	1	122.80
11796	13/02/2018	Synergy	Power Usage Street Lights	1	3,687.05
11797	13/02/2018	Telstra Corporation Limited	Phone usage	1	1,202.92
11798	13/02/2018	McLeods Barristers and Solicitors	Deed for Old Morawa Hospital	1	1,967.95
11799	13/02/2018	Building Commission	01/09/2017 - 31/10/2017 BUILDING COMMISSION	1	56.65
11800	20/02/2018	OCLC (UK) Ltd	Annual License	1	1,556.63
11801	20/02/2018	Telstra Corporation Limited	Phone Usage	1	1,803.43
11802	20/02/2018	Western Power	Rental fees	1	360.18
11803	28/02/2018	Synergy	Power Usage 08 Dec - 13 Feb 2018	1	257.95
11804	28/02/2018	Telstra Corporation Limited	Phone Usage 16 Jan to 15 Feb 2018	1	40.95
11805	28/02/2018	Morawa Licensed Post Office Emmlee's	Renewal Post Box Fee	1	55.00
DD5981.1	07/02/2018	WA Local Government Superannuation Plan	Payroll deductions	1	11,303.11
DD5981.2	07/02/2018	BT FINANCIAL GROUP	Superannuation contributions	1	313.37
DD5981.3	07/02/2018	MLC Super Fund	Superannuation contributions	1	232.34
DD5981.4 ¹²	07/02/2018	Concept One	Superannuation contributions	1	197.14
DD5981.5	07/02/2018	Australian Super	Superannuation contributions	1	223.97

DD5981.6	07/02/2018	LGIA Super	Superannuation contributions	1	321.54
DD5997.1	21/02/2018	WA Local Government Superannuation Plan	Payroll deductions	1	6,805.62
DD5997.2	21/02/2018	BT FINANCIAL GROUP	Superannuation contributions	1	313.37
DD5997.3	21/02/2018	MLC Super Fund	Superannuation contributions	1	232.34
DD5997.4	21/02/2018	Australian Super	Superannuation contributions	1	223.97
DD5997.5	21/02/2018	LGIA Super	Superannuation contributions	1	321.54
DD6006.1	05/02/2018	BankWest	January 2018 - Credit Card	1	938.38
DD6006.2	01/02/2018	Westnet Pty Ltd	Westnet February 2018	1	234.75
DD6006.3	12/02/2018	BOQ Finance	Photocopier Lease Feb 2018	1	301.16
DD6016.1	28/02/2018	Department of Primary Industries and Regional Development	Return funds to DPIRD as project did not proceed. Original funds plus interest plus GST from original grant	1	614,429.84

REPORT TOTALS

EFT	\$ 228,972.00
Cheque	\$ 16,652.91
Direct Debits	\$ 635,454.06
Payroll	\$ 126,629.14
Credit Card	\$ 938.38
TOTAL	\$1,008,646.49

Jan-18**Business Credit Card - Chris Linnell Bankwest MasterCard**

Date	Description	Accounts	Account Description	Amount	GST
			Total Purchases for C Linnell	0.00	0.00

Business Credit Card - Fred Gledhill Bankwest MasterCard

Date	Description	Accounts	Account Description	Amount	GST
				0.00	
			Total Purchases for F. Gledhill	0.00	0.00

Business Credit Card - Sam Appleton

Date	Description	Accounts	Account Description	Amount	GST
12/01/2018	Australia Day Event Items for Pool	1086050.520	Youth Development Projects	258.91	23.54
12/01/2018	Digital Photography Books to develop skills for office	1146180.520	Office equipment purchases	122.97	11.18
15/01/2018	Australia Day Event - Boat for racing	1086050.520	Youth Development Projects	30.00	2.73
22/01/2018	Accommodation Murray Hotel - Sam Appleton training	1146120.521	Travel & Accommodation	402.30	36.57
25/01/2018	Cable for portable speakers	1146180.520	Office equipment purchases	50.00	4.55
25/01/2018	Medals for races - Australia day event	1086050.520	Youth Development Projects	6.00	0.55
29/01/2018	2018 Australian Citizen Coins	186050.520	Youth Development Projects	68.20	6.20
				0.00	
			Total Purchases for S. Appleton	938.38	85.31

	Total Fees and Charges	938.38	60.35
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<i>Item No/Subject</i>	7.2.2.2 Bank Reconciliations - February 2018
<i>Date of Meeting:</i>	19 April 2018
<i>Date & Author:</i>	9 March 2018 Candice Smith – Senior Finance Officer
<i>Responsible Officer:</i>	Jenny Goodbourn – Executive Manager Corporate & Community Services
<i>Applicant/Proponent:</i>	Executive Manager Corporate & Community Services
<i>File Number:</i>	FM.ACC.1
<i>Previous minute/s & Reference:</i>	

SUMMARY

Local Government (Financial Management) Regulation 34 (1) (a) states that a Local Government must prepare financial statements monthly.

DECLARATION OF INTEREST

Nil

ATTACHMENTS

Nil

BACKGROUND INFORMATION

The information provided is obtained from the Bank Reconciliations carried out for Municipal Bank/Reserves Bank and the Trust Bank to ensure all transactions have been accounted for.

OFFICER'S COMMENT

The Shire of Morawa's financial position is as follows:-

BANK BALANCES AS AT 28 February 2018

Account	2018
Municipal Account #	\$1,251,772.78
Trust Account	\$15,981.76
Business Telenet Saver (Reserve) Account	\$3,397,669.26
WA Treasury O/night Facility (Super Towns) Account	\$37,526.19
Reserve Term Deposit (Community Development)	\$500,000.00
Reserve Term Deposit (Future Funds 1)	\$800,000.00
Reserve Term Deposit (Future Funds 2)	\$800,000.00

BANK RECONCILIATION BALANCES

The Bank Reconciliation Balances for 28 February 2018 with a comparison for 28 February 2017 is as follows:

Account	2017	2018
Municipal Account #	\$169,192.53	\$1,248,556.62
Trust Account	\$13,342.29	\$19,361.08
Reserve Account	\$6,016,881.56	\$5,535,195.45

RESERVE ACCOUNT

The Reserve Funds of \$5,535,195.45 as at 28 February 2018 were invested in:-

- Bank of Western Australia \$3,397,669.26 in the Business Telenet Saver Account and
- \$37,526.19 in the WA Treasury O/Night Facility
- Term Deposit (Future Funds 1) \$800,000.00
- Term Deposit (Future Funds 2) \$800,000.00
- Term Deposit (Community Development Fund) \$500,000.00

Breakdown for February 2018 with a comparison for February 2017 is as follows:

	2017	2018
Sports Complex Upgrade Reserve	\$0.00	\$0.00
Land & Building Reserve	\$79,691.47	\$100,696.72
Plant Reserve	\$987,804.84	\$912,040.41
Leave Reserve	\$288,995.44	\$283,162.61
Economic Development Reserve	\$108,917.95	\$110,094.99
Sewerage Reserve	\$145,783.80	\$217,863.39
Unspent Grants & Contributions Reserve	\$24,828.78	\$26,309.68
Community Development Reserve	\$1,185,107.53	\$1,207,418.21
Water Waste Management Reserve	\$0.00	\$0.00
Future Funds Reserve	\$2,151,839.49	\$2,135,774.43
Morawa Future Funds Interest Reserve	\$55,152.09	\$126,136.98
Aged Care Units Reserve Units 6-9	\$9,098.58	\$9,197.11
Aged Care Units Reserve Units 1-4	0	\$68,453.13
Aged Care Units Reserve Unit 5	0	\$54,950.76
Transfer Station Reserve	\$29,020.27	\$27.18
S/Towns Revitalisation Reserve	\$175,705.01	\$37,526.19
ST Solar Thermal Power Station Reserve	\$556,928.48	0
Business Units Reserve	\$61,740.89	\$82,552.03
Legal Reserve	\$15,122.62	\$20,322.05
Road Reserve	\$141,144.32	\$142,669.58
TOTAL	\$6,016,881.56	\$5,535,195.45

TRANSFER OF FUNDS

- \$521,430.00 from Unspent Grants to Municipal Fund being for General FAGS paid in advance June 2017. 17 July 2017
 - \$299,042.00 from Unspent Grants to Municipal Fund being for Roads FAGS paid in advance June 2017. 10 August 2017
 - \$140,000.00 from S/Towns Revitalisation Reserve to Municipal Fund being for monies spent on project 16/17. 26 October 2017
 - \$37,368.00 from Future Funds Reserve to Morawa Future Funds Interest Reserve being for 85% of interest from Term Deposit that matured October 2017 and was accrued as at the 30th June 2017. For the year 2016/17
 - \$32,000.00 from Unspent Grants Reserve to Municipal Fund being for returning of monies for Swimming Pool Operating Grant unspent 15/16 as pool did not open. 11 January 2018
 - \$564,429.84 from ST Solar Thermal Power Station Reserve to Municipal Fund being for returning of funds to DPIRD as project did not commence. 28 February 2018
- **Investment Transfers**
 - \$800,000.00 from Future Funds to Term Deposit Future Funds1 for 8 months @ 2.50% interest
 - \$800,000.00 from Future Funds to Term Deposit Future Funds2 for 8 months @ 2.50% interest
 - \$500,000.00 from Community Development Fund for 8 months @ 2.50% interest

COMMUNITY CONSULTATION

NIL

COUNCILLOR CONSULTATION

NIL

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Section 3 – Finance 3.11 Risk Management Controls
Section 3 – Finance 3.4.3 Investment Policy – Delegated Authority

FINANCIAL IMPLICATIONS

As presented

STRATEGIC IMPLICATIONS

Nil

RISK MANAGEMENT

As per Policy Section 3 – Finance 3.11 Risk Management Controls

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolve to receive the bank reconciliation report for 28 February 2018.

COUNCIL RESOLUTION

180403 Moved: Cr Stokes
 Seconded: Cr Carslake

That Council resolve to receive the bank reconciliation report for 28 February 2018.

CARRIED 6/0

<i>Item No/Subject:</i>	7.2.2.3 Monthly Financial Statements – February 2018
<i>Date of Meeting:</i>	19 April 2018
<i>Date & Author:</i>	12 March 2018 Candice Smith – Senior Finance Officer
<i>Responsible Officer:</i>	Jenny Goodbourn – Executive Manager Corporate & Community Services
<i>Applicant/Proponent:</i>	Executive Manager Corporate & Community Services
<i>File Number:</i>	
<i>Previous minute/s & Reference:</i>	

SUMMARY

Local Government (Financial Management) Regulation 34(1) (a) states that a Local Government must prepare financial statements monthly.

DECLARATION OF INTEREST

Nil

ATTACHMENTS

Attachment 1 – 7.2.3.3a February Monthly Financial Activity Report

A copy of the schedules is available if required.

BACKGROUND INFORMATION

Nil

OFFICER'S COMMENT

Nil

COMMUNITY CONSULTATION

Nil

COUNCILLOR CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Financial Management) Regulations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As presented

STRATEGIC IMPLICATIONS

Nil

RISK MANAGEMENT

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to receive the Statement of Financial Activity and the Variance Report for the period ending 28 February 2018.

COUNCIL RESOLUTION

180404	Moved:	Cr Stokes
	Seconded:	Cr Carslake

That Council resolves to receive the Statement of Financial Activity and the Variance Report for the period ending 28 February 2018.

CARRIED 6/0



SHIRE OF MORAWA
MONTHLY STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

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SHIRE OF MORAWA

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

	NOTE	FEBRUARY 2018 Actual \$	FEBRUARY 2018 Y-T-D Budget \$	2017/18 Budget \$	Variances Actuals to Budget \$	Variances Actual Budget to Y-T-D %	
Operating							
Revenues/Sources	1,2						
Governance		18,727	0	20,010	18,727	0.00%	
General Purpose Funding		641,208	665,672	897,142	(24,464)	(3.68%)	
Law, Order, Public Safety		22,970	20,884	26,230	2,086	9.99%	
Health		2,393	2,850	5,350	(457)	(16.04%)	
Education and Welfare		13,202	84,182	133,899	(70,980)	(84.32%)	▼
Housing		66,669	40,288	147,761	26,381	65.48%	▲
Community Amenities		438,271	513,847	554,091	(75,576)	(14.71%)	▼
Recreation and Culture		43,450	27,600	69,214	15,850	57.43%	▲
Transport		882,412	692,792	1,092,694	189,620	27.37%	▲
Economic Services		81,017	136,664	223,319	(55,647)	(40.72%)	▼
Other Property and Services		161,605	56,792	139,184	104,813	184.56%	▲
		2,371,924	2,241,571	3,308,894	130,353	5.82%	
(Expenses)/(Applications)	1,2						
Governance		(319,264)	(320,557)	(491,640)	(319,264)	0.00%	
General Purpose Funding		(137,055)	(108,648)	(174,282)	(28,407)	(26.15%)	▲
Law, Order, Public Safety		(71,898)	(58,169)	(84,223)	(13,729)	(23.60%)	▲
Health		(162,393)	(142,468)	(210,604)	(19,925)	(13.99%)	▲
Education and Welfare		(69,146)	(424,812)	(800,015)	355,666	83.72%	▼
Housing		(222,022)	(154,464)	(313,270)	(67,558)	(43.74%)	▲
Community Amenities		(402,337)	(506,202)	(741,202)	103,865	20.52%	▼
Recreation & Culture		(966,052)	(772,275)	(1,136,614)	(193,777)	(25.09%)	▲
Transport		(1,294,256)	(1,089,544)	(1,598,634)	(204,712)	(18.79%)	▲
Economic Services		(947,589)	(511,683)	(794,594)	(435,906)	(85.19%)	▲
Other Property and Services		(3,316)	(65,069)	(36,296)	61,753	94.90%	▼
		(4,595,328)	(4,153,891)	(6,381,374)	(761,994)	10.63%	
Net Result Excluding Rates		(2,223,404)	(1,912,320)	(3,072,480)	(631,641)		
Adjustments for Non-Cash (Revenue) and Expenditure							
(Profit)/Loss on Asset Disposals	4	0	(8,664)	(13,000)	8,664	100.00%	
Movement in Leave Reserve (Added Back)		2,025	0	0	2,025	0.00%	
Movement in Deferred Pensioner Rates/ESL (non-c)		0	0	0	0	0.00%	
Movement in Employee Benefit Provisions (non-c)		0	0	0	0	0.00%	
Rounding Adjustment		0	0	0	0	0.00%	
Depreciation on Assets		1,144,704	975,512	1,463,496	169,192	(17.34%)	▲
Capital Revenue and (Expenditure)							
Purchase of Investments		0	0	0	0	0.00%	
Purchase Land Held for Resale	3	0	(13,328)	(20,000)	13,328	100.00%	▼
Purchase Land and Buildings	3	(527)	(93,500)	(155,000)	92,973	99.44%	▼
Purchase Plant and Equipment	3	0	(155,000)	(155,000)	155,000	100.00%	▼
Purchase Furniture and Equipment	3	0	(12,870)	(22,870)	12,870	100.00%	▼
Purchase Infrastructure Assets - Roads	3	(669,355)	(1,140,651)	(1,631,978)	471,296	41.32%	▼
Purchase Infrastructure Assets - Footpaths	3	0	0	(27,937)	0	0.00%	
Purchase Infrastructure Assets - Drainage	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Parks & Ovals	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Airfields	3	0	(10,000)	(10,000)	10,000	100.00%	
Purchase Infrastructure Assets - Play Equip	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Sewerage	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Dams	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Other	3	(63,968)	(98,336)	(137,500)	34,368	34.95%	▼
Proceeds from Disposal of Assets	4	0	0	15,000	0	0.00%	
Repayment of Debentures	5	(47,147)	(47,485)	(70,815)	338	0.71%	
Proceeds from New Debentures	5	0	0	0	0	0.00%	
Advances to Community Groups		0	0	0	0	0.00%	
Self-Supporting Loan Principal Income	5	0	0	0	0	0.00%	
Transfers to Restricted Assets (Reserves)	6	(132,326)	(122,760)	(278,751)	(9,566)	(7.79%)	
Transfers from Restricted Asset (Reserves)	6	1,594,270	1,549,092	1,892,170	45,178	2.92%	
ADD Net Current Assets July 1 B/Fwd	7	558,952	428,376	428,376	130,576	30.48%	
LESS Net Current Assets Year to Date	7	1,949,012	1,140,711	564	808,301	(70.86%)	
Amount Raised from Rates	8	(1,785,788)	(1,802,645)	(1,796,852)	16,857	(0.94%)	

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

Material Variances Symbol

Above Budget Expectations ▲

Below Budget Expectations ▼

Greater than 10,000 and greater than 10%

Less than 10,000 and less than 10%

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

1. SIGNIFICANT ACCOUNTING POLICIES

The significant accounting policies which have been adopted in the preparation of this statement of financial activity are:

(a) Basis of Accounting

The budget has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations.

The budget has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

(b) The Local Government Reporting Entity

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

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

All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 9.

(c) Rounding Off Figures

All figures shown in this statement, other than a rate in the dollar, are rounded to the nearest dollar.

(d) Rates, Grants, Donations and Other Contributions

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

(e) Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables are stated inclusive of applicable GST.

(f) Superannuation

The Council contributes to a number of superannuation funds on behalf of employees.

(g) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits held at call with banks, other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

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

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(h) Trade and Other Receivables

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

(i) Inventories

General

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

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

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is complete are expensed.

Revenue arising from the sale of property is recognised in the statement of comprehensive income as at the time of signing an unconditional contract of sale.

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

(j) Fixed Assets

Each class of fixed assets is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation or impairment losses.

Initial Recognition

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

Revaluation

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset.

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases in the same asset are charged against fair value reserves directly in equity; all other decreases are charged to the statement of comprehensive income.

Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(i) Fixed Assets (Continued)

Land Under Roads

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as of 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(c)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(c)(i) prohibits local governments from recognising such land as an asset.

Whilst this treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

Depreciation of Non-Current Assets

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

Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the time the asset is completed and held ready for use.

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

Buildings	50 to 100 years
Furniture and Equipment	10 years
Plant and Equipment	5 to 15 years
Sealed roads and streets	
clearing and earthworks	not depreciated
construction/road base	50 years
original surfacing and	
major re-surfacing	
- bituminous seals	20 years
Gravel roads	
clearing and earthworks	not depreciated
construction/road base	50 years
gravel sheet	12 years
Formed roads (unsealed)	
clearing and earthworks	not depreciated
construction/road base	50 years
Footpaths - slab	40 years

Depreciation of Non-Current Assets (Continued)

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income. When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained earnings.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Fixed Assets (Continued)

Capitalisation Threshold

Expenditure under the thresholds listed below is not capitalised. Rather, it is recorded on an asset

- Land	Nil (All Land Capitalised)
- Buildings	2,000
- Plant & Equipment	2,000
- Furniture & Equipment	1,000
- Infrastructure	5,000

Capitalisation Threshold

Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

(k) Financial Instruments

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and Subsequent Measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or at cost.

Fair value represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method; and
- (b) less any reduction for impairment.

The effective interest rate method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(k) Financial Instruments (Continued)

Classification and Subsequent Measurement (Continued)

(i) Financial assets at fair value through profit and loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost.

Loans and receivables are included in current assets, except for those which are not expected to mature within 12 months after the end of the reporting period (classified as non-current assets).

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity.

Held-to-maturity financial assets are included in non-current assets, except for those which are expected to mature within 12 months after the end of the reporting period, which are classified as current assets.

If the Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale.

(iv) Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

Available-for-sale financial assets are included in non-current assets, except for those which are expected to mature within 12 months of the end of the reporting period (classified as current assets).

(v) Financial liabilities

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost.

Impairment

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instruments, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the statement of comprehensive income.

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(l) Estimation of Fair Value

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the reporting date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

(m) Impairment

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 "Impairment of Assets" and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the statement of comprehensive income.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

At the time of adopting the budget, it is not possible to estimate the amount of impairment losses (if any) as at 30 June 2013.

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on this budget document.

(n) Trade and Other Payables

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

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(o) Employee Benefits

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

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

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

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

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

(p) Borrowing Costs

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

(q) Provisions

Provisions are recognised when:

- a) the Council has a present legal or constructive obligation as a result of past events;
- b) for which it is probable that an outflow of economic benefits will result to settle the obligation; and
- c) that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Provisions are not recognised for future operating losses.

(r) Current and Non-Current Classification

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

(s) Comparative Figures

Where required, comparative figures have been adjusted to conform with changes in presentation of the current budget year.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

2. STATEMENT OF OBJECTIVE

The Shire of Morawa is dedicated to providing high quality services to the community through the various service orientated programs which it has established.

GOVERNANCE

Includes members of Council, Civic Functions & Public Relations, Council Elections, Training/Education. Objective is to provide a management & administrative structure to service Council & the community.

GENERAL PURPOSE FUNDING

Includes Rates, Loans, Investments & Grants. Objective is to manage Council's finances.

LAW, ORDER, PUBLIC SAFETY

Includes Emergency Services & Animal Control. Objective is to provide, develop & manage services in response to community needs.

HEALTH

Includes Environmental Health, Medical & Health facilities. Objective is to provide, develop & manage services in response to community needs.

EDUCATION AND WELFARE

Includes Education, Welfare & Children's Services. Objective is to provide, develop & manage services in response to community needs.

HOUSING

Includes Staff & Other Housing. Objective is to ensure quality housing and appropriate infrastructure is maintained.

COMMUNITY AMENITIES

Includes Refuse Collection, Sewerage, Cemetery, Building Control, Town Planning & Townscape. Objective is to provide, develop & manage services in response to community needs.

RECREATION AND CULTURE

Includes Pools, Halls, Library, Oval, Parks & Gardens & Recreational Facilities. Objective is to ensure the recreational & cultural needs of the community are met.

TRANSPORT

Includes Roads, Footpaths, Private Works, Machine Operating Costs, Outside Wages & Airstrip. Objective is to effectively manage transport infrastructure.

ECONOMIC SERVICES

Includes Tourism, Rural Services, Economic Development & Caravan Park. Objective is to foster economic development, tourism & rural services in the district.

OTHER PROPERTY & SERVICES

Includes Private Works, Public Works Overheads, Plant Operating Costs, Administration Overheads and Unclassified Items. Objective is to provide control accounts and reporting facilities for all other operations.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

	2017/18 Budget \$	FEBRUARY 2018 YTD Budget \$	FEBRUARY 2018 Actual \$
3. ACQUISITION OF ASSETS			
The following assets have been acquired during the period under review:			
<u>By Program</u>			
Governance			
Upgrade to Old Council Chambers	50,000	37,500	527.16
Housing			
Aged Person Units x 4 - water metres	60,000	36,000	0.00
Community Amenities			
New Tip Site Construction	70,000	52,500	0.00
Community Bus	135,000	135,000	0.00
Recreation and Culture			
Storage Shed 6x6	10,000	5,000	0.00
Diving Blocks	10,000	5,000	4,880.00
Sports Complex Upgrade	10,000	0	0.00
Furniture & Equipment	20,000	10,000	0.00
Morawa Interpretation Trails Project	20,000	13,336	0.00
Bowling Club Lighting	0	0	0.00
Skate Park CCTV Cameras	0	0	0.00
Skate Park	0	0	0.00
Transport			
Road Construction			
- Rural Roads Construction	1,483,543	1,025,617	552,449.23
- Townsite Roads Construction	148,435	115,034	116,905.52
Bridges Construction	0	0	0.00
Drainage Construction	0	0	0.00
Footpath Construction	27,937	0	0.00
Depot Upgrade	0	0	0.00
Plant & Equipment - Road Plant Purchases	0	0	0.00
Airfield Lighting Upgrade	10,000	10,000	0.00
Economic Services			
Caravan Park Camp Kitchen/Caretakers Cabin	25,000	15,000	0.00
Caravan Park Concept Plan	12,500	12,500	0.00
Morawa Gateway Project	25,000	15,000	0.00
Industrial Land Development	20,000	13,328	0.00
Phase 1 - Civic Square/Pedestrian Crossing	0	0	26,264.09
Construction of Footpath - Jubilee Park	0	0	32,824.28
Phase 2 - Road Freight Alignment	0	0	0.00
Other Property & Services			
Purchase of Lot 9000, White Ave	0	0	0.00
Administration Furniture & Equipment	2,870	2,870	0.00
Generator for Admin Building	20,000	20,000	0.00
	<u>2,160,285</u>	<u>1,523,685</u>	<u>733,850.28</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

	2017/18 Budget \$	FEBRUARY 2018 YTD Budget \$	FEBRUARY 2018 Actual \$
3. ACQUISITION OF ASSETS (Continued)			
The following assets have been acquired during the period under review:			
<u>By Class</u>			
Land Held for Resale	20,000	13,328	0.00
Investments	0	0	0.00
Land	0	0	0.00
Buildings	155,000	93,500	527.16
Plant and Equipment	155,000	155,000	0.00
Furniture and Equipment	22,870	12,870	0.00
Infrastructure Assets - Roads	1,631,978	1,140,651	669,354.75
Infrastructure Assets - Footpaths	27,937	0	0.00
Infrastructure Assets - Drainage/Dams	0	0	0.00
Infrastructure Assets - Parks & Ovals	0	0	0.00
Infrastructure Assets - Airfields	10,000	10,000	0.00
Infrastructure Assets - Playground Equipment	0	0	0.00
Infrastructure Assets - Sewerage	0	0	0.00
Infrastructure Assets - Dams	0	0	0.00
Infrastructure Assets - Other	137,500	98,336	63,968.37
	<u>2,160,285</u>	<u>1,523,685</u>	<u>733,850.28</u>

SHIRE OF MORAWA
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

4. DISPOSALS OF ASSETS

The following assets have been disposed of during the period under review:

By Program	Written Down Value		Sale Proceeds		Profit(Loss)	
	2017/18 Budget \$	FEBRUARY 2018 Actual \$	2017/18 Budget \$	FEBRUARY 2018 Actual \$	2017/18 Budget \$	FEBRUARY 2018 Actual \$
Low, Order & Public Safety						0.00
Community Amenities					13,000	0.00
1996 Toyota Coaster Community Bus MO403	2,000		15,000			0.00
Recreation & Culture						0.00
Transport						0.00
						0.00
						0.00
Other Property & Services						0.00
						0.00
	2,000	0.00	15,000	0.00	13,000	0.00

By class of asset	Written Down Value		Sale Proceeds		Profit(Loss)	
	2017/18 Budget \$	FEBRUARY 2018 Actual \$	2017/18 Budget \$	FEBRUARY 2018 Actual \$	2017/18 Budget \$	FEBRUARY 2018 Actual \$
Plant & Equipment						0.00
1996 Toyota Coaster Community Bus MO403	2,000	0.00	15,000	0.00	13,000	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	2,000	0.00	15,000	0.00	13,000	0.00

FEBRUARY 2018	
2017/18 Budget	\$
2018 Actual	\$
Profit on Asset Disposals	13,000
Loss on Asset Disposals	0
	13,000
	0.00

Summary
Profit on Asset Disposals
Loss on Asset Disposals

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

INFORMATION ON BORROWINGS

Debtenture Repayments

Particulars	Principal 1-Jul-16	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$
Housing									
Loan 133 - GEHA House	70,621	0	0	34,156	16,799	36,465	53,822	4,076	1,785
Loan 134 - 2 Broad Street	49,838	0	0	24,158	24,158	25,680	25,680	3,090	643
Loan 136 - 24 Harley Street - Staff Housing	332,137	0	0	12,501	6,190	319,636	325,947	12,931	5,992
	452,596	0	0	70,814.62	47,147	381,781.38	405,449	20,097	8,420

All debtenture repayments are to be financed by general purpose revenue.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

	2017/18 Budget \$	FEBRUARY 2018 Actual \$
6. RESERVES - CASH BACKED		
(a) Leave Reserve		
Opening Balance	281,137	281,138
Amount Set Aside /Transfer to Reserve	7,611	2,025
Amount Used /Transfer from Reserve	(80,000)	0
	<u>208,748</u>	<u>283,163</u>
(b) Sports and Recreation Facilities Reserve		
Opening Balance	0	0
Amount Set Aside /Transfer to Reserve	0	0
Amount Used /Transfer from Reserve	0	0
	<u>0</u>	<u>0</u>
(c) Plant Reserve		
Opening Balance	905,518	905,518
Amount Set Aside /Transfer to Reserve	108,411	6,522
Amount Used /Transfer from Reserve	(60,000)	0
	<u>953,929</u>	<u>912,040</u>
(d) Building Reserve		
Opening Balance	99,976	99,977
Amount Set Aside /Transfer to Reserve	20,929	720
Amount Used /Transfer from Reserve	(50,000)	0
	<u>70,905</u>	<u>100,697</u>
(e) Economic Development Reserve		
Opening Balance	109,308	109,308
Amount Set Aside /Transfer to Reserve	1,015	787
Amount Used /Transfer from Reserve	(25,000)	0
	<u>85,323</u>	<u>110,095</u>
(f) Community Development Reserve		
Opening Balance	1,187,559	1,187,559
Amount Set Aside /Transfer to Reserve	11,030	19,860
Amount Used /Transfer from Reserve	(10,000)	0
	<u>1,188,589</u>	<u>1,207,418</u>
(g) Sewerage Reserve		
Opening Balance	216,306	216,305
Amount Set Aside /Transfer to Reserve	34,528	1,558
Amount Used /Transfer from Reserve	(70,000)	0
	<u>180,834</u>	<u>217,863</u>
(h) Unspent Grants and Contributions Reserve		
Opening Balance	877,391	877,390
Amount Set Aside /Transfer to Reserve	8,149	1,392
Amount Used /Transfer from Reserve	(832,972)	(852,472)
	<u>52,568</u>	<u>26,310</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

	2017/18 Budget \$	FEBRUARY 2018 Actual \$
6. RESERVES (Continued)		
(i) Business Units Reserve		
Opening Balance	81,961	81,962
Amount Set Aside /Transfer to Reserve	20,761	590
Amount Used /Transfer from Reserve	0	0
	<u>102,722</u>	<u>82,552</u>
(j) Morawa Future Funds Interest		
Opening Balance	88,036	88,036
Amount Set Aside /Transfer to Reserve	12,050	38,101
Amount Used /Transfer from Reserve	0	0
	<u>100,086</u>	<u>126,137</u>
(k) Morawa Community Future Funds Reserve		
Opening Balance	2,121,127	2,121,127
Amount Set Aside /Transfer to Reserve	19,703	52,015
Amount Used /Transfer from Reserve	(36,000)	(37,368)
	<u>2,104,830</u>	<u>2,135,774</u>
(l) Refuse Transfer Station Reserve		
Opening Balance	27	27
Amount Set Aside /Transfer to Reserve	0	0
Amount Used /Transfer from Reserve	0	0
	<u>27</u>	<u>27</u>
(m) Aged Care Units Reserve - Units 6-9		
Opening Balance	9,131	9,131
Amount Set Aside /Transfer to Reserve	85	66
Amount Used /Transfer from Reserve	0	0
	<u>9,216</u>	<u>9,197</u>
(n) ST-N/Midlands Solar Thermal Power		
Opening Balance	559,632	558,966
Amount Set Aside /Transfer to Reserve	5,198	5,464
Amount Used /Transfer from Reserve	(550,000)	(564,430)
	<u>14,830</u>	<u>0</u>
(o) ST-Morawa Revitalisation Reserve		
Opening Balance	176,558	176,348
Amount Set Aside /Transfer to Reserve	1,640	1,178
Amount Used /Transfer from Reserve	(178,198)	(140,000)
	<u>0</u>	<u>37,526</u>
(p) Legal Fees Reserve		
Opening Balance	20,177	20,177
Amount Set Aside /Transfer to Reserve	5,187	145
Amount Used /Transfer from Reserve	0	0
	<u>25,364</u>	<u>20,322</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

	2017/18 Budget \$	FEBRUARY 2018 Actual \$
6. RESERVES (Continued)		
(a) Road Reserve		
Opening Balance	141,649	141,649
Amount Set Aside /Transfer to Reserve	1,316	1,020
Amount Used /Transfer from Reserve	0	0
	<u>142,965</u>	<u>142,670</u>
(r) Aged Care Units 1-4		
Opening Balance	67,964	67,964
Amount Set Aside /Transfer to Reserve	631	490
Amount Used /Transfer from Reserve	0	0
	<u>68,595</u>	<u>68,453</u>
(s) Aged Care Unit 5		
Opening Balance	54,558	54,558
Amount Set Aside /Transfer to Reserve	507	393
Amount Used /Transfer from Reserve	0	0
	<u>55,065</u>	<u>54,951</u>
(t) Swimming Pool Reserve		
Opening Balance	0	0
Amount Set Aside /Transfer to Reserve	20,000	0
Amount Used /Transfer from Reserve	0	0
	<u>20,000</u>	<u>0</u>
Total Cash Backed Reserves	5,384,596	5,535,195
Summary of Transfers To Cash Backed Reserves		
Transfers to Reserves		
Leave Reserve	7,611	2,025
Sports and Recreation Facilities Reserve	0	0
Plant Reserve	108,411	6,522
Building Reserve	20,929	720
Economic Development Reserve	1,015	787
Community Development Reserve	11,030	19,860
Sewerage Reserve	34,528	1,558
Unspent Grants and Contributions Reserve	8,149	1,392
Business Units Reserve	20,761	590
Morawa Community Future Funds Interest	12,050	38,101
Morawa Community Future Fund Reserve	19,703	52,015
Refuse Transfer Station Reserve	0	0
Aged Care Units Reserve - Units 6-9	85	66
ST-N/Midlands Solar Thermal Power	5,198	5,464
ST-Morawa Revitalisation Reserve	1,640	1,178
Legal Fees Reserve	5,187	145
Road Reserve	1,316	1,020
Aged Care Units 1-4	631	490
Aged Care Unit 5	507	393
Swimming Pool Reserve	20,000	0
	<u>278,751</u>	<u>132,326</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

	2017/18 Budget \$	FEBRUARY 2018 Actual \$
6. RESERVES (Continued)		
Transfers from Reserves		
Leave Reserve	(80,000)	0
Sports and Recreation Facilities Reserve	0	0
Plant Reserve	(60,000)	0
Building Reserve	(50,000)	0
Economic Development Reserve	(25,000)	0
Community Development Reserve	(10,000)	0
Sewerage Reserve	(70,000)	0
Unspent Grants and Contributions Reserve	(832,972)	(852,472)
Business Units Reserve	0	0
Morawa Community Future Funds Interest	0	0
Morawa Community Future Fund Reserve	(36,000)	(37,368)
Refuse Transfer Station Reserve	0	0
Aged Care Units Reserve - Units 6-9	0	0
ST-N/Midlands Solar Thermal Power	(550,000)	(564,430)
ST-Morawa Revitalisation Reserve	(178,198)	(140,000)
Legal Fees Reserve	0	0
Road Reserve	0	0
Aged Care Units 1-4	0	0
Aged Care Unit 5	0	0
Swimming Pool Reserve	0	0
	<u>(1,892,170)</u>	<u>(1,594,270)</u>
Total Transfer to/(from) Reserves	<u>(1,613,419)</u>	<u>(1,461,943)</u>

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Leave Reserve

To be used to fund leave requirements.

Sportsground Complex Upgrade Reserve

To be used to upgrade the Sporting Complex Facilities.

Plant Reserve

To be used to upgrade, replace or purchase new plant and equipment.

Building Reserve

To be used to refurbish, replace, extend or establish Council owned buildings.

Economic Development Reserve

To be used to create economic development initiatives in the local community.

Community Development Reserve

To be used for Community Projects within the Shire of Morawa

Sewerage Reserve

To be used to repair, replace or extend the sewerage facility.

Unspent Grants and Contributions Reserve

To be used as a quarantine for unspent committed funds.

Business Units Reserve

To be used to upgrade, refurbish or purchase new Business Units

Morawa Community Future Funds Interest

To be used for Morawa Community Projects

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

6. RESERVES (Continued)

Morawa Community Future Fund Reserve

To be used to provide an ongoing conduit for benefits to the people and environment of the Morawa Shire through the Sinosteel Midwest Corporation Morawa Future Fund Foundation Memorandum

Refuse Transfer Station Reserve

To be used for Morawa Landfill closure and Refuse Transfer Station implementation project - R4R

Aged Care Units 6-9 Reserve

To be used for the maintenance/construction of Aged Care Units at the Morawa Perenjori Health

ST - N/Midlands Solar Thermal Power

Reserves

Super Town funds to be used for the N/Midlands Solar Thermal Power feasibility Study Project

ST-Morawa Revitalisation Reserve

Super Town funds to be used for the Morawa Town Revitalisation Project

Legal Fees Reserve

to be utilised for unforeseen Legal Fees

Road Reserve

to be utilised for future Road Construction and Maintenance

Except for the Unspent Grants and Contributions Reserve, the Reserves are not expected to be used within a set period as further transfers to the reserve accounts are expected as funds are utilised.

Aged Care Units 1-4 Reserve

To be used for the maintenance/upgrade of Aged Care Units 1-4 at the Morawa Perenjori Health

Aged Care Unit 5 Reserve

To be used for the maintenance/upgrade Aged Care Unit 5 at the Morawa Perenjori Health

Swimming Pool Reserve

To be used for the maintenance/upgrade to Morawa Swimming Pool

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

	2016/17 B/Fwd Per 2017/18 Budget \$	2016/17 B/Fwd Per Financial Report \$	2017/18 Actual \$
7. NET CURRENT ASSETS			
Composition of Estimated Net Current Asset Position			
CURRENT ASSETS			
Cash - Unrestricted	48,420	(176,517)	1,245,912
Cash - Restricted Unspent Grants	0	317,600	0
Cash - Restricted Unspent Loans	0	0	0
Cash - Restricted Reserves	6,998,015	6,997,139	5,535,195
Rates - Current	0	487,406	700,905
Sundry Debtors	542,642	48,351	81,181
GST Receivable	0	76,915	67,770
Accrued Income/Prepayments	0	109,256	46,756
Provision for Doubtful Debts	0	(722)	(722)
Other Current Debtors	0	0	0
Inventories	1,335	1,119	1,119
	<u>7,590,412</u>	<u>7,860,547</u>	<u>7,678,116</u>
LESS: CURRENT LIABILITIES			
Sundry Creditors	(60,497)	(92,665)	0
Income Received in Advance	0	0	(34,690)
GST Payable	0	(44,535)	(887)
Payroll Creditors	0	0	0
Accrued Expenditure	0	(1,634)	0
Other Payables	0	(5,953)	(3,801)
Withholding Tax Payable	0	0	0
Payg Payable	0	(43,671)	(55,505)
Accrued Interest on Debentures	0	(3,509)	0
Accrued Salaries and Wages	0	(8,965)	0
Current Employee Benefits Provision	(384,662)	(384,662)	(384,662)
Current Loan Liability	6,938	(70,815)	(23,669)
	<u>(438,221)</u>	<u>(656,409)</u>	<u>(503,214)</u>
NET CURRENT ASSET POSITION	7,152,191	7,204,138	7,174,902
Less: Cash - Reserves - Restricted	(6,998,015)	(6,997,139)	(5,535,195)
Less: Cash - Unspent Grants - Restricted	0	0	0
Less: Land Held for Resale	0	0	2,473
Add Back : Component of Leave Liability not Required to be Funded	281,138	281,138	283,163
Add Back : Current Loan Liability	(6,938)	70,815	23,669
SURPLUS/(DEFICIENCY) C/FWD	<u>428,376</u>	<u>558,952</u>	<u>1,949,012</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

8. RATING INFORMATION

RATE TYPE

General Rate	Rate in \$	Number of Properties	Rateable Value \$	2017/18 Rate Revenue \$	2017/18 Interim Rates \$	2017/18 Back Rates \$	2017/18 Total Revenue \$	2017/18 Budget \$
GRV Residential/Commercial	0.07571	269	2,912,592	212,543	0	0	212,543	214,220
UV Rural	0.02304	205	63,004,000	1,451,801	0	0	1,451,801	1,451,801
UV Mining	0.28968	15	472,333	136,826	0	0	136,826	136,826
Sub-Totals		489	66,388,925	1,801,170	0	0	1,801,170	1,802,847
Minimum Rates	Minimum \$							
GRV Residential/Commercial	290	45	26,778	13,340		0	13,340	13,050
UV Rural	290	6	53,200	1,740	0	0	1,740	1,740
UV Mining	656	11	11,311	7,216	0	0	7,216	7,216
Sub-Totals		62	91,289	22,296	0	0	22,296	22,006
Discounts							1,823,466	
Total amount raised from general rates							(37,679)	(28,000)
Ex-Gratia Rates							1,785,787	1,796,853
Rates Written Off							5,914	5,792
Specified Area Rates							(3,314)	(2,000)
Movement in Excess Rates							0	0
							(36,284)	0
Total Rates							1,752,103	1,800,645

All land except exempt land in the Shire of Morawa is rated according to its Gross Rental Value (GRV) in townships or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2017/18 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

9. TRUST FUNDS

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

Detail	Balance 01-Jul-17 \$	Amounts Received \$	Amounts Paid (\$)	Balance \$
Housing Bonds	2,000	508	0	2,508
Dreghorn Unit Bonds	1,164	0	0	1,164
Bonds Hall/Rec Centre Hire	100	800	0	900
Aged Care - Bond Karl Strudwick Number 5	1,266	0	0	1,266
Youth Centre	865	0	0	865
Council Nominations	0	320	0	320
Bill Johnson Unit 1 Bond	0	0	0	0
Haulmore Trailers Land Dep	4,641	0	0	4,641
Social Club Payments	0	0	0	0
Local Drug Action Group	660	0	0	660
BCIT F/BRB Training Levy	1,818	57	(2,273)	(398)
Daphne Little - Excess Rent	1,704	0	0	1,704
Morawa Oval Function Centre	1,763	500	0	2,263
	<u>15,981</u>	<u>2,185</u>	<u>(2,273)</u>	<u>15,893</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

10. OPERATING STATEMENT

	FEBRUARY 2018 Actual \$	2017/18 Budget \$	2016/17 Actual \$
OPERATING REVENUES			
Governance	18,727	20,010	40
General Purpose Funding	2,426,995	2,693,995	4,202,543
Law, Order, Public Safety	22,970	26,230	396,038
Health	2,393	5,350	3,328
Education and Welfare	13,202	133,899	33,333
Housing	66,669	147,761	661,358
Community Amenities	438,271	554,091	439,329
Recreation and Culture	43,450	69,214	329,087
Transport	882,412	1,092,694	4,971,279
Economic Services	81,017	223,319	156,934
Other Property and Services	161,605	139,184	231,249
TOTAL OPERATING REVENUE	<u>4,157,711</u>	<u>5,105,747</u>	<u>11,424,518</u>
OPERATING EXPENSES			
Governance	319,264	491,640	449,851
General Purpose Funding	137,055	174,282	196,911
Law, Order, Public Safety	71,898	84,223	146,986
Health	162,393	210,604	155,117
Education and Welfare	69,146	800,015	176,028
Housing	222,022	313,270	152,845
Community Amenities	402,337	741,202	585,147
Recreation & Culture	966,052	1,136,614	1,164,884
Transport	1,294,256	1,598,634	5,175,238
Economic Services	947,589	794,594	415,210
Other Property and Services	3,316	36,296	62,476
TOTAL OPERATING EXPENSE	<u>4,595,328</u>	<u>6,381,374</u>	<u>8,680,694</u>
CHANGE IN NET ASSETS RESULTING FROM OPERATIONS	<u>(437,617)</u>	<u>(1,275,627)</u>	<u>2,743,824</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

11. BALANCE SHEET

	FEBRUARY 2018 Actual \$	2016/17 Actual \$
CURRENT ASSETS		
Cash Assets	6,781,107	7,138,222
Receivables	895,890	721,205
Inventories	1,119	1,119
TOTAL CURRENT ASSETS	<u>7,678,116</u>	<u>7,860,546</u>
NON-CURRENT ASSETS		
Receivables	16,559	16,559
Inventories	0	0
Property, Plant and Equipment	22,654,489	23,105,106
Infrastructure	44,111,473	44,071,710
TOTAL NON-CURRENT ASSETS	<u>66,782,521</u>	<u>67,193,375</u>
TOTAL ASSETS	<u>74,460,637</u>	<u>75,053,921</u>
CURRENT LIABILITIES		
Payables	94,883	200,933
Interest-bearing Liabilities	23,669	70,815
Provisions	384,662	384,662
Trust Imbalance	(2,473)	239,867
TOTAL CURRENT LIABILITIES	<u>500,741</u>	<u>656,410</u>
NON-CURRENT LIABILITIES		
Interest-bearing Liabilities	381,781	381,782
Provisions	26,386	26,386
TOTAL NON-CURRENT LIABILITIES	<u>408,167</u>	<u>408,168</u>
TOTAL LIABILITIES	<u>908,908</u>	<u>1,064,578</u>
NET ASSETS	<u>73,551,729</u>	<u>73,989,343</u>
EQUITY		
Retained Surplus	35,361,547	34,337,220
Reserves - Cash Backed	5,535,195	6,997,139
Reserves - Asset Revaluation	32,654,987	32,654,987
TOTAL EQUITY	<u>73,551,729</u>	<u>73,989,346</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018

12. FINANCIAL RATIO

	2017 YTD	2016	2015	2014
Current Ratio	9.850	4.220	3.530	7.880

The above rates are calculated as follows:

Current Ratio equals
$$\frac{\text{Current assets minus restricted current assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$$

SHIRE OF MORAWA
FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018
Report on Significant variances Greater than 10% and \$10,000

Purpose

The purpose of the Monthly Variance Report is to highlight circumstances where there is a major variance from the YTD Monthly Budget and YTD Actual figures. These variances can occur because of a change in timing of the activity, circumstances change (eg a grant was budgeted for but was not received) or changes to the original budget projections. The Report is designed to highlight these issues and explain the reason for the variance.

The Materiality variances adopted by Council are:

Actual Variance to YTD Budget up to 5%:

Actual Variance exceeding 10% of YTD Budget

Actual Variance exceeding 10% of YTD Budget and a value greater than \$10,000:

Don't Report

Use Management Discretion

Must Report

REPORTABLE OPERATING REVENUE VARIATIONS

Education and Welfare - Variance below budget expectations

Youth Centre income decreased due to changes to operations of the Youth Centre -
Timing on grant income

Housing - Variance above budget expectations

Full occupancy in Dregghorn Street Units - income higher than budget expectations

Community Amenities - Variance below budget expectations.

Community Bus upgrade not going ahead as per budget review - income below budget expectations

Recreation & Culture - Variance above budget expectations.

Invoice to Karara Mining for Art Show contribution created 17/18 year - Art Show 18/19 Financial Year

Transport - Variance above expectations.

DOT Licensing Income higher than anticipated. Expense offsets income

Economic Services - Variance below budget expectations.

Overall Caravan Park and Units Income low due to slow season, Business units vacancy's no income - below budget expectations

Other Property & Services - Variance above budget expectations.

TAFE training offset with expenses, use of our equipment - above budget expectations

REPORTABLE OPERATING EXPENSE VARIATIONS

Note: Depreciation is not raised until after the audit is completed.
This affects variations across all programs

General Purpose Funding - Variance above budget expectations

GRV Revaluations completed (5 yearly) - timing in budget

Law, Order and Public Safety - Variance above budget expectations.

Changes to SES to DFES timing

Health - Variance above budget expectations.

External EHO expenses higher than anticipated budget

Education and Welfare - Variance below budget expectations

Industry Training centre yet to commence - not likely to commence

Housing - Variance above budget expectations.

Yewers Ave house substantial repairs when tenant vacated above budget expectations

Community Amenities - Variance below budget expectations.

Toilet maintenance costs and Public Toilet Amenities expenses under budget expectations

Recreation and Culture - Variance above budget expectations.

Relief Swimming Pool Manger non budgeted item

Transport - Variance above budget expectations.

DOT licensing expenses high - offset by income. Aerodrome expenses higher than budget expectations

Economic Services - Variance below budget expectations

Timing Variance on Caravan Park operation expenses

Other Property & Services - Variance above budget expectations.

Expenses offset by overheads adjusted in budget review below budget expectations

SHIRE OF MORAWA
FOR THE PERIOD 1 JULY 2017 TO 28 FEBRUARY 2018
Report on Significant variances Greater than 10% and \$10,000

REPORTABLE NON-CASH VARIATIONS

(Profit)/Loss on Asset Disposals - Variance above budget expectations.

REPORTABLE CAPITAL EXPENSE VARIATIONS

Purchase of Land & Buildings - Variance below budget expectations.

Industrial Land Development not proceeded as yet - timing
New tip site not purchased and will not proceed this financial year

Purchase of Plant & Equipment - Variance above budget expectations.

Community Bus upgrade not proceeding this financial year
Generator for Admin Building yet to be purchased

Purchase of Furniture and Equipment

Blow up play station for Swimming Pool not proceeding - was reliant on grant income

Purchase of Infrastructure Assets Roads - Variance below budget expectations.

Capital Road Works for roads under budget - timing

Purchase Infrastructure Assets - Other- Variance above budget expectations.

Timing Variance on Road Construction
Morawa Gateway Project awaiting grants
Morawa Perenjori Trails Project awaiting grants

Transfer to Reserves - Variance below budget expectations.

Transfers to Reserves - timing

REPORTABLE CAPITAL INCOME VARIATIONS

Proceeds from Disposal of Assets - Variance within budget expectations.

Transfer from Reserves - Variance below budget expectations.

Transfers to Municipal Fund - timing on completion of projects

<i>Item No/Subject:</i>	7.2.2.4 Accounts Due For Payment – March 2018
<i>Date of Meeting:</i>	19 April 2018
<i>Date & Author:</i>	11 April 2018 Candice Smith - Senior Finance Officer
<i>Responsible Officer:</i>	Jenny Goodbourn – Executive Manager Corporate & Community Services
<i>Applicant/Proponent:</i>	Executive Manager Corporate & Community Services
<i>File Number:</i>	FM.CRD.1
<i>Previous minute/s & Reference:</i>	

SUMMARY

A list of accounts is attached for all payments made for the month of March 2018

DECLARATION OF INTEREST

Nil

ATTACHMENTS

Attachment 1 - 7.2.2.4a List of accounts due for Payment

BACKGROUND INFORMATION

Local Government (Financial Management) Regulations 1996 – Reg 13

The local government has delegated to the CEO the exercise of power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to prepare each month showing for each account paid since the last such list was prepared.

OFFICER'S COMMENT

Nil

COMMUNITY CONSULTATION

Nil

COUNCILLOR CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 – Reg 13

POLICY IMPLICATIONS

Section 3 – Finance 3.6 Use of Corporate Credit Cards Policy

FINANCIAL IMPLICATIONS

As per list of accounts

STRATEGIC IMPLICATIONS

Nil

RISK MANAGEMENT

As per Policy Section 3 – Finance 3.11 Risk Management Controls

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolves to endorse the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- Municipal EFT Payment Numbers EFT 10573 to EFT 10644 inclusive, amounting to \$356,879.75
- Municipal Cheque Payments Numbered 27 \$348.15 and 11806 to 11815 amounting to \$67,759.01
- Municipal Direct Debit Payments Numbers DD6008.1 to DD6038.3 amounting to \$17,522.25
- Payroll for March 2018
07/03/2018 - \$ 47,710.27
21/03/2018 - \$ 45,143.59
- Credit Card Payment March 2018
\$4,491.65

COUNCIL RESOLUTION

180405

Moved:	Cr Collins
Seconded:	Cr Carslake

That Council resolves to endorse the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- **Municipal EFT Payment Numbers EFT 10573 to EFT 10644 inclusive, amounting to \$356,879.75**
- **Municipal Cheque Payments Numbered 27 \$348.15 and 11806 to 11815 amounting to \$67,759.01**
- **Municipal Direct Debit Payments Numbers DD6008.1 to DD6038.3 amounting to \$17,522.25**
- **Payroll for March 2018**
07/03/2018 - \$ 47,710.27
21/03/2018 - \$ 45,143.59
- **Credit Card Payment March 2018**
\$4,491.65

CARRIED 6/0

7.2.2.4a List of accounts due for Payment

Minutes - OCM 249 Apr 2018

EFT10573	23/03/2018	Shire of Morawa	Petty Cash Recoup March 2018	1	348.15
EFT10574	09/03/2018	Australian Services Union	Payroll deductions	1	82.35
EFT10575	09/03/2018	Department of Human Services	Payroll deductions	1	334.24
EFT10576	16/03/2018	Prestige Pty Ltd	Cleaning Services 05/02/2018 - 18/02/2018	1	6,475.00
EFT10577	16/03/2018	LG Services WA	Consultant for Strategic Community Plan	1	8,800.00
EFT10578	16/03/2018	Star Track Express	Freight	1	209.52
EFT10579	16/03/2018	Morawa Traders	Purchases Feb 2018	1	138.01
EFT10580	16/03/2018	BL & MJ Thornton Waste Removal Services	Waste Removal February 2018	1	7,498.92
EFT10581	16/03/2018	Refuel Australia	Card Purchases Feb 2018	1	1,264.31
EFT10582	16/03/2018	S & K Electrical Contracting Pty Ltd	Morawa pool - replace weatherproof exit light and tested all emergency lighting	1	1,152.90
EFT10583	16/03/2018	Courier Australia	Freight	1	98.02
EFT10584	16/03/2018	Conway Highbury	Local laws Stage 3	1	3,539.25
EFT10585	16/03/2018	Local Government Managers Australia	Executive Leadership Program	1	2,800.50
EFT10586	16/03/2018	Leading Edge Computers Dongara & Geraldton	Site Visit to resolve team viewer issue	1	686.00
EFT10587	16/03/2018	Sandra Joy Reardon	Reimbursement for purchase of phone	1	99.00
EFT10588	16/03/2018	Midwest Traffic Controllers	Traffic Plan - Late night shopping	1	385.00
EFT10589	16/03/2018	Artists Chronical	1/2 page display add art award x 2	1	2,880.00
	16/03/2018	J&D Cook	Supply water for road works 2625kl	1	5,834.40

EFT10590	16/03/2018	Infinitum Technologies Pty Ltd	Set up new user	1	126.00
EFT10591	16/03/2018	Heritage Intelligence (WA)	Draft Stage Cost to update Conservation Management Strategy for Morawa Old Shire Office & Town Hall	1	4,615.88
EFT10592	16/03/2018	Arrinooka Pastoral Co	Hire of dozer to push gravel	1	10,890.00
EFT10593	16/03/2018	Tourism Council Western Australia	Digital Marketing Course	1	150.00
EFT10594	21/03/2018	Morawa News & Gifts	Stationery and Papers Feb 2018	1	143.31
EFT10595	21/03/2018	Morawa Drapery Store	Work boots	1	159.95
EFT10596	21/03/2018	Refuel Australia	ULS Diesel 9500 Litres	1	12,282.55
EFT10597	21/03/2018	Greenfield Technical Services	Professional Services 2017 Flood Damage	1	9,216.67
EFT10598	21/03/2018	IGA Morawa	February Purchases 2018	1	486.67
EFT10599	21/03/2018	Dean's Contracting WA Pty Ltd	Supervise Flood Damage 25/02/2018 - 27/02/2018	1	7,720.24
EFT10600	21/03/2018	Great Southern Fuel Supplies	Fuel Card Usage Feb 2018	1	798.88
EFT10601	22/03/2018	Australian Services Union	Payroll deductions	1	82.35
EFT10602	22/03/2018	Department of Human Services	Payroll deductions	1	334.24
EFT10603	23/03/2018	Dean's Contracting WA Pty Ltd	Flood Damage Supervision 28/02/2018 - 12/03/2018	1	20,002.18
EFT10604	23/03/2018	BPH	Flood Damage 28/02/2018 - 13/03/2018	1	194,331.50
EFT10605	23/03/2018	Morawa Community Resource Centre	Room Hire – Cultural Benchmarking	1	265.00
EFT10606	23/03/2018	J.R. & A. Hersey Pty Ltd	Purchases	1	727.32
EFT10607	23/03/2018	Kats Rural	Purchases	1	190.10
EFT10608	23/03/2018	Landmark Operations Limited	Purchases	1	1,852.82

EFT10609	23/03/2018	WesTrac Equipment Pty Ltd	Purchases	1	56.39
EFT10610	23/03/2018	Market Creations	Business cards	1	198.00
EFT10611	23/03/2018	Hitachi Construction Machinery (Australia) Pty Ltd	Purchases	1	11,561.95
EFT10612	23/03/2018	Marketforce	Advertising	1	1,433.25
EFT10613	23/03/2018	WA Local Government Association	Short course	1	615.00
EFT10614	23/03/2018	Shire of Perenjori	CESM Program Reimbursement	1	3,196.91
EFT10615	23/03/2018	Covs Parts Pty Ltd	Purchases	1	387.46
EFT10616	23/03/2018	Herrings Coastal Plumbing & Gas	Repairs	1	121.00
EFT10617	23/03/2018	Blackwoods - (J Blackwood & Son PTY Limited)	Purchases	1	547.64
EFT10618	23/03/2018	Morawa Rural Enterprises Two	Purchases	1	12.60
EFT10619	23/03/2018	MEEDAC Incorporated	Tip attendant	1	5,418.75
EFT10620	23/03/2018	Great Southern Fuel Supplies	New card	1	2.75
EFT10621	23/03/2018	Morawa Rural Pty Ltd T/AS Morawa Rural Enterprises	Purchases	1	1,137.00
EFT10622	23/03/2018	WINC Australia	Printing	1	949.83
EFT10623	23/03/2018	Murdoch University	VET SERVICES – Oct VET Programe	1	1,275.00
EFT10624	23/03/2018	Incite Security	Security Monitoring	1	116.99
EFT10625	23/03/2018	Colliers	Rent	1	423.85
EFT10626	23/03/2018	Jeff & Irene Sparrow	Part refund - stay at Merkanooka Unit	1	55.00
EFT10627	29/03/2018	Prestige Pty Ltd	Cleaning Services 05/03 - 18/03	1	3,640.00

EFT10628	29/03/2018	Star Track Express	Freight - Jason Sign makers and Cows	1	614.28
EFT10629	29/03/2018	Moore Stephens	Financial Management Reporting Workshop & Financial Reporting Workshop	1	2,420.00
EFT10630	29/03/2018	Morawa Drapery Store	Work Uniforms Outside staff	1	2,976.65
EFT10631	29/03/2018	S & K Electrical Contracting Pty Ltd	Check and assess vaccine fridge	1	272.25
EFT10632	29/03/2018	Canine Control	Ranger Visit 15 March 2018	1	982.72
EFT10633	29/03/2018	WA Local Government Association	Recruitment of Temporary Works Manager	1	3,471.94
EFT10634	29/03/2018	Courier Australia	Freight	1	10.44
EFT10635	29/03/2018	ML Communications	Remote program of phone ring groups as requested	1	121.00
EFT10636	29/03/2018	Frank Gilmour	Spray Child Care Building and Gutha Hall	1	670.00
EFT10637	29/03/2018	Mid-West Group of Affiliated Agricultural Societies	Donation towards 2018 Display - Perth Royal Show	1	100.00
EFT10638	29/03/2018	Bob Waddell & Associates Pty Ltd	Assistance with Auditor General query	1	99.00
EFT10639	29/03/2018	Jason Sign makers	500 plastic guide post	1	5,775.00
EFT10640	29/03/2018	Alinta Sales Pty Ltd	Power Usage 01/02/2018 - 28/02/2018	1	341.07
EFT10641	29/03/2018	Mitchell and Brown Communications	Vidguard 1st April to 30th June 2017	1	102.00
EFT10642	29/03/2018	Max & Claire Pty Ltd T/AS Ergo link	Stationery	1	151.95
EFT10643	29/03/2018	RSA Signs Pty Ltd	PVC coated canvas banners 900x600 grader ahead	1	198.00
EFT10644	29/03/2018	Tyre power Geraldton	Fit 4 new tyres an front wheel alignment	1	771.00
511806	14/03/2018	Water Corporation	Water Usage 15 Dec to 16 Feb 2018	1	35,121.12
11807	14/03/2018	Synergy	Power Usage 16th Jan to 20th Feb 2018	1	14,536.75

11808	16/03/2018	Water Corporation	Water Upgrade Infrastructure Contribution	1	2,180.00
11809	21/03/2018	Synergy	Power Usage Dec 2017 - Feb 2018	1	1,551.50
11810	21/03/2018	Morawa Licensed Post Office Emmlee's	Postage February 2018	1	93.00
11811	23/03/2018	Australian Communications and Media Authority	Licence renewal	1	612.00
11812	23/03/2018	McLeod's Barristers and Solicitors	Extractive licences	1	5,148.46
11813	23/03/2018	Shire of Morawa	MOO 12 Months licence	1	394.70
11814	29/03/2018	Synergy	Power Usage - Street Lights Feb - March 2018	1	5,577.25
11815	29/03/2018	Telstra Corporation Limited	Phone Usage Feb 18	1	2,544.23
DD6008.1	07/03/2018	WA Local Government Superannuation Plan	Payroll deductions	1	7,296.42
DD6008.2	07/03/2018	BT FINANCIAL GROUP	Superannuation contributions	1	313.37
DD6008.3	07/03/2018	MLC Super Fund	Superannuation contributions	1	232.34
DD6008.4	07/03/2018	Australian Super	Superannuation contributions	1	223.97
DD6008.5	07/03/2018	LGIA Super	Superannuation contributions	1	321.54
DD6020.1	21/03/2018	WA Local Government Superannuation Plan	Payroll deductions	1	7,517.48
DD6020.2	21/03/2018	BT FINANCIAL GROUP	Superannuation contributions	1	313.37
DD6020.3	21/03/2018	MLC Super Fund	Superannuation contributions	1	232.34
DD6020.4	21/03/2018	Australian Super	Superannuation contributions	1	223.97
DD6020.5	21/03/2018	LGIA Super	Superannuation contributions	1	321.54
DD6038.1	05/03/2018	Bankwest	Credit Card Transactions Feb 2018	1	4,491.65

DP06038.2	01/03/2018	Westnet Pty Ltd	Internet March 2018	1	224.75
DP06038.3	12/03/2018	BOQ Finance	Photocopier Lease March 2018	1	301.16

REPORT TOTALS

EFT	\$ 356,879.75
Cheque	\$ 68,107.16
Direct Debits	\$ 17,522.25
Payroll	\$ 92,853.86
Credit Card	\$ 4,491.65
TOTAL	\$539,854.67

Feb-18**Business Credit Card - Chris Linnell Bankwest MasterCard**

Date	Description	Accounts	Account Description	Amount	GST
23/02/2018	MWDC and CESM Meetings Geraldton CEO	1146120.52	Travel & Accommodation	249.72	22.70
			Total Purchases for C Linnell	249.72	22.70

Business Credit Card - Fred Gledhill Bankwest MasterCard

Date	Description	Accounts	Account Description	Amount	GST
5/02/2018	Hep B Shots for Outside Crew	114260.521	Hep B Shots for Outside Staff	220.60	20.05
5/02/2018	RAC Membership for Management Vehicles and Doctor	Various	Various	520.00	47.27
				0.00	
			Total Purchases for F. Gledhill	740.60	67.33

Business Credit Card - Sam Appleton

Date	Description	Accounts	Account Description	Amount	GST
4/02/2018	Meal Murray Hotel - Sam Appleton training	1146120.521	Travel & Accommodation	27	2.4545455
8/02/2018	Accommodation Sandy Adams and Ellie Cuthbert Tourism Workshop	1146120.520	Travel & Accommodation	214.38	19.489091
8/02/2018	Tourism Training - Ellie Cuthbert and Sandy Adams	1146060.502	Staff Training	570	51.818182
19/02/2018	Corporate Firearms Licence	1052030.580	Cat/Dog Other Expenses	124	11.272727
21/02/2018	Office Furniture Admin Office	1146180.520	Office Furniture	2415.95	219.63182
26/02/2018	Renew IPAD charge for EMCCS	1146190.521	Computer Maintenance	150	13.636364
				0.00	
			Total Purchases for S. Appleton	3501.33	318.30

Total Fees and Charges	4491.65	60.35
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<i>Item No/Subject</i>	7.2.2.5 Reconciliations - March 2018
<i>Date of Meeting:</i>	19 April 2018
<i>Date & Author:</i>	11 April 2018 Candice Smith – Senior Finance Officer
<i>Responsible Officer:</i>	Jenny Goodbourn – Executive Manager Corporate & Community Services
<i>Applicant/Proponent:</i>	Executive Manager Corporate & Community Services
<i>File Number:</i>	FM.ACC.1
<i>Previous minute/s & Reference:</i>	

SUMMARY

Local Government (Financial Management) Regulation 34 (1) (a) states that a Local Government must prepare financial statements monthly.

DECLARATION OF INTEREST

Nil

ATTACHMENTS

Nil

BACKGROUND INFORMATION

The information provided is obtained from the Bank Reconciliations carried out for Municipal Bank/Reserves Bank and the Trust Bank to ensure all transactions have been accounted for.

OFFICER'S COMMENT

The Shire of Morawa's financial position is as follows:-

BANK BALANCES AS AT 31 March 2018

Account	2018
Municipal Account #	\$957,127.24
Trust Account	\$15,981.76
Business Telenet Saver (Reserve) Account	\$3,400,429.95
WA Treasury O/night Facility (Super Towns) Account	\$37,567.91
Reserve Term Deposit (Community Development)	\$500,000.00
Reserve Term Deposit (Future Funds 1)	\$800,000.00
Reserve Term Deposit (Future Funds 2)	\$800,000.00

BANK RECONCILIATION BALANCES

The Bank Reconciliation Balances for 31 March 2018 with a comparison for 31 March 2017 is as follows:

Account	2017	2018
Municipal Account #	\$719,868.66	\$939,488.96
Trust Account	\$13,746.29	\$20,460.25
Reserve Account	\$6,181,352.96	\$5,537,997.86

RESERVE ACCOUNT

The Reserve Funds of \$5,537,997.86 as at 31 March 2018 were invested in:-

- Bank of Western Australia \$3,400,429.95 in the Business Telenet Saver Account and
- \$37,526.19 in the WA Treasury O/Night Facility
- Term Deposit (Future Funds 1) \$800,000.00
- Term Deposit (Future Funds 2) \$800,000.00
- Term Deposit (Community Development Fund) \$500,000.00

Breakdown for March 2018 with a comparison for March 2017 is as follows:

	2017	2018
Sports Complex Upgrade Reserve	\$0.00	\$0.00
Land & Building Reserve	\$79,758.72	\$100,778.54
Plant Reserve	\$1,027,333.11	\$912,781.47
Leave Reserve	\$289,239.30	\$283,392.69
Economic Development Reserve	\$109,009.86	\$110,184.44
Sewerage Reserve	\$145,906.82	\$218,040.41
Unspent Grants & Contributions Reserve	\$24,849.73	\$26,331.06
Community Development Reserve	\$1,185,685.65	\$1,207,993.00
Water Waste Management Reserve	\$0.00	\$0.00
Future Funds Reserve	\$2,152,305.15	\$2,136,209.76
Morawa Future Funds Interest Reserve	\$55,198.63	\$126,239.47
Aged Care Units Reserve Units 6-9	\$9,106.26	\$9,204.58
Aged Care Units Reserve Units 1-4	\$67,778.44	\$68,508.75
Aged Care Units Reserve Unit 5	\$54,409.15	\$54,995.41
Transfer Station Reserve	\$29,044.76	\$27.18
S/Towns Revitalisation Reserve	\$175,921.39	\$37,567.91
ST Solar Thermal Power Station Reserve	\$557,614.20	0
Business Units Reserve	\$61,792.99	\$82,619.11
Legal Reserve	\$15,135.38	\$20,338.58
Road Reserve	\$141,263.42	\$142,785.50
TOTAL	\$6,181,352.96	\$5,537,997.86

TRANSFER OF FUNDS

- \$521,430.00 from Unspent Grants to Municipal Fund being for General FAGS paid in advance June 2017. 17 July 2017
 - \$299,042.00 from Unspent Grants to Municipal Fund being for Roads FAGS paid in advance June 2017. 10 August 2017
 - \$140,000.00 from S/Towns Revitalisation Reserve to Municipal Fund being for monies spent on project 16/17. 26 October 2017
 - \$37,368.00 from Future Funds Reserve to Morawa Future Funds Interest Reserve being for 85% of interest from Term Deposit that matured October 2017 and was accrued as at the 30th June 2017. For the year 2016/17
 - \$32,000.00 from Unspent Grants Reserve to Municipal Fund being for returning of monies for Swimming Pool Operating Grant unspent 15/16 as pool did not open. 11 January 2018
 - \$564,429.84 from ST Solar Thermal Power Station Reserve to Municipal Fund being for monies returned to DPIRD as project did not commence. 28 February 2018
- **Investment Transfers**
 - \$800,000.00 from Future Funds to Term Deposit Future Funds1 for 8 months @ 2.50% interest
 - \$800,000.00 from Future Funds to Term Deposit Future Funds2 for 8 months @ 2.50% interest
 - \$500,000.00 from Community Development Fund for 8 months @ 2.50% interest

COMMUNITY CONSULTATION

NIL

COUNCILLOR CONSULTATION

NIL

STATUTORY ENVIRONMENT

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

POLICY IMPLICATIONS

Section 3 – Finance 3.11 Risk Management Controls
Section 3 – Finance 3.4.3 Investment Policy – Delegated Authority

FINANCIAL IMPLICATIONS

As presented

STRATEGIC IMPLICATIONS

Nil

RISK MANAGEMENT

As per Policy Section 3 – Finance 3.11 Risk Management Controls

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolve to receive the bank reconciliation report for 31 March 2018.

COUNCIL RESOLUTION

180406 Moved: Cr Stokes
 Seconded: Cr Coaker

That Council resolve to receive the bank reconciliation report for 31 March 2018.

CARRIED 6/0

<i>Item No/Subject:</i>	7.2.2.6 Monthly Financial Statements – March 2018
<i>Date of Meeting:</i>	19 April 2018
<i>Date & Author:</i>	12 April 2018 Candice Smith – Senior Finance Officer
<i>Responsible Officer:</i>	Jenny Goodbourn – Executive Manager Corporate & Community Services
<i>Applicant/Proponent:</i>	Executive Manager Corporate & Community Services
<i>File Number:</i>	
<i>Previous minute/s & Reference:</i>	

SUMMARY

Local Government (Financial Management) Regulation 34(1) (a) states that a Local Government must prepare financial statements monthly.

DECLARATION OF INTEREST

Nil

ATTACHMENTS

Attachment 1 – 7.2.3.6a March Monthly Financial Activity Report

A copy of the schedules is available if required.

BACKGROUND INFORMATION

Nil

OFFICER'S COMMENT

Nil

COMMUNITY CONSULTATION

Nil

COUNCILLOR CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Financial Management) Regulations.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As presented

STRATEGIC IMPLICATIONS

Nil

RISK MANAGEMENT

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council resolve to receive the Statement of Financial Activity and the Variance Report for the period ending the 31 March 2018.

COUNCIL RESOLUTION

180407 Moved: Cr Agar
 Seconded: Cr Carslake

That Council resolve to receive the Statement of Financial Activity and the Variance Report for the period ending the 31 March 2018.

CARRIED 6/0



SHIRE OF MORAWA
MONTHLY STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

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SHIRE OF MORAWA

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

	NOTE	MARCH 2018 Actual \$	MARCH 2018 Y-T-D Budget \$	2017/18 Budget \$	Variances Actuals to Budget \$	Variances Actual Budget to Y-T-D %	
Operating							
Revenues/Sources	1,2	18,752	0	20,010	18,752	0.00%	
Governance		649,363	673,702	897,142	(24,339)	(3.61%)	
General Purpose Funding		23,970	21,036	26,230	2,934	13.95%	
Law, Order, Public Safety		3,352	2,850	5,350	502	17.61%	
Health		13,802	96,607	133,899	(82,805)	(85.71%)	▼
Education and Welfare		75,378	45,324	147,761	30,054	66.31%	▲
Housing		439,071	523,404	554,091	(84,333)	(16.11%)	▼
Community Amenities		50,721	33,150	69,214	17,571	53.00%	▲
Recreation and Culture		1,033,165	1,062,561	1,092,694	(29,396)	(2.77%)	
Transport		91,260	151,312	223,319	(60,052)	(39.69%)	▼
Economic Services		189,997	63,891	139,184	126,106	197.38%	▲
Other Property and Services		2,588,831	2,673,837	3,308,894	(85,006)	(3.18%)	
(Expenses)/(Applications)	1,2	(343,997)	(344,291)	(491,640)	(343,997)	0.00%	
Governance		(147,283)	(122,229)	(174,282)	(25,054)	(20.50%)	▲
General Purpose Funding		(81,298)	(64,664)	(84,223)	(16,634)	(25.72%)	▲
Law, Order, Public Safety		(171,697)	(158,487)	(210,604)	(13,210)	(8.34%)	
Health		(78,563)	(434,849)	(800,015)	356,286	81.93%	▼
Education and Welfare		(241,105)	(170,480)	(313,270)	(70,625)	(41.43%)	▲
Housing		(443,452)	(563,362)	(741,202)	119,910	21.28%	▼
Community Amenities		(1,082,179)	(864,093)	(1,136,614)	(218,086)	(25.24%)	▲
Recreation & Culture		(1,621,416)	(1,216,747)	(1,598,634)	(404,669)	(33.26%)	▲
Transport		(985,582)	(572,032)	(794,594)	(413,550)	(72.29%)	▲
Economic Services		(31,656)	(46,918)	(36,296)	15,262	32.53%	▼
Other Property and Services		(5,228,228)	(4,558,152)	(6,381,374)	(1,014,367)	14.70%	
Net Result Excluding Rates		(2,639,397)	(1,884,315)	(3,072,480)	(1,099,373)		
Adjustments for Non-Cash (Revenue) and Expenditure							
(Profit)/Loss on Asset Disposals	4	0	(9,747)	(13,000)	9,747	100.00%	
Movement in Leave Reserve (Added Back)		2,255	0	0	2,255	0.00%	
Movement in Deferred Pensioner Rates/ESL (nor		0	0	0	0	0.00%	
Movement in Employee Benefit Provisions (non-c		0	0	0	0	0.00%	
Rounding Adjustment		0	0	0	0	0.00%	
Depreciation on Assets		1,289,275	1,097,451	1,463,496	191,824	(17.48%)	▲
Capital Revenue and (Expenditure)							
Purchase of Investments		0	0	0	0	0.00%	
Purchase Land Held for Resale	3	0	(14,994)	(20,000)	14,994	100.00%	▼
Purchase Land and Buildings	3	(2,707)	(114,500)	(155,000)	111,793	97.64%	▼
Purchase Plant and Equipment	3	0	(155,000)	(155,000)	155,000	100.00%	▼
Purchase Furniture and Equipment	3	0	(12,870)	(22,870)	12,870	100.00%	▼
Purchase Infrastructure Assets - Roads	3	(743,599)	(1,263,427)	(1,631,978)	519,828	41.14%	▼
Purchase Infrastructure Assets - Footpaths	3	0	0	(27,937)	0	0.00%	
Purchase Infrastructure Assets - Drainage	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Parks & Ovals	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Airfields	3	0	(10,000)	(10,000)	10,000	100.00%	
Purchase Infrastructure Assets - Play Equip	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Sewerage	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Dams	3	0	0	0	0	0.00%	
Purchase Infrastructure Assets - Other	3	(63,968)	(120,003)	(137,500)	56,035	46.69%	▼
Proceeds from Disposal of Assets	4	0	0	15,000	0	0.00%	
Repayment of Debentures	5	(47,147)	(47,485)	(70,815)	338	0.71%	
Proceeds from New Debentures	5	0	0	0	0	0.00%	
Advances to Community Groups		0	0	0	0	0.00%	
Self-Supporting Loan Principal Income	5	0	0	0	0	0.00%	
Transfers to Restricted Assets (Reserves)	6	(135,129)	(136,726)	(278,751)	1,597	1.17%	
Transfers from Restricted Asset (Reserves)	6	1,594,270	1,642,357	1,892,170	(48,087)	(2.93%)	
ADD Net Current Assets July 1 B/Fwd	7	558,952	428,376	428,376	130,576	30.48%	
LESS Net Current Assets Year to Date	7	1,598,592	1,201,762	564	396,830	(33.02%)	
Amount Raised from Rates	8	(1,785,787)	(1,802,645)	(1,796,852)	16,858	(0.94%)	

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

Material Variances Symbol

▲ Above Budget Expectations

▼ Below Budget Expectations

Greater than 10,000 and greater than 10%
Less than 10,000 and less than 10%

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

1. SIGNIFICANT ACCOUNTING POLICIES

The significant accounting policies which have been adopted in the preparation of this statement of financial activity are:

(a) Basis of Accounting

The budget has been prepared in accordance with applicable Australian Accounting Standards (as they apply to local government and not-for-profit entities), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the Local Government Act 1995 and accompanying regulations.

The budget has also been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement of fair value of selected non-current assets, financial assets and liabilities.

(b) The Local Government Reporting Entity

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

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

All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 9.

(c) Rounding Off Figures

All figures shown in this statement, other than a rate in the dollar, are rounded to the nearest dollar.

(d) Rates, Grants, Donations and Other Contributions

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

(e) Goods and Services Tax

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables are stated inclusive of applicable GST.

(f) Superannuation

The Council contributes to a number of superannuation funds on behalf of employees.

(g) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits held at call with banks, other short term highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value and bank overdrafts.

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

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(h) Trade and Other Receivables

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

(i) Inventories

General

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

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

Land Held for Resale

Land purchased for development and/or resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is complete are expensed.

Revenue arising from the sale of property is recognised in the statement of comprehensive income as at the time of signing an unconditional contract of sale.

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

(j) Fixed Assets

Each class of fixed assets is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation or impairment losses.

Initial Recognition

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

Revaluation

Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. For infrastructure and other asset classes where no active market exists, fair value is determined to be the current replacement cost of an asset less, where applicable, accumulated depreciation calculated on the basis of such cost to reflect the already consumed or expired future economic benefits of the asset.

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases in the same asset are charged against fair value reserves directly in equity; all other decreases are charged to the statement of comprehensive income.

Any accumulated depreciation at the date of revaluation is eliminated against the gross carrying amount of the asset and the net amount is restated to the revalued amount of the asset.

Those assets carried at a revalued amount, being their fair value at the date of revaluation less any subsequent accumulated depreciation and accumulated impairment losses, are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(i) Fixed Assets (Continued)

Land Under Roads

In Western Australia, all land under roads is Crown Land, the responsibility for managing which, is vested in the local government.

Effective as at 1 July 2008, Council elected not to recognise any value for land under roads acquired on or before 30 June 2008. This accords with the treatment available in Australian Accounting Standard AASB 1051 Land Under Roads and the fact Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

In respect of land under roads acquired on or after 1 July 2008, as detailed above, Local Government (Financial Management) Regulation 16(a)(i) prohibits local governments from recognising such land as an asset.

Whilst this treatment is inconsistent with the requirements of AASB 1051, Local Government (Financial Management) Regulation 4(2) provides, in the event of such an inconsistency, the Local Government (Financial Management) Regulations prevail.

Consequently, any land under roads acquired on or after 1 July 2008 is not included as an asset of the Council.

Depreciation of Non-Current Assets

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

Assets are depreciated from the date of acquisition or, in respect of internally constructed assets, from the time the asset is completed and held ready for use.

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

Buildings	50 to 100 years
Furniture and Equipment	10 years
Plant and Equipment	5 to 15 years
Sealed roads and streets	
clearing and earthworks	not depreciated
construction/road base	50 years
original surfacing and	
major re-surfacing	
- bituminous seals	20 years
Gravel roads	
clearing and earthworks	not depreciated
construction/road base	50 years
gravel sheet	12 years
Formed roads (unsealed)	
clearing and earthworks	not depreciated
construction/road base	50 years
Footpaths - slab	40 years

Depreciation of Non-Current Assets (Continued)

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in the statement of comprehensive income. When revalued assets are sold, amounts included in the revaluation surplus relating to that asset are transferred to retained earnings.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(j) Fixed Assets (Continued)

Capitalisation Threshold

Expenditure under the thresholds listed below is not capitalised. Rather, it is recorded on an asset

- Land	Nil (All Land Capitalised)
- Buildings	2,000
- Plant & Equipment	2,000
- Furniture & Equipment	1,000
- Infrastructure	5,000

Capitalisation Threshold

Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

(k) Financial Instruments

Initial Recognition and Measurement

Financial assets and financial liabilities are recognised when the Council becomes a party to the contractual provisions to the instrument. For financial assets, this is equivalent to the date that the Council commits itself to either the purchase or sale of the asset (ie trade date accounting is adopted).

Financial instruments are initially measured at fair value plus transaction costs, except where the instrument is classified 'at fair value through profit or loss', in which case transaction costs are expensed to profit or loss immediately.

Classification and Subsequent Measurement

Financial instruments are subsequently measured at fair value, amortised cost using the effective interest rate method or at cost.

Fair value represents the amount for which an asset could be exchanged or a liability settled, between knowledgeable, willing parties. Where available, quoted prices in an active market are used to determine fair value. In other circumstances, valuation techniques are adopted.

Amortised cost is calculated as:

- (a) the amount in which the financial asset or financial liability is measured at initial recognition;
- (b) less principal repayments;
- (c) plus or minus the cumulative amortisation of the difference, if any, between the amount initially recognised and the maturity amount calculated using the effective interest rate method; and
- (b) less any reduction for impairment.

The effective interest rate method is used to allocate interest income or interest expense over the relevant period and is equivalent to the rate that exactly discounts estimated future cash payments or receipts (including fees, transaction costs and other premiums or discounts) through the expected life (or when this cannot be reliably predicted, the contractual term) of the financial instrument to the net carrying amount of the financial asset or financial liability. Revisions to expected future net cash flows will necessitate an adjustment to the carrying value with a consequential recognition of an income or expense in profit or loss.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(k) Financial Instruments (Continued)

Classification and Subsequent Measurement (Continued)

(i) Financial assets at fair value through profit and loss

Financial assets at fair value through profit or loss are financial assets held for trading. A financial asset is classified in this category if acquired principally for the purpose of selling in the short term. Derivatives are classified as held for trading unless they are designated as hedges. Assets in this category are classified as current assets.

(ii) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in an active market and are subsequently measured at amortised cost.

Loans and receivables are included in current assets, except for those which are not expected to mature within 12 months after the end of the reporting period (classified as non-current assets).

(iii) Held-to-maturity investments

Held-to-maturity investments are non-derivative financial assets with fixed maturities and fixed or determinable payments that the Council's management has the positive intention and ability to hold to maturity.

Held-to-maturity financial assets are included in non-current assets, except for those which are expected to mature within 12 months after the end of the reporting period, which are classified as current assets.

If the Council were to sell other than an insignificant amount of held-to-maturity financial assets, the whole category would be tainted and reclassified as available-for-sale.

(iv) Available-for-sale financial assets

Available-for-sale financial assets are non-derivative financial assets that are either not suitable to be classified into other categories of financial assets due to their nature, or they are designated as such by management. They comprise investments in the equity of other entities where there is neither a fixed maturity nor fixed or determinable payments.

Available-for-sale financial assets are included in non-current assets, except for those which are expected to mature within 12 months of the end of the reporting period (classified as current assets).

(v) Financial liabilities

Non-derivative financial liabilities (excluding financial guarantees) are subsequently measured at amortised cost.

Impairment

At the end of each reporting period, the Council assesses whether there is objective evidence that a financial instrument has been impaired. In the case of available-for-sale financial instruments, a prolonged decline in the value of the instrument is considered to determine whether impairment has arisen. Impairment losses are recognised in the statement of comprehensive income.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(l) Estimation of Fair Value

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

The fair value of financial instruments traded in active markets is based on quoted market prices at the reporting date.

The fair value of financial instruments that are not traded in an active market is determined using valuation techniques. Council uses a variety of methods and makes assumptions that are based on market conditions existing at each balance date. These include the use of recent arm's length transactions, reference to other instruments that are substantially the same, discounted cash flow analysis, and option pricing models making maximum use of market inputs and relying as little as possible on entity-specific inputs.

Quoted market prices or dealer quotes for similar instruments are used for long-term debt instruments held. Other techniques, such as estimated discounted cash flows, are used to determine fair value for the remaining financial instruments.

The nominal value less estimated credit adjustments of trade receivables and payables are assumed to approximate their fair values. The fair value of financial liabilities for disclosure purposes is estimated by discounting the future contractual cash flows at the current market interest rate that is available to the Council for similar financial instruments.

(m) Impairment

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 "Impairment of Assets" and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the statement of comprehensive income.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

At the time of adopting the budget, it is not possible to estimate the amount of impairment losses (if any) as at 30 June 2013.

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on this budget document.

(n) Trade and Other Payables

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

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

1. SIGNIFICANT ACCOUNTING POLICIES (Continued)

(o) Employee Benefits

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

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

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

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

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

(p) Borrowing Costs

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

(q) Provisions

Provisions are recognised when:

- a) the Council has a present legal or constructive obligation as a result of past events;
- b) for which it is probable that an outflow of economic benefits will result to settle the obligation; and
- c) that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

Provisions are not recognised for future operating losses.

(r) Current and Non-Current Classification

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

(s) Comparative Figures

Where required, comparative figures have been adjusted to conform with changes in presentation of the current budget year.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

2. STATEMENT OF OBJECTIVE

The Shire of Morawa is dedicated to providing high quality services to the community through the various service orientated programs which it has established.

GOVERNANCE

Includes members of Council, Civic Functions & Public Relations, Council Elections, Training/Education. Objective is to provide a management & administrative structure to service Council & the community.

GENERAL PURPOSE FUNDING

Includes Rates, Loans, Investments & Grants. Objective is to manage Council's finances.

LAW, ORDER, PUBLIC SAFETY

Includes Emergency Services & Animal Control. Objective is to provide, develop & manage services in response to community needs.

HEALTH

Includes Environmental Health, Medical & Health facilities. Objective is to provide, develop & manage services in response to community needs.

EDUCATION AND WELFARE

Includes Education, Welfare & Children's Services. Objective is to provide, develop & manage services in response to community needs.

HOUSING

Includes Staff & Other Housing. Objective is to ensure quality housing and appropriate infrastructure is maintained.

COMMUNITY AMENITIES

Includes Refuse Collection, Sewerage, Cemetery, Building Control, Town Planning & Townscape. Objective is to provide, develop & manage services in response to community needs.

RECREATION AND CULTURE

Includes Pools, Halls, Library, Oval, Parks & Gardens & Recreational Facilities. Objective is to ensure the recreational & cultural needs of the community are met.

TRANSPORT

Includes Roads, Footpaths, Private Works, Machine Operating Costs, Outside Wages & Airstrip. Objective is to effectively manage transport infrastructure.

ECONOMIC SERVICES

Includes Tourism, Rural Services, Economic Development & Caravan Park. Objective is to foster economic development, tourism & rural services in the district.

OTHER PROPERTY & SERVICES

Includes Private Works, Public Works Overheads, Plant Operating Costs, Administration Overheads and Unclassified Items. Objective is to provide control accounts and reporting facilities for all other operations.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

	2017/18 Budget \$	MARCH 2018 YTD Budget \$	MARCH 2018 Actual \$
3. ACQUISITION OF ASSETS			
The following assets have been acquired during the period under review:			
<u>By Program</u>			
Governance			
Upgrade to Old Council Chambers	50,000	50,000	527.16
Housing			
Aged Person Units x 4 - water metres	60,000	42,000	2,180.00
Community Amenities			
New Tip Site Construction	70,000	70,000	0.00
Community Bus	135,000	135,000	0.00
Recreation and Culture			
Storage Shed 6x6	10,000	5,000	0.00
Diving Blocks	10,000	5,000	4,880.00
Sports Complex Upgrade	10,000	0	0.00
Furniture & Equipment	20,000	10,000	0.00
Morawa Interpretation Trails Project	20,000	15,003	0.00
Bowling Club Lighting	0	0	0.00
Skate Park CCTV Cameras	0	0	0.00
Skate Park	0	0	0.00
Transport			
Road Construction			
- Rural Roads Construction	1,483,543	1,140,051	626,693.82
- Townsite Roads Construction	148,435	123,376	116,905.52
Bridges Construction	0	0	0.00
Drainage Construction	0	0	0.00
Footpath Construction	27,937	0	0.00
Depot Upgrade	0	0	0.00
Plant & Equipment - Road Plant Purchases	0	0	0.00
Airfield Lighting Upgrade	10,000	10,000	0.00
Economic Services			
Caravan Park Camp Kitchen/Caretakers Cabin	25,000	17,500	0.00
Caravan Park Concept Plan	12,500	12,500	0.00
Morawa Gateway Project	25,000	17,500	0.00
Industrial Land Development	20,000	14,994	0.00
Phase 1 - Civic Square/Pedestrian Crossing	0	0	26,264.09
Construction of Footpath - Jubilee Park	0	0	32,824.28
Phase 2 - Road Freight Alignment	0	0	0.00
Other Property & Services			
Purchase of Lot 9000, White Ave	0	0	0.00
Administration Furniture & Equipment	2,870	2,870	0.00
Generator for Admin Building	20,000	20,000	0.00
	<u>2,160,285</u>	<u>1,690,794</u>	<u>810,274.87</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

	2017/18 Budget \$	MARCH 2018 YTD Budget \$	MARCH 2018 Actual \$
3. ACQUISITION OF ASSETS (Continued)			
The following assets have been acquired during the period under review:			
<u>By Class</u>			
Land Held for Resale	20,000	14,994	0.00
Investments	0	0	0.00
Land	0	0	0.00
Buildings	155,000	114,500	2,707.16
Plant and Equipment	155,000	155,000	0.00
Furniture and Equipment	22,870	12,870	0.00
Infrastructure Assets - Roads	1,631,978	1,263,427	743,599.34
Infrastructure Assets - Footpaths	27,937	0	0.00
Infrastructure Assets - Drainage/Dams	0	0	0.00
Infrastructure Assets - Parks & Ovals	0	0	0.00
Infrastructure Assets - Airfields	10,000	10,000	0.00
Infrastructure Assets - Playground Equipment	0	0	0.00
Infrastructure Assets - Sewerage	0	0	0.00
Infrastructure Assets - Dams	0	0	0.00
Infrastructure Assets - Other	137,500	120,003	63,968.37
	<u>2,160,285</u>	<u>1,690,794</u>	<u>810,274.87</u>

SHIRE OF MORAWA
NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

4. DISPOSALS OF ASSETS

The following assets have been disposed of during the period under review:

By Program	Written Down Value		Sale Proceeds		Profit(Loss)	
	2017/18 Budget \$	MARCH 2018 Actual \$	2017/18 Budget \$	MARCH 2018 Actual \$	2017/18 Budget \$	MARCH 2018 Actual \$
Law, Order & Public Safety						0.00
Community Amenities						0.00
1996 Toyota Coaster Community Bus MO403	2,000		15,000		13,000	0.00
Recreation & Culture						0.00
Transport						0.00
						0.00
Other Property & Services						0.00
						0.00
	2,000	0.00	15,000	0.00	13,000	0.00

By class of asset	Written Down Value		Sale Proceeds		Profit(Loss)	
	2017/18 Budget \$	MARCH 2018 Actual \$	2017/18 Budget \$	MARCH 2018 Actual \$	2017/18 Budget \$	MARCH 2018 Actual \$
Plant & Equipment						0.00
1996 Toyota Coaster Community Bus MO403	2,000	0.00	15,000	0.00	13,000	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	0	0.00	0	0.00	0	0.00
	2,000	0.00	15,000	0.00	13,000	0.00

Summary
Profit on Asset Disposals
Loss on Asset Disposals

MARCH 2018	
Budget	Actual
\$	\$
13,000	0.00
0	0.00
13,000	0.00

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

6. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Principal 1-Jul-16	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$
Housing									
Loan 133 - GEHA House	70,621	0	0	34,156	16,799	36,465	53,822	4,076	1,785
Loan 134 - 2 Broad Street	49,838	0	0	24,158	24,158	25,680	25,680	3,090	643
Loan 136 - 24 Harley Street - Staff Housing	332,137	0	0	12,501	6,190	319,636	325,947	12,931	5,992
	452,596	0	0	70,814.62	47,147	381,781.38	405,449	20,097	8,420

All debenture repayments are to be financed by general purpose revenue.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

	2017/18 Budget \$	MARCH 2018 Actual \$
6. RESERVES - CASH BACKED		
(a) Leave Reserve		
Opening Balance	281,137	281,138
Amount Set Aside / Transfer to Reserve	7,611	2,255
Amount Used / Transfer from Reserve	(80,000)	0
	<u>208,748</u>	<u>283,393</u>
(b) Sports and Recreation Facilities Reserve		
Opening Balance	0	0
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	0	0
	<u>0</u>	<u>0</u>
(c) Plant Reserve		
Opening Balance	905,518	905,518
Amount Set Aside / Transfer to Reserve	108,411	7,263
Amount Used / Transfer from Reserve	(60,000)	0
	<u>953,929</u>	<u>912,781</u>
(d) Building Reserve		
Opening Balance	99,976	99,977
Amount Set Aside / Transfer to Reserve	20,929	802
Amount Used / Transfer from Reserve	(50,000)	0
	<u>70,905</u>	<u>100,779</u>
(e) Economic Development Reserve		
Opening Balance	109,308	109,308
Amount Set Aside / Transfer to Reserve	1,015	877
Amount Used / Transfer from Reserve	(25,000)	0
	<u>85,323</u>	<u>110,184</u>
(f) Community Development Reserve		
Opening Balance	1,187,559	1,187,559
Amount Set Aside / Transfer to Reserve	11,030	20,434
Amount Used / Transfer from Reserve	(10,000)	0
	<u>1,188,589</u>	<u>1,207,993</u>
(g) Sewerage Reserve		
Opening Balance	216,306	216,305
Amount Set Aside / Transfer to Reserve	34,528	1,735
Amount Used / Transfer from Reserve	(70,000)	0
	<u>180,834</u>	<u>218,040</u>
(h) Unspent Grants and Contributions Reserve		
Opening Balance	877,391	877,390
Amount Set Aside / Transfer to Reserve	8,149	1,413
Amount Used / Transfer from Reserve	(832,972)	(852,472)
	<u>52,568</u>	<u>26,331</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

	2017/18 Budget \$	MARCH 2018 Actual \$
6. RESERVES (Continued)		
(i) Business Units Reserve		
Opening Balance	81,961	81,962
Amount Set Aside /Transfer to Reserve	20,761	657
Amount Used /Transfer from Reserve	0	0
	<u>102,722</u>	<u>82,619</u>
(j) Morawa Future Funds Interest		
Opening Balance	88,036	88,036
Amount Set Aside /Transfer to Reserve	12,050	38,204
Amount Used /Transfer from Reserve	0	0
	<u>100,086</u>	<u>126,239</u>
(k) Morawa Community Future Funds Reserve		
Opening Balance	2,121,127	2,121,127
Amount Set Aside /Transfer to Reserve	19,703	52,450
Amount Used /Transfer from Reserve	(36,000)	(37,368)
	<u>2,104,830</u>	<u>2,136,210</u>
(l) Refuse Transfer Station Reserve		
Opening Balance	27	27
Amount Set Aside /Transfer to Reserve	0	0
Amount Used /Transfer from Reserve	0	0
	<u>27</u>	<u>27</u>
(m) Aged Care Units Reserve - Units 6-9		
Opening Balance	9,131	9,131
Amount Set Aside /Transfer to Reserve	85	73
Amount Used /Transfer from Reserve	0	0
	<u>9,216</u>	<u>9,205</u>
(n) ST-N/Midlands Solar Thermal Power		
Opening Balance	559,632	558,966
Amount Set Aside /Transfer to Reserve	5,198	5,464
Amount Used /Transfer from Reserve	(550,000)	(564,430)
	<u>14,830</u>	<u>0</u>
(o) ST-Morawa Revitalisation Reserve		
Opening Balance	176,558	176,348
Amount Set Aside /Transfer to Reserve	1,640	1,220
Amount Used /Transfer from Reserve	(178,198)	(140,000)
	<u>0</u>	<u>37,568</u>
(p) Legal Fees Reserve		
Opening Balance	20,177	20,177
Amount Set Aside /Transfer to Reserve	5,187	162
Amount Used /Transfer from Reserve	0	0
	<u>25,364</u>	<u>20,339</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

	2017/18 Budget \$	MARCH 2018 Actual \$
6. RESERVES (Continued)		
(q) Road Reserve		
Opening Balance	141,649	141,649
Amount Set Aside /Transfer to Reserve	1,316	1,136
Amount Used /Transfer from Reserve	0	0
	<u>142,965</u>	<u>142,786</u>
(r) Aged Care Units 1-4		
Opening Balance	67,964	67,964
Amount Set Aside /Transfer to Reserve	631	545
Amount Used /Transfer from Reserve	0	0
	<u>68,595</u>	<u>68,509</u>
(s) Aged Care Unit 5		
Opening Balance	54,558	54,558
Amount Set Aside /Transfer to Reserve	507	438
Amount Used /Transfer from Reserve	0	0
	<u>55,065</u>	<u>54,995</u>
(t) Swimming Pool Reserve		
Opening Balance	0	0
Amount Set Aside /Transfer to Reserve	20,000	0
Amount Used /Transfer from Reserve	0	0
	<u>20,000</u>	<u>0</u>
Total Cash Backed Reserves	5,384,596	5,537,998
Summary of Transfers		
To Cash Backed Reserves		
Transfers to Reserves		
Leave Reserve	7,611	2,255
Sports and Recreation Facilities Reserve	0	0
Plant Reserve	108,411	7,263
Building Reserve	20,929	802
Economic Development Reserve	1,015	877
Community Development Reserve	11,030	20,434
Sewerage Reserve	34,528	1,735
Unspent Grants and Contributions Reserve	8,149	1,413
Business Units Reserve	20,761	657
Morawa Community Future Funds Interest	12,050	38,204
Morawa Community Future Fund Reserve	19,703	52,450
Refuse Transfer Station Reserve	0	0
Aged Care Units Reserve - Units 6-9	85	73
ST-N/Midlands Solar Thermal Power	5,198	5,464
ST-Morawa Revitalisation Reserve	1,640	1,220
Legal Fees Reserve	5,187	162
Road Reserve	1,316	1,136
Aged Care Units 1-4	631	545
Aged Care Unit 5	507	438
Swimming Pool Reserve	20,000	0
	<u>278,751</u>	<u>135,129</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

	2017/18 Budget \$	MARCH 2018 Actual \$
6. RESERVES (Continued)		
Transfers from Reserves		
Leave Reserve	(80,000)	0
Sports and Recreation Facilities Reserve	0	0
Plant Reserve	(60,000)	0
Building Reserve	(50,000)	0
Economic Development Reserve	(25,000)	0
Community Development Reserve	(10,000)	0
Sewerage Reserve	(70,000)	0
Unspent Grants and Contributions Reserve	(832,972)	(852,472)
Business Units Reserve	0	0
Morawa Community Future Funds Interest	0	0
Morawa Community Future Fund Reserve	(36,000)	(37,368)
Refuse Transfer Station Reserve	0	0
Aged Care Units Reserve - Units 6-9	0	0
ST-N/Midlands Solar Thermal Power	(550,000)	(564,430)
ST-Morawa Revitalisation Reserve	(178,198)	(140,000)
Legal Fees Reserve	0	0
Road Reserve	0	0
Aged Care Units 1-4	0	0
Aged Care Unit 5	0	0
Swimming Pool Reserve	0	0
	<u>(1,892,170)</u>	<u>(1,594,270)</u>
Total Transfer to/(from) Reserves	<u>(1,613,419)</u>	<u>(1,459,141)</u>

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Leave Reserve

To be used to fund leave requirements.

Sports ground Complex Upgrade Reserve

To be used to upgrade the Sporting Complex Facilities.

Plant Reserve

To be used to upgrade, replace or purchase new plant and equipment.

Building Reserve

To be used to refurbish, replace, extend or establish Council owned buildings.

Economic Development Reserve

To be used to create economic development initiatives in the local community.

Community Development Reserve

To be used for Community Projects within the Shire of Morawa

Sewerage Reserve

To be used to repair, replace or extend the sewerage facility.

Unspent Grants and Contributions Reserve

To be used as a quarantine for unspent committed funds.

Business Units Reserve

To be used to upgrade, refurbish or purchase new Business Units

Morawa Community Future Funds Interest

To be used for Morawa Community Projects

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

6. RESERVES (Continued)

Morawa Community Future Fund Reserve

To be used to provide an ongoing conduit for benefits to the people and environment of the Morawa Shire through the Sinosteel Midwest Corporation Morawa Future Fund Foundation Memorandum

Refuse Transfer Station Reserve

To be used for Morawa Landfill closure and Refuse Transfer Station implementation project - R4R

Aged Care Units 6-9 Reserve

To be used for the maintenance/construction of Aged Care Units at the Morawa Perenjori Health

ST - N/Midlands Solar Thermal Power

Reserves

Super Town funds to be used for the N/Midlands Solar Thermal Power feasibility Study Project

ST-Morawa Revitalisation Reserve

Super Town funds to be used for the Morawa Town Revitalisation Project

Legal Fees Reserve

to be utilised for unforeseen Legal Fees

Road Reserve

to be utilised for future Road Construction and Maintenance

Except for the Unspent Grants and Contributions Reserve, the Reserves are not expected to be used within a set period as further transfers to the reserve accounts are expected as funds are utilised.

Aged Care Units 1-4 Reserve

To be used for the maintenance/upgrade of Aged Care Units 1-4 at the Morawa Perenjori Health

Aged Care Unit 5 Reserve

To be used for the maintenance/upgrade Aged Care Unit 5 at the Morawa Perenjori Health

Swimming Pool Reserve

To be used for the maintenance/upgrade to Morawa Swimming Pool

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

	2016/17 B/Fwd Per 2017/18 Budget \$	2016/17 B/Fwd Per Financial Report \$	2017/18 Actual \$
7. NET CURRENT ASSETS			
Composition of Estimated Net Current Asset Position			
CURRENT ASSETS			
Cash - Unrestricted	48,420	(176,517)	940,139
Cash - Restricted Unspent Grants	0	317,600	0
Cash - Restricted Unspent Loans	0	0	0
Cash - Restricted Reserves	6,998,015	6,997,139	5,537,998
Notes - Current	0	487,406	671,794
Sundry Debtors	542,642	48,351	115,674
GST Receivable	0	76,915	33,602
Accrued Income/Prepayments	0	109,256	46,756
Provision for Doubtful Debts	0	(722)	(722)
Other Current Debtors	0	0	0
Inventories	1,335	1,119	1,119
	<u>7,590,412</u>	<u>7,860,547</u>	<u>7,346,360</u>
LESS: CURRENT LIABILITIES			
Sundry Creditors	(60,497)	(92,665)	0
Income Received in Advance	0	0	(37,902)
GST Payable	0	(44,535)	(17,280)
Payroll Creditors	0	0	0
Accrued Expenditure	0	(1,634)	0
Other Payables	0	(5,953)	(3,711)
Withholding Tax Payable	0	0	0
Payg Payable	0	(43,671)	(51,201)
Accrued Interest on Debentures	0	(3,509)	0
Accrued Salaries and Wages	0	(8,965)	0
Current Employee Benefits Provision	(384,662)	(384,662)	(384,662)
Current Loan Liability	6,938	(70,815)	(23,669)
	<u>(438,221)</u>	<u>(656,409)</u>	<u>(518,425)</u>
NET CURRENT ASSET POSITION	7,152,191	7,204,138	6,827,935
Less: Cash - Reserves - Restricted	(6,998,015)	(6,997,139)	(5,537,998)
Less: Cash - Unspent Grants - Restricted	0	0	0
Less: Land Held for Resale	0	0	1,593
Add Back : Component of Leave Liability not Required to be Funded	281,138	281,138	283,393
Add Back : Current Loan Liability	(6,938)	70,815	23,669
SURPLUS/(DEFICIENCY) C/FWD	<u>428,376</u>	<u>558,952</u>	<u>1,598,592</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

8. RATING INFORMATION

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2017/18 Rate Revenue \$	2017/18 Interim Rates \$	2017/18 Back Rates \$	2017/18 Total Revenue \$	2017/18 Budget \$
General Rate								
GRV Residential/Commercial	0.07571	269	2,912,592	212,543	0	0	212,543	214,220
UV Rural	0.02304	205	63,004,000	1,451,801	0	0	1,451,801	1,451,801
UV Mining	0.28968	15	472,333	136,826	0	0	136,826	136,826
Sub-Totals		489	66,388,925	1,801,170	0	0	1,801,170	1,802,847
Minimum Rates								
GRV Residential/Commercial	290	45	26,778	13,340		0	13,340	13,050
UV Rural	290	6	53,200	1,740	0	0	1,740	1,740
UV Mining	656	11	11,311	7,216	0	0	7,216	7,216
Sub-Totals		62	91,289	22,296	0	0	22,296	22,006
Discounts								
Total amount raised from general rates							1,823,466	
Ex-Gratia Rates							(37,679)	(28,000)
Rates Written Off							1,785,787	1,796,853
Specified Area Rates							5,914	5,792
Movement in Excess Rates							(3,314)	(2,000)
							0	0
							(36,284)	0
Total Rates							1,752,103	1,800,645

All land except exempt land in the Shire of Morawa is rated according to its Gross Rental Value (GRV) in townships or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above for the 2017/18 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

9. TRUST FUNDS

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

Detail	Balance 01-Jul-17 \$	Amounts Received \$	Amounts Paid (\$)	Balance \$
Housing Bonds	2,000	1,308	0	3,308
Dreghorn Unit Bonds	1,164	0	0	1,164
Bonds Hall/Rec Centre Hire	100	800	0	900
Aged Care - Bond Karl Strudwick Number 5	1,266	0	0	1,266
Youth Centre	865	0	0	865
Council Nominations	0	320	0	320
Bill Johnson Unit 1 Bond	0	0	0	0
Haulmore Trailers Land Dep	4,641	0	0	4,641
Social Club Payments	0	0	0	0
Local Drug Action Group	660	0	0	660
BCIT F/BRB Training Levy	1,818	1,156	(2,273)	701
Daphne Little - Excess Rent	1,704	0	0	1,704
Morawa Oval Function Centre	1,763	500	0	2,263
	<u>15,981</u>	<u>4,084</u>	<u>(2,273)</u>	<u>17,792</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

10. OPERATING STATEMENT

	MARCH 2018 Actual \$	2017/18 Budget \$	2016/17 Actual \$
OPERATING REVENUES			
Governance	18,752	20,010	40
General Purpose Funding	2,435,150	2,693,995	4,202,543
Law, Order, Public Safety	23,970	26,230	396,038
Health	3,352	5,350	3,328
Education and Welfare	13,802	133,899	33,333
Housing	75,378	147,761	661,358
Community Amenities	439,071	554,091	439,329
Recreation and Culture	50,721	69,214	329,087
Transport	1,033,165	1,092,694	4,971,279
Economic Services	91,260	223,319	156,934
Other Property and Services	189,997	139,184	231,249
TOTAL OPERATING REVENUE	4,374,618	5,105,747	11,424,518
OPERATING EXPENSES			
Governance	343,997	491,640	449,851
General Purpose Funding	147,283	174,282	196,911
Law, Order, Public Safety	81,298	84,223	146,986
Health	171,697	210,604	155,117
Education and Welfare	78,563	800,015	176,028
Housing	241,105	313,270	152,845
Community Amenities	443,452	741,202	585,147
Recreation & Culture	1,082,179	1,136,614	1,164,884
Transport	1,621,416	1,598,634	5,175,238
Economic Services	985,582	794,594	415,210
Other Property and Services	31,656	36,296	62,476
TOTAL OPERATING EXPENSE	5,228,228	6,381,374	8,680,694
CHANGE IN NET ASSETS RESULTING FROM OPERATIONS	<u>(853,610)</u>	<u>(1,275,627)</u>	<u>2,743,824</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

11. BALANCE SHEET

	MARCH 2018 Actual \$	2016/17 Actual \$
CURRENT ASSETS		
Cash Assets	6,478,137	7,138,222
Receivables	867,104	721,205
Inventories	1,119	1,119
TOTAL CURRENT ASSETS	<u>7,346,360</u>	<u>7,860,546</u>
NON-CURRENT ASSETS		
Receivables	16,559	16,559
Inventories	0	0
Property, Plant and Equipment	22,600,578	23,105,106
Infrastructure	44,097,239	44,071,710
TOTAL NON-CURRENT ASSETS	<u>66,714,376</u>	<u>67,193,375</u>
TOTAL ASSETS	<u>74,060,736</u>	<u>75,053,921</u>
CURRENT LIABILITIES		
Payables	110,093	200,933
Interest-bearing Liabilities	23,669	70,815
Provisions	384,662	384,662
Trust Imbalance	(1,593)	239,867
TOTAL CURRENT LIABILITIES	<u>516,831</u>	<u>656,410</u>
NON-CURRENT LIABILITIES		
Interest-bearing Liabilities	381,781	381,782
Provisions	26,386	26,386
TOTAL NON-CURRENT LIABILITIES	<u>408,167</u>	<u>408,168</u>
TOTAL LIABILITIES	<u>924,998</u>	<u>1,064,578</u>
NET ASSETS	<u>73,135,738</u>	<u>73,989,343</u>
EQUITY		
Retained Surplus	34,942,752	34,337,220
Reserves - Cash Backed	5,537,998	6,997,139
Reserves - Asset Revaluation	32,654,987	32,654,987
TOTAL EQUITY	<u>73,135,737</u>	<u>73,989,346</u>

SHIRE OF MORAWA

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018

12. FINANCIAL RATIO

	2017 YTD	2016	2015	2014
Current Ratio	7.750	4.220	3.530	7.880

The above rates are calculated as follows:

Current Ratio equals

$$\frac{\text{Current assets minus restricted current assets}}{\text{Current liabilities minus liabilities associated with restricted assets}}$$

SHIRE OF MORAWA
FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018
Report on Significant variances Greater than 10% and \$10,000

Purpose

The purpose of the Monthly Variance Report is to highlight circumstances where there is a major variance from the YTD Monthly Budget and YTD Actual figures. These variances can occur because of a change in timing of the activity, circumstances change (eg a grant was budgeted for but was not received) or changes to the original budget projections. The Report is designed to highlight these issues and explain the reason for the variance.

The Materiality variances adopted by Council are:

Actual Variance to YTD Budget up to 5%:

Actual Variance exceeding 10% of YTD Budget

Actual Variance exceeding 10% of YTD Budget and a value greater than \$10,000:

Don't Report

Use Management Discretion

Must Report

REPORTABLE OPERATING REVENUE VARIATIONS

Education and Welfare - Variance below budget expectations

Youth Centre income decreased due to changes to operations of the Youth Centre -
Timing on grant income

Housing - Variance above budget expectations

Full occupancy in Drieghorn Street Units - income higher than budget expectations

Community Amenities - Variance below budget expectations.

Community Bus upgrade not going ahead as per budget review - income below budget expectations

Recreation & Culture - Variance above budget expectations.

Invoice to Karara Mining for Arts Show contribution created 17/18 year - Arts Show 18/19 Financial Year

Economic Services - Variance below budget expectations.

Overall Caravan Park and Units income low due to slow season, Business units vacancy's no income - below budget expectations

Other Property & Services - Variance above budget expectations.

TAFE training offset with expenses, use of our equipment - above budget expectations

REPORTABLE OPERATING EXPENSE VARIATIONS

Note: Depreciation is not raised until after the audit is completed.
This affects variations across all programs

General Purpose Funding - Variance above budget expectations

GRV Revaluations completed (5 yearly) - timing in budget

Law, Order and Public Safety - Variance above budget expectations.

Changes to SES to DFES timing

Education and Welfare - Variance below budget expectations

Industry Training centre yet to commence - not likely to commence

Housing - Variance above budget expectations.

Yewers Ave house substantial repairs when tenant vacated above budget expectations

Community Amenities - Variance below budget expectations.

Tip maintenance costs and Public Toilet Amenities expenses under budget expectations

Recreation and Culture - Variance above budget expectations.

Relief Swimming Pool Manger non budgeted item

Transport - Variance above budget expectations.

DOT licensing expenses high - offset by income. Aerodrome expenses higher than budget expectations

Economic Services - Variance below budget expectations

Timing Variance on Caravan Park operation expenses

Other Property & Services - Variance above budget expectations.

Expenses offset by overheads adjusted in budget review below budget expectations

SHIRE OF MORAWA
FOR THE PERIOD 1 JULY 2017 TO 31 MARCH 2018
Report on Significant variances Greater than 10% and \$10,000

REPORTABLE NON-CASH VARIATIONS

(Profit)/Loss on Asset Disposals - Variance above budget expectations.

REPORTABLE CAPITAL EXPENSE VARIATIONS

Purchase of Land & Buildings - Variance below budget expectations.

Industrial Land Development not proceeded as yet - timing
New tip site not purchase and will not proceed this financial year

Purchase of Plant & Equipment - Variance above budget expectations.

Community Bus upgrade not proceeding this financial year
Generator for Admin Building yet to be purchased

Purchase of Furniture and Equipment

Blow up play station for Swimming Pool not proceeding - was reliant on grant income

Purchase of Infrastructure Assets Roads - Variance below budget expectations.

Capital Road Works for roads under budget - timing

Purchase Infrastructure Assets - Other- Variance above budget expectations.

Timing Variance on Road Construction
Morawa Gateway Project awaiting grants
Morawa Perenjori Trails Project awaiting grants

Transfer to Reserves - Variance below budget expectations.

Transfers to Reserves - timing

REPORTABLE CAPITAL INCOME VARIATIONS

Proceeds from Disposal of Assets - Variance within budget expectations.

Transfer from Reserves - Variance below budget expectations.

Transfers to Municipal Fund - timing on completion of projects

<i>Item No/ Subject:</i>	7.2.3.1 Gifting of 24 Richter Avenue Morawa
<i>Date of Meeting:</i>	20 April 2018
<i>Date & Author:</i>	28 March 2018 – Samantha Appleton
<i>Responsible Officer:</i>	Samantha Appleton – Executive Manager Development & Administration
<i>Applicant/Proponent:</i>	J&SK Wilde
<i>File Number:</i>	RV.RAT.1 A692
<i>Previous minute/s & Reference:</i>	Resolution 1711005 - 16 November 2017

SUMMARY

Council to affix the common seal to a transfer of land document for 24 Richter Avenue Morawa.

DECLARATION OF INTEREST

Nil

ATTACHMENTS

Nil

BACKGROUND INFORMATION

At the November 2017 meeting the following resolution was passed with regard to Council purchasing 24 Richter Avenue:

COUNCIL RESOLUTION

1711005	Moved:	Cr Carslake
	Seconded:	Cr Thornton

That, subject to there being no encumbrances on the property affecting its ability to be used for residential purposes, Council agrees:

1. to accept the gifting of the vacant land at 24 Richter Avenue from J and SK Wilde;
2. to pay all fees and associated with the transfer of the ownership of the property to the Shire; and
3. to accept responsibility for the rates and any service charges raised against the property.

OFFICER'S COMMENT

A settlement agent has prepared the required documents for signing and the application of the Common Seal will be required.

COMMUNITY CONSULTATION

Nil

COUNCILLOR CONSULTATION

Ordinary Council Meeting held on 16 November 2017

STATUTORY ENVIRONMENT

Local Government Act 1995

Division 3 — Documents

9.49A. Execution of documents

(1)A document is duly executed by a local government if —

(a)the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or

(b)it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

(2)The common seal of a local government is not to be affixed to any document except as authorised by the local government.

(3)The common seal of the local government is to be affixed to a document in the presence of —

(a)the mayor or president; and

(b)the chief executive officer or a senior employee authorised by the chief executive officer,

each of whom is to sign the document to attest that the common seal was so affixed.

(4)A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

(5)A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.

(6)A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.

(7)When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

[Section 9.49A inserted by No. 17 of 2009 s. 43.]

9.49B. Contract formalities

(1)Insofar as the formalities of making, varying or discharging a contract are concerned, a person acting under the authority of a local government may make, vary or discharge a contract in the name of or on behalf of the local government in the same manner as if that contract was made, varied or discharged by a natural person.

(2)The making, variation or discharge of a contract in accordance with subsection (1) is effectual in law and binds the local government concerned and other parties to the contract.

(3)Subsection (1) does not prevent a local government from making, varying or discharging a contract under its common seal.

[Section 9.49B inserted by No. 17 of 2009 s. 43.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

As presented to the November 2017 meeting, the various costs to the Shire are estimated to be as follows:

- Settlement Fee \$550.00
- Certificate of Title searches \$30.00
- Landgate Registration Fee \$168.70
- Perth Agents Attendance Fee \$55.00
- EAS Fees Approx. \$100.00
- P & P \$13.00

The water rates (Annual Service Charge) is \$250.39 and they are up to date.

The current rates for this financial year are \$612.16 (includes rates, ESL and sewerage charge).

Therefore, if Council approved the “purchase” of the land, the actual costs will be in the vicinity of \$920, with the annual ongoing lost rates income being \$612.60.

The ongoing costs associated with ownership of the property will be for:

- Water Corporation Annual Service Charge (\$250.39)

- any costs associated with maintenance/fire mitigation (ESL Levy, firebreaks etc)

The property is currently listed by Peter Kuhne Real Estate for \$14,900.

STRATEGIC IMPLICATIONS

Shire of Morawa Community Strategic Plan
1.1 Maintain and increase population.

RISK MANAGEMENT

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

Council resolve that pursuant to section 9.49a of the Local Government Act 1995 the common seal be affixed to the executed transfer of land document relating to the acquisition of 24 Richter Avenue, Morawa.

COUNCIL RESOLUTION

180407 Moved: Cr Collins
 Seconded: Cr Agar

Council resolve that pursuant to section 9.49a of the Local Government Act 1995 the common seal be affixed to the executed transfer of land document relating to the acquisition of 24 Richter Avenue, Morawa.

CARRIED 6/0

<i>Item No/ Subject:</i>	7.2.3.2 - Proposed Outbuilding – Lot 23, 6 Broad Avenue, Morawa
<i>Date of Meeting:</i>	20 April 2018
<i>Date & Author:</i>	4 April 2018 - Karrie Elder - City of Greater Geraldton Samantha Appleton – Executive Manager Development & Administration
<i>Responsible Officer:</i>	Executive Manager Development & Administration
<i>Applicant/Proponent:</i>	Murray Wilson - City of Greater Geraldton Coleen Beauchamp - Applicant
<i>File Number:</i>	DB.APP.1
<i>Previous minute/s & Reference:</i>	Nil

SUMMARY

An application for development approval has been received for an outbuilding on Lot 23, 6 Broad Avenue, Morawa which exceeds the maximum wall height.

This report recommends that the application be approved, subject to conditions.

DECLARATION OF INTEREST

Nil

ATTACHMENTS

Attachment 1 - 7.2.3.2a Site plans, elevation plans, photos of existing shipping container
Attachment 2 - 7.2.3.2b Streetscape of Yewers Avenue

BACKGROUND INFORMATION

The applicant is proposing to place an 18.9m² outbuilding on their property at Lot 23, 6 Broad Avenue, Morawa which is on the corner of Yewers Avenue. The outbuilding will be in the form of a shipping container which is 2.7m in width and 7m in length.

The outbuilding is proposed to have a wall height of 2.59m which exceeds the maximum deemed-to-comply wall height under the Residential Design Codes (R-Codes) of 2.4m.

The applicant has advised that the shipping container is currently located in Harvey and the intention is to relocate it onto the subject site where it will be used to store general household items such as furniture and tools.

The outbuilding will be located on an existing concrete pad which is positioned behind the existing residence on the eastern side of the lot with a 4.6m setback from the Yewers Avenue boundary.

The applicant proposes to maintain the existing boundary fencing, vegetation and screening which are currently on site and will screen the outbuilding from both Broad Avenue and Yewers Avenue.

A copy of the applicant's site plans, elevations, and picture of the proposed shipping container are included as Attachment 1.

COMMENT

In the absence of a policy defining and controlling the use of shipping containers, this development is considered an 'Outbuilding' under the R-Codes. The fact that it is a shipping container is irrelevant to the assessment of the merits of this application.

The R-Codes allows, under the deemed-to-comply provisions, an outbuilding of 60m² in aggregate area, with a wall height of 2.4m and a total ridge height of 4.2m. An outbuilding which complies with these provisions does not require an application for development approval as it is exempt development.

In this case the proposed outbuilding has a wall height of 2.59m meaning only 0.19m (19cm) is non-compliant. The decision before Council is therefore whether this additional wall height can be supported as the rest of the development is as-of-right.

It is important to note that the proposed outbuilding complies with and is well under the overall height allowance of 4.2m.

In determining this matter, Council must consider the design principle which governs non-compliant outbuildings which is "Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties".

The photos the applicant has supplied of the outbuilding shows it to be in good condition, with no rust or dents and of a decent uniform colour – Attachment 1. Given this, the general appearance of the outbuilding is deemed acceptable.

The proposed outbuilding is to be located behind the line of the existing residence with an approximate setback of 19m from Broad Avenue. The outbuilding will also be visually screened from Broad Avenue as it will be located behind existing fencing and timber slatting. Given the large setback and existing screening it is not considered that the proposed outbuilding detracts from the streetscape or visual amenity of residents or neighbouring properties on Broad Avenue.

A setback of 4.6m has been proposed from Yewers Avenue. The outbuilding will be screened by an existing fence of 1.8m in height leaving 0.79m (79cm) of the top of the outbuilding will be visible. There are also considerable mature trees and vegetation along this boundary. The existing side fence along Yewers Avenue is not in good condition and given the fact that the outbuilding is constructed of better quality material, it

cannot be reasonably considered to be detrimental to the appearance of the streetscape or the visual amenity of residents or neighbouring properties on Yewers Avenue.

A photo of the Yewers Avenue streetscape indicating the location of the proposed outbuilding is included as Attachment 2.

The area of the outbuilding that exceeds the maximum wall height is considered very minor. As the footprint of the outbuilding is only 18.9m² and it will be sufficiently screened by existing onsite development, it is considered that the outbuilding will not detract from the streetscape or the visual amenity of residents or neighbouring properties. The proposal is therefore in accordance with the design principles under the R-Codes and support of the application is recommended.

Given the current condition of the shipping container it is not considered appropriate or necessary to recommend conditions requiring works or the bonding of works to be done. A condition can be applied that the outbuilding is to be maintained to its current standard.

STATUTORY ENVIRONMENT

Planning and Development Act (Local Planning Scheme) Regulations 2015

Schedule 2 Part 7 cl. 61 of the Planning and Development Act (Local Planning Scheme) Regulations 2015 states that;

- (1) Development approval of the local government is not required for the following works –*
 - (d) the erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or a grouped dwelling if the R-Codes apply to the development and the development satisfies the deemed-to-comply requirements of the R-Codes...*

Schedule 2 Part 9 cl. 67 of the Planning and Development Act (Local Planning Scheme) Regulations 2015 states that in considering an application for development approval the local government must have due regard for the following relevant matters –

- (a) The aims and provisions of this Scheme and any other local planning scheme operating within the scheme area;*
- (b) The requirements for orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development Act (Local Planning Scheme) Regulations 2015 or any other planning instrument that the local government is seriously considering adopting or approving;*
- (c) Any approved State planning policy;*

- (m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale and orientation and appearance of development;*
- (n) The amenity of the locality including the following-*
 - (a) Environmental impacts of development;*
 - (b) The character of the locality;*
 - (c) Social impacts of the development;*

These clauses require an application for development approval to be lodged for the non-compliance with the deemed-to-comply provisions of the R-Codes and lists a number of matters that must be taken into account when determining the merits of the application.

Shire of Morawa Local Planning Scheme No 2

The lot is zoned 'Residential R10/30' under the Shire's Local Planning Scheme No 2 ("LPS 2").

Under LPS 2 the objectives of the 'Residential' zone are:

- (a) to retain the single house as the predominant form of residential development in the town.*
- (b) to provide for lifestyle choice in and around the town with a range of residential densities.*
- (c) to allow for the establishment of non-residential uses subject to local amenities not being adversely affected*

The proposal is considered consistent with the objectives of the 'Residential' zone as outlined in the comment section above.

State Planning Policy 3.1 – Residential Design Codes

Clause 2.2.1 of the R-Codes states that:

A proposal for a single house that meets the deemed-to-comply provisions of the R-Codes does not require development approval unless otherwise required by the scheme or clause 2.3.

Clause 2.2.2 then states that:

Where a proposal for a single house:

- (a) Does not satisfy the deemed-to-comply provisions; and*
- (b) Proposes to address a design principle of Part 5 of the R-Codes;*

An application for development approval under the scheme shall be made and determined prior to the issuing of a building permit.

It is noted that in this clause 'single house' includes an 'outbuilding'.

Within the R-Codes an outbuilding is defined as "an enclosed non-habitable structure that is detached from any dwelling".

Clause 5.4.3 C3 states that outbuildings are deemed-to-comply if:

- i. Are not attached to a dwelling;*
- ii. are non-habitable;*
- iii. collectively do not exceed 60m² in area or 10 per cent in aggregate of the site area, whichever is the lesser;*
- iv. do not exceed a wall height of 2.4m;*
- v. do not exceed a ridge height of 4.2m;*
- vi. are not within the primary or secondary street setback area;*
- vii. do not reduced the amount of open space required in Table 1; and*
- viii. are set back in accordance with Tables 2a and 2b.*

Where an outbuilding does not comply with a deemed-to-comply element, it is required to be assessed against the design principle under clause 5.4.3 P3 which is:

Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.

The proposal is considered to meet the design principle 5.4.3 P3 under the R-Codes as detailed above in the comments section of this report.

STRATEGIC IMPLICATIONS

Strategic Community Plan

1.7 Attractive and well maintained buildings and streetscapes.

RISK MANAGEMENT

Should Council refuse this application the applicant has the ability to appeal the decision through the State Administrative Tribunal (SAT).

If SAT overturns Council's refusal and supports the development, they also have the ability to award costs if they consider that the Council decision was not made solely on the merits of the application.

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

That Council resolve to grant development approval for an outbuilding on Lot 23, 6 Broad Avenue, Morawa subject to the following conditions:

1. Development shall be in accordance with the approved plan(s) and photos included within Attachment No. 7.2.3.2A and 7.2.3.2B and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. Appearance of the outbuilding is to be maintained to the satisfaction of the local government.
3. All stormwater is to be disposed of on-site to the approval of the local government.
4. That a building permit be obtained for the placing of the shipping container prior to placement.

Notes:

- i. If the development/land use, the subject of this approval, is not substantially commenced within a period of 2 years after the date of determination, the approval shall lapse and be of no further effect.
- ii. Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.
- iii. If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
- iv. With regard to Condition 2, the appearance of the outbuilding is to be maintained to the standard as shown in the photos included within Attachment 1.

At 5.41pm Cr Stokes left the meeting declaring a proximity interest in Item 7.2.3.2.

COUNCIL RESOLUTION

180409 Moved: Cr Carslake
 Seconded: Cr Coaker

That Council resolve to grant development approval for an outbuilding on Lot 23, 6 Broad Avenue, Morawa subject to the following conditions:

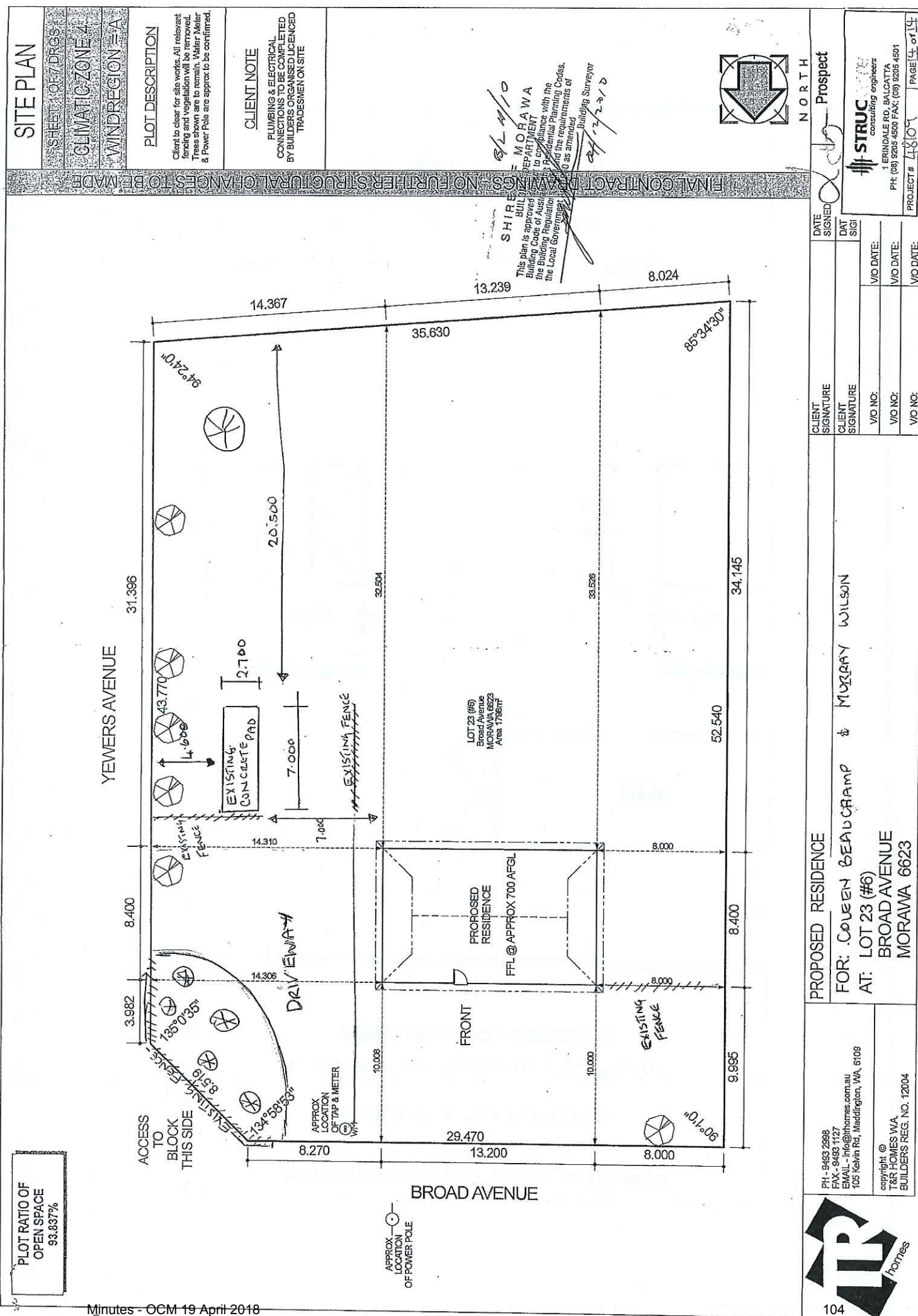
- 1. Development shall be in accordance with the approved plan(s) and photos included within Attachment No. 7.2.3.2A and 7.2.3.2B and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.**
- 2. Appearance of the outbuilding is to be maintained to the satisfaction of the local government.**
- 3. All stormwater is to be disposed of on-site to the approval of the local government.**
- 4. That a building permit be obtained for the placing of the shipping container prior to placement.**

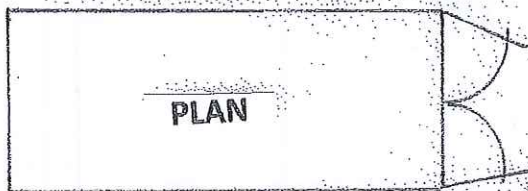
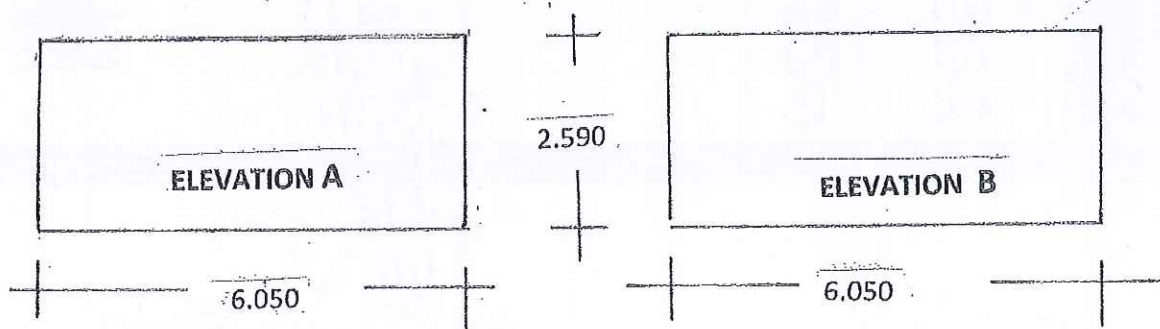
Notes:

- i. If the development/land use, the subject of this approval, is not substantially commenced within a period of 2 years after the date of determination, the approval shall lapse and be of no further effect.**
- ii. Where an approval has so lapsed, no development/land use shall be carried out without the further approval of the local government having first been sought and obtained.**
- iii. If an applicant is aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.**
- iv. With regard to Condition 2, the appearance of the outbuilding is to be maintained to the standard as shown in the photos included within Attachment 1.**

CARRIED 5/0

At 5.43pm Cr Stokes returned to the meeting.

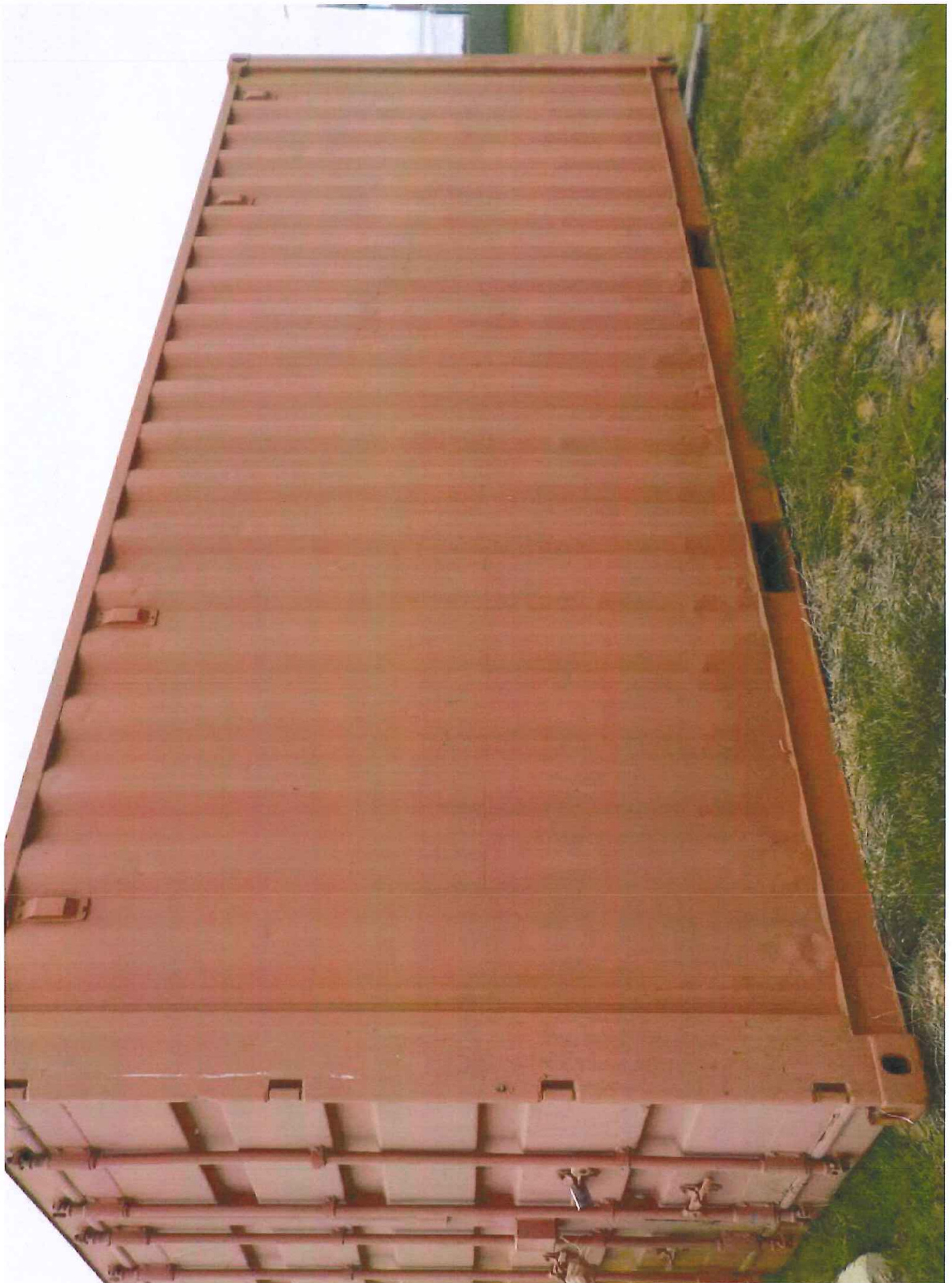




PLAN

STANDARD STEEL CONTAINER
to be located on existing concrete slab at
6 BROAD AVENUE MORAWA
for
MURRAY WILSON & COLEEN BEAUCHAMP







<i>Item No/ Subject:</i>	7.2.3.3 Proposed Local Laws
<i>Date of Meeting:</i>	20 April 2018
<i>Date & Author:</i>	9 April 2018 – Niel Mitchell – Consultant
<i>Responsible Officer:</i>	Samantha Appleton – Executive Manager Development & Administration
<i>Applicant/Proponent:</i>	Executive Manager Development & Administration
<i>File Number:</i>	LE.LLW.2
<i>Previous minute/s & Reference:</i>	15 February 2018 OCM

SUMMARY

To consider the draft local laws for advertising for public comment, being the commencement of the formal process required by the Local Government Act 1995

DECLARATION OF INTEREST

Nil

ATTACHMENTS

Attachment 1 - 7.2.3.3a Draft Shire of Morawa Cemeteries Local Law 2018
Attachment 2 - 7.2.3.3b Draft Shire of Morawa Public Places and Local Government Property Local Law 2018
Attachment 3 - 7.2.3.3c Draft Shire of Morawa Waste Local Law 2018
Attachment 4 - 7.2.3.3d Draft Shire of Morawa Amenity Local Law 2018

BACKGROUND INFORMATION

The purpose of this report:

- To allow the Presiding Person to give notice to the meeting of the proposal to make new local laws, being –
 - o Shire of Morawa Cemeteries Local Law 2018
 - o Shire of Morawa Public Places and Local Government Property Local Law 2018
 - o Shire of Morawa Waste Local Law 2018
 - o Shire of Morawa Amenity Local Law 2018
- For Council to approve the proposed local laws for public comment;
- For Council to give notice of the purpose and effect of the proposed local laws; and

- To allow for advertising of the proposed local laws for public comment.

OFFICER'S COMMENT

The proposed local laws are set out in Attachments 1-4. In making a new local law, Council must comply with the provisions of section 3.12 of the Local Government Act, and any specific requirements of other legislation.

The *Local Government (Functions and General) Regulations* (Regulation 3) states that for the purpose of Section 3.12(2) of the Act, the person presiding at a council meeting is to give notice of the purpose of the local law by ensuring that the purpose and effect of the proposed local law is included in the agenda for that purpose and that the minutes of the meeting of the council include the purpose and effect of the proposed local law.

Cemeteries Local Law 2018

Purpose – to provide for the management of the Morawa and Pintharuka Cemeteries and create offences for non-compliance

Effect – to repeal the existing bylaw and provide for the management and control of the Morawa and Pintharuka Cemeteries

The draft local law makes a significant change to what has been current practice in almost all local governments:

- Grant of Right of Burial

These will only be issued at time of burial, and is not to be used for either memorial garden or placement of ashes or for reservation of a gravesite for future use. Under the Cemeteries Act, a grant of right of burial has a mandatory 25 year minimum period, with an extension of 25years exercised at the option of the holder. The holder can also assign or transfer the grant of right in a will. A further option of 25 years is at by mutual agreement. Once issued, the Shire has effectively lost control of that site for potentially 50 years.

This makes keeping track of reservations extremely difficult for administrative purposes.

- Pre-need Certificate

To allow for reservations to be made, a number of local governments are using pre-need certificates. These are generally for a maximum period of 5 years

and are issued only with consent of the local government, with options also by mutual consent.

Administratively, it is much more likely to be able to track a holder of a certificate every 5 years, than after 25 years or more.

- Natural burials

Not previously found in any WA local laws, the concept is permitted in a number of cemeteries under discretionary approval of the CEO, and is recognised in South Australian legislation, which has been used as a basis for the provisions included. It provides for the right of burial:

- in a shroud, as is the preference in a number of religious traditions, or
- in a biodegradable coffin

Public Places and Local Government Property Local Law 2018

Purpose – to prescribe for management of public places and thoroughfares, and all local government property.

Effect – to establish necessary controls for activities in public places including thoroughfares and the use of local government property, provide for permitted and prohibited activities, and create offences for non-compliance

The draft local law provides the controls for:

- hiring and management of and behaviour in Council owned properties – Recreation Centre, halls, etc
- use and management, and behaviour in parks and reserves – ovals, playgrounds, memorials, etc
- access to non-public land under Council control – Admin Centre, Depot, enclosures on reserves for pumps, gas, workshops, etc
- activities and behaviour on street such as street trading, busking, temporary advertising, verge gardens, works being done in thoroughfares etc
- public places that are privately owned – a place that the public are invited or permitted to use, although not under Council control
- the local law may permit the activity, but does not control the standards required by the Food Act, Health Act or Building Act, eg
 - (1) a permit may be issued for a food van to trade on a street (activity), but the van must still comply with the separate requirements of the Food Act and Health Act (standards)

- (2) a club may have consent to construct a building on a reserve (activity), but a building licence will still be required under the Building Act (standards)

Attention is drawn to Part 8 of the Local Law which deals with temporary signs and trade displays. If these controls are not desired by Council, it is a simple matter to remove them from the proposed local law:

- Clause 8.1 defines various types of temporary signage
- Clause 8.2 specifies application of Part 7:
 - (1) is only to built up areas, not the rural area, so temporary signs advising of stock on the road etc. are not affected by the local law
 - (2) that any requirements of other legislation, including the Planning Scheme are not affected by the local law
- Clause 8.3 specifies:
 - (1) blanket prohibition on temporary signs unless a licence (permit, approval) is held
 - (2) notwithstanding the blanket prohibition, temporary signs of a certain size, limited in number, restriction positioning etc are permitted, without the need to obtain approval of the local government
- Clause 8.4 to 8.10 provides for any special matters according to type of sign or if a trade display.

This Part may be considered to be unnecessary and there is no requirement that it be included in the local law. However, some local governments do have issues surrounding temporary signage, and being on land that is under the control of the local government, have determined that some controls are required to manage exposure to risk etc.

This Part deals only with temporary signs, as permanent signs must comply with the Local Planning Scheme as well and the Building Regulations etc.

A number of waste related provisions included in the model local laws and in previously Gazetted local laws have been removed, as the Department of Local Government now consider that the approval of the Waste Authority should be obtained. To avoid the process of obtaining consent for multiple local laws, these matters have been removed, and if not covered by the model, transferred to the Waste Local Law.

Waste Local Law 2018

Purpose – is to regulate the collection, disposal and storage of waste and recyclable materials, and to remove certain provisions of the *Shire of Morawa Health Local Law 2004*

Effect – is to control the collection, disposal and storage of waste and recyclable materials for the benefit and health of the community and protection of the environment.

The Waste Local Law requires the separate consent of the Waste Authority (Department of Water and Environmental Regulations), in a similar way that Health Local Laws used to require the consent of the Department of Health until relevant provisions of the *Public Health Act 2016* came into effect.

A range of waste related provisions of the Health Local Law 2004 are to be repealed to ensure that identical matters are not within two local laws, creates the possibility of inconsistency and ambiguity. In the same way, waster related provisions of other draft local laws are withdrawn from them, in favour of inclusion in the Waste Local Law.

Generally, the proposed local law is very similar to the model Waste Local Law, with several changes:

- Clause 3.4(3) – new subclause requiring the control of waste and refuse on building and development sites, as well as clean up after work is complete
- Clause 4.6 – prohibited activities at a waste facility

Amenity Local Law 2018

Purpose – to establish requirement and conditions for keeping of livestock and birds in certain areas, management of nuisances in the community and to remove certain provisions of the *Shire of Morawa Health Local Law 2004*

Effect – to provide for the regulation and control of livestock and birds in certain areas, and nuisances within the community

Substantially based on Animals, Environment and Nuisance Local Laws adopted by other local government and the model local laws, this proposed local law covers:

- keeping of livestock (ie farm animals, etc) in certain areas
- keeping of birds in certain areas, other than as authorised by the local law
- nuisances arising from dust, light, noise, etc.

- unsightly properties – including wrecking or storage of vehicle, etc, unkempt or poorly maintained properties and use of sea containers.

The proposed local law repeals a number of matters that will be covered by these from the Shire of Morawa Health Local Law 2004, as they are essentially ranger type issues – numbers, how kept, if an action is done or not done. Health nuisance issues that arise remain with the Health Local Law.

The local law makes provision for second and subsequent offences, since offence in these matters often impact on neighbouring properties. There is no requirement to have dual level penalties, so Council may wish to consider whether or not this is appropriate.

General

As required by section 3.12 the Local Government Act 1995, the next steps include:

- Statewide public notice required inviting submissions
- Local public notice required inviting submissions
- Minister(s) to be advised immediately after advertising for public comment:
 - o Minister for Local Government
 - o Minister for Environment (delegated to Waste Authority)
- Supporting documentation required to be sent to Minister(s):
 - o minutes of resolution of intent to adopt
 - o copy of advert of intent to adopt
 - o copy of the proposed local laws

Notices are to invite the public to comment on the proposed local law, with submissions being open for a period of not less than 6 weeks. Internal submissions may also be made during this time.

The advertisement will be placed once Council has resolved its intent to make the local laws.

After the submission period is closed, Council is required to consider any submissions received. Minor amendments not affecting the intent of the provisions can be made, but if significant changes are needed, the proposal must be readvertised.

If finally adopted, the proposed local law is then published in the Government Gazette and comes into effect on the date specified. The Gazettal copy and other documentation is then sent to the Parliamentary Joint Standing Committee on Delegated Legislation to review, which may then disallow or require changes, even though having been gazetted.

COMMUNITY CONSULTATION

Nil

COUNCILLOR CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- 3.12 – Procedure for making local laws
 - (2) Notice of purpose and effect of local law to be given by the person presiding
 - (3) Statewide public notice required, and copies to Minister/s immediately after notice given, minimum 6 weeks notice
 - (3a) Local Public notice also required to be givenAfter notice period, all submissions to be considered, and local law may then be made by absolute majority
- Publication in Government Gazette required
- (7) Parliament to be advised within 10 working days of Gazettal
- s.3.13 – Significant changes require recommencement of proposal
- s.3.14 – Unless otherwise provided for, local laws come into effect 14 days after Gazettal
- s.3.15 – local public notice of the final adoption/making of a local law to be given

Interpretations Act 1984 –

- s.42(2) – after publication in the Government Gazette, Parliament may disallow within 14 sitting days of receipt

Cemeteries Act 1986 –

- s.54 – local government may make local laws
- s.55 – list of purposes for which local laws may be made

Waste Avoidance and Resources Recovery Act –

- s.61 – local government may make local laws if departmental CEO consents
- s.64(2) – list of purposes for which local laws may be made

Health (Miscellaneous Provisions) Act 1911 –

- s.26 – power to make local laws
- s.199 – local laws in relation to animals, birds and nuisances
- s.342 – local laws to be made in accordance with Local Government Act

Current Shire of Morawa Local Laws

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Cost of statewide and local public notice

RISK MANAGEMENT

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

Council resolves that:

1. Pursuant to section 3.12(3) and (3a) of the Local Government Act 1995, and all other legislation enabling it, statewide and local public notice be given that Council intends to make the following local laws:

a) Cemeteries Local Law 2018

Purpose – to provide for the management of the Morawa and Pintharuka Cemeteries and create offences for non-compliance.

Effect – to repeal the existing bylaw and provide for the management and control of the Morawa and Pintharuka Cemeteries.

b) Public Places and Local Government Property Local Law 2018

Purpose – to prescribe for management of public places and thoroughfares, and all local government property.

Effect – to establish necessary controls for activities in public places including thoroughfares and the use of local government property, provide for permitted and prohibited activities, and create offences for non-compliance.

c) Waste Local Law 2018

Purpose – is to regulate the collection, disposal and storage of waste and recyclable materials, and to remove certain provisions of the *Shire of Morawa Health Local Law 2004*.

Effect – is to control the collection, disposal and storage of waste and recyclable materials for the benefit and health of the community and protection of the environment.

d) Amenity Local Law 2018

Purpose – to establish requirement and conditions for keeping of livestock and birds in certain areas, management of nuisances in the community and to remove certain provisions of the *Shire of Morawa Health Local Law 2004*.

Effect – to provide for the regulation and control of livestock and birds in certain areas, and nuisances within the community.

2. In accordance with section 3.12(3) of the Local Government Act 1995, the relevant Minister(s) and Department be advised of the proposed local laws.

COUNCIL RESOLUTION

180410 Moved: Cr Stokes
 Seconded: Cr Coaker

That Council resolve to suspend Standing Orders.

CARRIED 6/0

Standing Orders were suspended at 5.44pm.

COUNCIL RESOLUTION

180411 Moved: Cr Stokes
 Seconded: Cr Agar

That Council resolve to resume Standing Orders.

CARRIED 6/0

Standing Orders were resumed at 5.46pm.

COUNCIL RESOLUTION

180412 Moved: Cr Carslake
 Seconded: Cr Collins

Council resolves that:

1. Pursuant to section 3.12(3) and (3a) of the Local Government Act 1995, and all other legislation enabling it, statewide and local public notice be given that Council intends to make the following local laws:

a) **Cemeteries Local Law 2018**

Purpose – to provide for the management of the Morawa and Pintharuka Cemeteries and create offences for non-compliance.

Effect – to repeal the existing bylaw and provide for the management and control of the Morawa and Pintharuka Cemeteries.

b) **Public Places and Local Government Property Local Law 2018**

Purpose – to prescribe for management of public places and thoroughfares, and all local government property.

Effect – to establish necessary controls for activities in public places including thoroughfares and the use of local government property, provide for permitted and prohibited activities, and create offences for non-compliance.

c) **Waste Local Law 2018**

Purpose – is to regulate the collection, disposal and storage of waste and recyclable materials, and to remove certain provisions of the *Shire of Morawa Health Local Law 2004*.

Effect – is to control the collection, disposal and storage of waste and recyclable materials for the benefit and health of the community and protection of the environment.

d) **Amenity Local Law 2018**

Purpose – to establish requirement and conditions for keeping of livestock and birds in certain areas, management of nuisances in the community and to remove certain provisions of the *Shire of Morawa Health Local Law 2004*.

Effect – to provide for the regulation and control of livestock and birds in certain areas, and nuisances within the community.

- 2. In accordance with section 3.12(3) of the Local Government Act 1995, the relevant Minister(s) and Department be advised of the proposed local laws.**

CARRIED 6/0

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MORAWA

CEMETERIES LOCAL LAW 2018

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**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MORAWA

CEMETERIES LOCAL LAW 2018

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

1 PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Morawa Cemeteries Local Law 2018*.

1.2 Commencement

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

1.3 Application

This local law applies to the following cemeteries located in the district –

- (a) Morawa Cemetery situated on a portion of Reserve 20650 as indicated by signs or fencing;
- (b) Morawa Cemetery situated on a portion of Reserve 17311 as indicated by signs or fencing; and
- (c) Pintharuka Cemetery situated on a portion of Reserve 20814 as indicated by signs or fencing.

1.4 Repeal

The *Shire of Morawa Management and Control of Morawa Cemetery Local Law 2008* published in the *Government Gazette* on 16 July 2008 is repealed.

1.5 Definitions

In this local law, unless the context otherwise requires –

Act means the *Cemeteries Act 1986*;

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

authorised person means a person –

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

Board means the local government;

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

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

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

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

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

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

district means the district of the local government;

funeral director means a person –

- (a) holding current membership of –
 - (i) the Australian Funeral Directors Association, or
 - (ii) the National Funeral Directors Association; or
- (b) a person authorised by the personal representative of a deceased person, and approved by the

CEO;

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

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

interment includes, as the case may be –

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

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

local government means the Shire of Morawa;

mausoleum means a burial chamber wholly above or partially above and below ground level, so constructed as to allow the deposition of dead bodies into a compartment in the wall or floor and being sealed from view;

memorial has the meaning set out in the Act;

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

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

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

natural burial means burial in the ground –

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

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

personal representative means –

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

pre-need certificate means the purchase of a certificate made under clause 2.4 setting aside for use of the person who wishes to secure the use of the grave, niche wall compartment or memorial position, prior to any grant of right of burial made under clause 2.3;

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

shroud means, as the context requires –

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

standard grave means a grave which does not exceed any of the following dimensions: 2m long, 1.2m wide and 2.1m deep;

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

vault means a below ground lined grave with 1 or more sealed compartments constructed to specifications approved from time to time by the Board; and

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

2 ADMINISTRATION

2.1 Powers and functions of CEO

Unless a matter is specified to be determined by the Board, the CEO shall exercise all the powers and functions of the Board in respect of a cemetery.

2.2 Plans

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

2.3 Grant of right of burial

- (1) Upon payment of the set fee, a grave, niche compartment or memorial location shall be granted right of burial for a period in accordance with section 25(1) of the Act.
- (2) Upon payment of the set fee, a grant of right of burial shall be extended for a further period in accordance with section 25(2) or (4) of the Act.
- (3) A grant of right of burial made and recorded at the commencement of this local law, shall remain valid for the periods specified by the Act.
- (4) If the Board refuses an application under subclause (1) or (2), written notice of the refusal is to be given to the applicant.

2.4 Pre-need certificate

- (1) Prior to issue of a grant of right of burial, and upon payment of the set fee, purchase of a pre-need certificate for a specific position of gravesite, niche compartment or memorial location may be approved for a period not exceeding to 5 years.
- (2) Upon payment of the set fee, a pre-need certificate may be renewed for a further period not exceeding 5 years.
- (3) Cancellation of a pre-need certificate may be made by the person holding the pre-need certificate or authorised representative at any time.
- (4) For avoidance of doubt, a pre-need certificate is not a grant of right of burial.
- (5) If the Board refuses to grant an application under subclause (1) or (2), written notice of the refusal is to be given to the applicant.

2.5 Board may enter into an agreement for maintenance

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

3 APPLICATION FOR INTERMENT

3.1 Application for interment permit

- (1) A funeral director may apply for approval for an interment of a dead body in a cemetery.

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

3.2 Applications to be accompanied by certificates etc.

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

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

3.3 Certificate of identification

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

3.4 Minimum notice required

An application for interment shall be made to the Board at least 4 business days prior to the day proposed for interment, otherwise an extra fee may be charged.

3.5 Refusal of application

- (1) The Board may refuse an application for a interment permit –
 - (a) if in the opinion of the Board, either the burial method or the details of the vehicle transporting the dead body to the gravesite are inadequate or inappropriate; or
 - (b) on any other grounds.
- (2) The Board may refuse an application for a pre-need certificate.
- (3) If the Board refuses to approve an application under subclause (1) or (2), written notice of the refusal is to be given to the applicant.

4 FUNERALS AND MEMORIAL SERVICES

4.1 Fixing times for interments

- (1) On receipt of a completed application form and the satisfaction of all other requirements of the Act and this local law, the Board may –
 - (a) approve a time for the interment; and
 - (b) dig or re-open any grave that is required.
- (2) The time approved for an interment is at the discretion of the Board but will be as near as possible to the time requested by the applicant.
- (3) Except with the permission of the Board and subject to such conditions as may be applied, a person shall not carry out a burial –
 - (a) on a Saturday, a Sunday or a public holiday;
 - (b) commencing at any time other than between the hours 9:00 am to 2.00 pm; or
 - (c) to conclude later than 3.00pm.

4.2 Memorial services or processions

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

4.3 Processions

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

4.4 Conduct of interments by the Board

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

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

5 INTERMENTS

5.1 Requirements for burials

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

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

5.2 Requirements for preparation of graves

- (1) A person shall not dig or prepare a grave or fill a grave, unless that person has the permission of the Board.
- (2) Regardless of prior grant of right of burial under clause 2.3 or gravesite approved upon application made under clause 3.1, the Board may direct the digging or preparation of a grave in an alternate position, where –
 - (a) evidence of a prior interment is found, or known to have occurred;
 - (b) access to the position is constrained;
 - (c) the digging or preparation of the grave is unreasonably difficult; or
 - (d) utility services may be interfered with.
- (3) Where an alternative position for the grave is directed under subclause (2), the Board is to advise the funeral director immediately.

5.3 Requirements for dimensions of graves

- (1) A person shall not bury a dead body in a cemetery other than in a standard grave, unless that person has the permission of the Board.
- (2) Every grave prepared by the Board shall be dug at least 1.8m deep and shall not exceed 2.3m in depth, unless otherwise determined by the Board.
- (3) A person shall not bury a dead body within a cemetery so that the distance from the top of the coffin or shroud to the original surface of the ground is –
 - (a) subject to paragraph (b), less than 1600mm, unless that person has the permission of an authorised person; or

- (b) in any circumstances less than 750mm.
- (4) The permission of the Board in subclause (3) shall not be granted unless in the opinion of the authorised person exceptional circumstances require granting of that permission.

5.4 Requirements for disposal of ashes

- (1) Except in accordance with an approved application under clause 3.1(2), a person shall not bring or dispose of the ashes of a deceased person into a cemetery.
- (2) The person approved under subclause (1) may dispose of the ashes of that deceased person in a cemetery by one of the following methods, if that method is available –
 - (a) placed within the perimeter of an authorised gravesite's at a depth of at least 600mm;
 - (b) placed in a vault or mausoleum;
 - (c) placed in a niche wall;
 - (d) scattered in an area approved by the Board; or
 - (e) placed in a memorial garden.
- (3) The Board may require a person making an application under clause 3.1(2) to provide additional information reasonably related to the application before determining the application.
- (4) The Board may –
 - (a) approve an application under clause 3.1(2) unconditionally or subject to any conditions; or
 - (b) refuse to approve an application under clause 3.1(2).
- (5) Where an application under clause 3.1(2) has been approved subject to conditions, the applicant must comply with each of those conditions, as amended.
- (6) If the Board refuses to approve an application under clause 3.1(2), written notice of the refusal is to be given to the applicant.

5.5 Requirements for vaults and mausoleums

- (1) A person shall not construct a vault or mausoleum within a cemetery, except with the specific approval of the Board.
- (2) A vault or mausoleum within a cemetery shall at all times remain the property of the Board.
- (3) An application under subclause (1) shall be in writing and shall be accompanied by payment of the set fee.
- (4) The Board may require a person making an application under subclause (1) to provide additional information reasonably related to the application before determining the application.
- (5) The Board may –
 - (a) approve an application under subclause (1) unconditionally or subject to any conditions; or
 - (b) refuse to approve an application under subclause (1).
- (6) Where an application under subclause (1) has been approved subject to conditions, the applicant must comply with each of those conditions, as amended.
- (7) If the Board refuses to approve an application under subclause (1), written notice of that refusal is to be provided to the applicant.
- (8) A person shall not place a dead body in a vault or mausoleum except –
 - (a) in a closed coffin;
 - (b) in a soundly constructed and sealed chamber; and
 - (c) in accordance with subclause (9).
- (9) The number of burials in a chamber must not exceed the number for which the chamber was designed.

5.6 Requirements for re-opening a grave

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

5.7 Requirements for exhumation

- (1) Subject to subclause (2), a person shall not exhume a dead body in a cemetery for the purposes of reburial within 12 months after the date of its interment.
- (2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.

- (3) Subject to subclause (1) and (2) prior to any other exhumation, the holder of a grant of right of burial must have applied in writing to the Board requesting the exhumation and an authorised person has authorised the exhumation.

5.8 Requirements for opening of coffin or removal of shroud

A person shall not open a coffin or remove a shroud in a cemetery unless –

- (a) the coffin is opened or shroud removed for the purposes of the exhumation of a dead body; or
- (b) that person has produced to the Board an order signed or authorised pursuant to the Act and an authorised person has approved the opening of that coffin or removal of the shroud.

5.9 Ashes not to be held by the Board

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

6 APPLICATIONS FOR MEMORIALS

6.1 Application to place memorial

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

6.2 Australian War Graves

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

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

7 MEMORIALS PERMITTED

7.1 Limitation on dimensions of memorials

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

7.2 Specification for monument

- (1) In this clause –

approved material means –

- (a) any variety of non-fabricated, naturally occurring stone or rock;
 - (b) any fabricated compound or fabricated aggregate which, in the opinion of the Board, has similar durability and aesthetic qualities as the materials specified in paragraph (a) above, suitable for decorative purposes and monumental sculpture but not glass, porcelain, ceramics or any pottery; or
 - (c) other material as approved by the Board;
- (2) A monument in a cemetery –
- (a) shall be made of approved material;
 - (b) shall be placed on a base of approved material;

- (c) the portion not being a grave cover, shall comply with the following specifications –
 - (i) unless a greater height is approved by the Board, the overall height of a monument above the original surface of the grave shall not exceed 1.2m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150mm nor more than 450mm;
 - (iii) the width of the base of the monument shall not exceed 1.2m;
 - (iv) the length of the base of the monument measured along the length of the grave shall not exceed 600m;
- (d) the portion being a grave cover, shall comply with the following specifications
 - (i) unless a greater height is approved by the Board, the overall height of a monument above the original surface of the grave shall not exceed 300mm;
 - (ii) the width of the grave cover shall not exceed 1.2m;
 - (iii) the length of the grave cover shall not exceed 2.4m; and
- (e) shall have foundations extending to a depth of 1m unless concrete beam foundations are approved by the Board.
- (3) Subject to subclause (3) a memorial plaque may be attached to a monument that has been or is being erected.
- (4) The provisions of clause 7.5 apply to plaques that are attached to a monument.

7.3 Specification for headstone

- (1) In this clause –
approved material means –
 - (a) any variety of non-fabricated, naturally occurring stone or rock;
 - (b) any fabricated compound or fabricated aggregate which, in the opinion of the Board, has similar durability and aesthetic qualities as the materials specified in paragraph (a) above, suitable for decorative purposes and monumental sculpture but not glass, porcelain, ceramics or any pottery; or
 - (c) other material as approved by the Board;
- (2) A headstone shall –
 - (a) be made of approved material;
 - (b) be placed on a base of approved material;
 - (c) comply with the following specifications –
 - (i) be placed on proper and substantial foundations extending to a depth of 1m unless concrete beam foundations are provided
 - (ii) the height of the base of the headstone above the highest point of the original surface of the grave shall not be less than 150mm nor more than 200mm;
 - (iii) the overall height of the headstone, including the base, shall not exceed 1.2m;
 - (iv) the length of the base of the headstone measured across the width of the grave shall not exceed 1.2m;
 - (v) the width of the base of the headstone measured along the length of the grave shall not exceed 300mm; and
 - (vi) no part of a headstone above its base shall extend horizontally beyond that base.
 - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are approved by the Board.
- (3) Subject to subclause (3) a memorial plaque may be attached to a headstone erected or being erected within a cemetery.
- (4) The provisions of clause 7.5 apply to plaques that are attached to a headstone.

7.4 Specification for memorial plaque base

- (1) A memorial plaque base shall –
 - (a) have the following dimensions –
 - (i) at ground level of 85mm wide; and 105mm long;
 - (ii) front elevation of 30mm;
 - (iii) back elevation of 85mm; and
 - (iv) all measurements to be within 5mm.

- (b) be constructed of materials approved by the Board;
 - (c) be in a position approved by the Board; and
 - (d) have foundations as approved by the Board.
- (2) The provisions of clause 7.5 apply to plaques that are attached to a memorial plaque base.
- (3) Upon application, the Board may permit an exemption from any of the requirements of subclause (1)(a), but shall not delegate the decision to permit an exemption to the CEO.

7.5 Specification for memorial plaque

- (1) A memorial plaque shall be made of –
- (a) admiralty bronze not exceeding 20mm in thickness;
 - (b) polished or brushed stainless steel not exceeding 8mm in thickness;
 - (c) stone, and –
 - (i) if placed upon a headstone, monument or memorial plaque base, shall not exceed 50mm in thickness; or
 - (ii) if it is not to be placed upon a headstone, monument or memorial plaque base, shall not be less than 100mm in thickness; or
 - (d) other material approved by the Board.
- (2) A memorial plaque placed on a monument, headstone or other item shall not extend beyond the physical dimensions of the monument, headstone or other item on which it is affixed.
- (3) A memorial plaque to be placed on a commemorative wall shall –
- (a) individual plaques – to be of a size and appearance consistent with other memorial plaques used in that location or for that purpose, as determined by the Board;
 - (b) if a backing plate with multiple plaques attached – multiple plaques to be not more than 2 plaques wide subject to allowing a 10mm border and a maximum of 10mm between plaques; and
 - (c) all measurements to be within 5mm; and
 - (d) be placed in such a manner and in a position approved by the Board.
- (4) Upon application, the Board may permit an exemption from any of the requirements of subclauses (3) but shall not delegate the decision to permit an exemption to an authorised person.

7.6 Specification for gravesite fencing

Any fencing used as a memorial or part of a memorial shall –

- (a) be a picket fence made of white powder coated aluminium or other materials approved by the Board;
- (b) have concrete foundations not less than 250mm square and 750mm deep not more than 1200mm apart, or concrete beam foundations approved by the Board;
- (c) unless otherwise approved by the Board, comply with the following specification –
 - (i) in length, not be more than 2400mm in length, nor less than 900mm;
 - (ii) in width, not be more than 1200mm in width, nor less than 900mm; and
 - (iii) in height, not more than 550mm, nor less than 450mm from the original surface of the grave.

7.7 Display of trade names on memorials not allowed

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

7.8 Use of wood

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

8 MEMORIALS AND OTHER WORK

8.1 Carrying out memorial work

- (1) A person shall not carry out memorial work within a cemetery unless that person is authorised by the Board to do so under clause 6.1.
- (2) All material required in the erection and completion of any memorial work shall, be prepared before being taken to a cemetery.
- (3) The Board may place restrictions on the hours of work, access to a cemetery or other matters considered appropriate.

- (4) Memorial works shall be suspended during the conduct of any funeral within a cemetery.
- (5) Work is not permitted to be left unattended in an untidy or unsafe state.

8.2 Removal of sand, soil or loam

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

8.3 Removal of rubbish

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

8.4 Plants and trees

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

8.5 Supervision

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

8.6 Placing of grave ornaments

A person shall not place vases or other grave ornaments –

- (a) outside the perimeter of a grave in a cemetery as defined in the plans kept and maintained under section 40(2) of the Act; or
- (b) outside of an area set aside by the Board as a memorial plaque section.

8.7 Hours of work

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

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

8.8 Unfinished work

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

9 GENERAL

9.1 Vehicle access and speed limitation

- (1) A person must only drive a vehicle on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within a cemetery, unless otherwise authorised by the Board.
- (2) A person driving a vehicle, within a cemetery, shall not exceed the speed limit of 20km per hour, and shall comply with the signs and directions in the cemetery.

9.2 Assistance animals

This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Commonwealth)* section 9(2).

9.3 Utility services

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

9.4 Damaging and removing of objects

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

9.5 Withered flowers

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

9.6 Littering and vandalism

A person shall not –

- (a) damage, deface or interfere with any monument or gravesite in any manner whatsoever;
- (b) break or cause to be broken any glass, ceramic or other material in or upon a cemetery;
- (c) discard, deposit, leave or cause to be discarded, deposited or leave any refuse or litter in a cemetery other than in a receptacle provided for that purpose.

9.7 Advertising

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

9.8 Signs and directions of the Board

- (1) The Board may display, mark, place or erect a sign within a cemetery specifying conditions relating to the use of that cemetery.
- (2) A person shall obey all signs displayed, marked, placed or erected by the Board within a cemetery and any other lawful direction by the Board.

9.9 Removal from a cemetery

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

9.10 Board may close cemetery

The Board may –

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

9.11 Firearms

Upon application, and subject to the approval of the Commissioner of Police, an authorised person may permit an honour guard and discharge of firearms in a volley salute for a deceased military or police officer.

9.12 Offensive matters

- (1) A person shall not allow or cause to be displayed and offensive materials, wording, symbols or images of any kind, whether as a sign, on a memorial or otherwise visible.

- (2) Where, in the opinion of the Board, a person does not comply with subclause (1), the Board may issue a notice under subclause 9.13(1)

9.13 Liability for damage or works required to comply

- (1) Where a person –
- (a) causes damage to any grave, memorial, structure, building, furniture, plant or any other item or thing in a cemetery;
 - (b) does a thing not authorised by this local law; or
 - (c) does not do a thing required by this local law;
- the Board may by notice in writing to that person require that person within the time required in the notice to, at the option of the Board –
- (d) pay the costs of reinstating the property to the state it was in prior to the occurrence of the damage;
 - (e) pay the costs of replacing that property;
 - (f) pay the costs of works required to comply with this local law; or
 - (g) carry out works required to comply with this local law.
- (2) On a failure to comply with a notice issued under subclause (1), the Board may recover the costs referred to in the notice as a debt due to it.

9.14 Offence to fail to comply with notice

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

9.15 Board may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.14, the Board may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

10 OFFENCES AND MODIFIED PENALTIES

10.1 General penalties

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

10.2 Modified penalties

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

SCHEDULE 1 – MODIFIED PENALTIES

[cl.10.2]

Item	Clause	Nature of offence	Modified Penalty \$
1	4.2	Conducting a memorial service or procession without permission	50

2	5.1	Failure to obtain approval to bring a dead body into a cemetery	50
3	5.2(1)	Unauthorised digging, preparation or filling of grave	50
4	5.3(1)	Unauthorised burial of dead body	50
5	5.4(1)	Unauthorised disposal of ashes	50
6	5.5(1)	Unauthorised construction of vault or mausoleum	50
7	5.6(1)	Unauthorised reopening of a grave	50
8	5.7(1)	Unauthorised exhumation of a coffin or shroud	50
9	5.8	Unauthorised opening of a coffin or shroud	50
10	7.7	Use of trade name or mark on a memorial	50
11	7.8	Unauthorised use of wood on a gravesite	50
12	8.1	Unauthorised construction of a memorial	50
13	8.2	Unauthorised use of materials taken from within a cemetery	50
14	8.3	Failure to remove rubbish and surplus materials	50
15	8.4	Unauthorised planting of tree or shrub	50
16	8.5	Failure to comply with direction of authorised person	50
17	8.6	Unauthorised placing of grave ornaments	50
18	8.7	Works carried out during unauthorised times	50
19	8.8	Failure to leave uncompleted works in a tidy and safe condition	50
20	9.1(1)	Driving vehicle other than on vehicular access way or constructed roadways or within designated areas	50
21	9.1(2)	Exceeding speed limit	50
22	9.3	Interference with utility services	50
23	9.4	Damaging or removing object	50
24	9.5	Failure to dispose of withered flowers appropriately	50
25	9.6	Littering or vandalism within a cemetery	50
26	9.7	Unauthorised advertising and/or trading	50
27	9.8(2)	Failure to obey sign or lawful direction within cemetery	50
28	9.9(2)	Failure to comply with order to leave cemetery	50
29	9.12(1)	Display of offensive materials, wording, symbols or images	50
30	9.14	Failure to comply with notice within specified period	50

Schedule 2 – Infringement Notice
[cl. 10.2(3)]

INFRINGEMENT NUMBER –		
To:		
Address:		
	It is alleged that –	
Cemetery address –		

At –	Time	
On –	Date	
	You committed the following offence –	
Contrary to –	Shire of Morawa Cemeteries Local Law 2018	
Schedule 1 reference –	Item No. –	Clause –
Offence –		
Brief description –		
The modified penalty for the offence is –	\$	
	If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid at the Shire of Morawa within a period of 28 days after the giving of this notice.	
Name of authorised person –		
Position –		
Signature –		
Date –		
Payments may be made –	a) EFT to the Shire of Morawa specifying the infringement number b) In person at – Shire of Morawa, Winfield Street, Morawa during business hours c) By mail to – Shire of Morawa PO Box 14, Morawa 6623 Please make cheques payable to Shire of Morawa.	

Schedule 3 – Withdrawal of Infringement Notice
[cl. 10.2(4)]

To –	
Address –	
	It is advised that –
Infringement Notice No. –	
Dated –	
For the alleged offence of –	
	has been withdrawn.
The modified penalty of –	\$

Reason for withdrawal – (Delete whichever does not apply)	No further action will be taken.
	It is proposed to institute court proceedings for the alleged offence
Name of authorised person –	
Position –	
Signature –	
Date –	

Dated _____

The Common Seal of the Shire of Morawa was affixed by authority of a resolution of Council in the presence of –

K.J. CHAPPEL, President

C.P.M. LINNELL, Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

SHIRE OF MORAWA

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018

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LOCAL GOVERNMENT ACT 1995

SHIRE OF MORAWA

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2018

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

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Morawa Public Places and Local Government Property Local Law 2018*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Shire of Morawa Parking and Parking Facilities Local Law* published in the *Government Gazette* on 23 June 2000 is repealed.

1.5 Transitional provisions

- (1) An application for, or the renewal of a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.
- (2) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

1.6 Definitions

- (1) In this local law –

Act means the *Local Government Act 1995*;

animal means any living thing that is not a human being or plant but excludes dogs and cats;

applicant means a person who applies for a licence under this local law;

application means an application for a licence under this local law;

authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

building means any building which is local government property and includes any –

- (a) hall or room; and
- (b) corridor, stairway or annexe of any hall or room;

building permit means a permit granted under section 20 of the *Building Act 2011*;

built-up area has the meaning given to it by the *Road Traffic Code 2000*;

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

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

CBD means the area of Morawa townsite bounded by, and including both sides of the thoroughfares –

- (a) Winfield Street bypass – from Solomon Street to Caulfield Road;
- (b) Winfield Street – from northern cul-de-sac to Davis Street;

(c) Solomon Street –from 125m north of Manning Road to 80m south of Manning Road;

CEO means the Chief Executive Officer of the local government;

children's playground means an area set aside for use by children and noted by the presence of any of the following –

- (a) dedicated children's playground equipment,
- (b) the presence of either sand or other form of soft fall surface; or
- (c) a sign indicating the area is a children's playground;

closed thoroughfare means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act;

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

costs means all expenses directly associated with reinstatement of replacement, and includes administrative expenses, associated with reinstatement or replacement;

Council means the council of the local government;

crossover means an areas of the verge, constructed and used for the purpose of enabling a vehicle to access the adjacent property;

determination means a determination made under clause 2.1;

district means the district of the local government and includes any area placed under the jurisdiction of the local government under section 295 of the *Public Health Act 2016*;

entertainment means conduct any form of theatrical, artistic, musical, audio or visual performance and includes busk;

firearm has the same meaning as in section 4 of the *Firearms Act 1973*;

food has the meaning given by the *Food Act 2008*;

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

function means an event or activity characterised by all or any of the following –

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

garden means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

hire includes offer to hire and expose for hire;

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

kerb includes the edge of a carriageway;

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

licence means a licence, permit or approval issued by the local government under this local law;

licence document means a licence document issued under this local law;

licensed premises has the same meaning as is given to it in section 3 of the Liquor Control Act;

licensee means a person who holds a licence;

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

Liquor Control Act means the *Liquor Control Act 1988*;

local government means the Shire of Morawa;

local government property means anything except a thoroughfare –

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

local public notice has the meaning given to it in section 1.7 of the Act;

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

manager means the person for the time being employed or engaged by the local government to control and manage a facility which is local government property, and includes the person's assistant or deputy;

market means a collection of stalls, stands or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction;

missile has the same meaning as in section 4 of the *Firearms Act 1973*;

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

permitted verge treatment means any one of the treatments described in clause 6.7(3), and includes any reticulation pipes and sprinklers;

person does not include the local government;

prohibited drug is given its meaning under section 3 of the *Misuse of Drugs Act 1981*;

public place means –

- (a) a thoroughfare;
- (b) any local government property; or
- (c) a place to which the public have access;

repealed local law means a local law repealed under clause 1.4;

retailer means the owner or occupier of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

Schedule means a schedule to this local law;

sell includes –

- (a) offer or attempt to sell;
- (b) display for sale;
- (c) send, forward or deliver for sale or on sale;
- (d) barter or exchange;
- (e) dispose, by lot or chance or by auction;
- (f) supply, or offer, agree or attempt to supply –
 - (i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or
 - (ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or
- (g) authorise, direct, cause or permit to be done any act referred to in this definition;

set fee refers to fees and charges imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act;

shopping trolley means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods;

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

stall means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold and includes a vehicle;

street tree means any tree planted or self sown in a thoroughfare, of an appropriate species and in an appropriate location, for the purposes of contributing to the appearance of the thoroughfare;

thoroughfare means any highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and footpath;

trading means selling or hiring goods or services and includes the setting up of a stall and conducting business at a stall;

UAV means unmanned aircraft, other than a balloon or kite, as defined by the *Civil Aviation Regulations 1998* (Commonwealth);

vehicle includes –

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

but excludes –

- (c) a wheelchair or any device designed for use by a physically impaired person on a footpath;
- (d) a shopping trolley; and
- (e) a pram, stroller or similar device;

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

waste includes matter –

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or

- (b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.

1.7 Interpretation

In this local law, a reference to local government property includes a reference to any part of local government property.

1.8 Types of licences

For the purposes of this local law –

- (a) a licence which authorises trading on any thoroughfare or local government property is to be referred to as a trading licence;
- (b) a licence which authorises the conduct or setting up of a market on any thoroughfare or local government property is to be referred to as a market licence;
- (c) a licence which authorises entertainment on any thoroughfare or local government property is to be referred to as an entertainment licence; and
- (d) a licence which authorises the sale of food on any thoroughfare or local government property is to be referred to as a food sales licence.

1.9 Assistance animals

This local law is subject to any written law and any law of the Commonwealth about assistance animals as defined in section 9(2) of the *Disability Discrimination Act 1992 (Cth)*.

1.10 Overriding power to hire and agree

Despite anything to the contrary in this local law, an authorised person, on behalf of the local government, may –

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

2.1 Determinations as to use of local government property

The local government may make a determination in accordance with clause 2.2 –

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of the local government intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the local government is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) is to apply; or
 - (c) not continue with the proposed determination.

- (4) If submissions are received in accordance with subclause (2)(c), the local government is to –
 - (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) whether or not to continue with the proposed determination.
- (5) If the local government decides to amend the proposed determination, it is to give local public notice –
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the local government decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.2, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The local government may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the local government revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
 - (a) take, ride or drive a vehicle, or a particular class of vehicle;
 - (b) use a UAV;
 - (c) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (d) play or practise –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property; and
 - (e) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
 - (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;

- (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
- (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
- (e) may specify that the activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
 - (a) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (b) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (c) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (d) the playing or practice of –
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (e) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
 - (f) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
 - (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

2.9 Sign under repealed local law taken to be determination

- (1) Where a sign erected on local government property has been erected under a repealed local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3 - ACTIVITIES ON LOCAL GOVERNMENT PROPERTY REQUIRING A LICENCE

3.1 Activities requiring a licence

- (1) A person must not without a licence –
 - (a) subject to subclause (3) hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect, on local government property a structure for public amusement or for any performance, whether for gain or otherwise;
 - (d) teach, coach or train, for profit, any person in any facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) carry on any trading on local government property unless the trading is conducted –
 - (i) with the consent of a person who holds a licence to conduct a function, and where the trading is carried on under and in accordance with the licence; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (g) conduct a function or entertainment event on local government property;

- (h) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (i) light a fire on local government property except in a facility provided for that purpose;
 - (j) light or set off any firework or conduct a fireworks display on local government property;
 - (k) use a UAV;
 - (l) parachute, hang glide, abseil or base jump from or on to local government property;
 - (m) play or practise –
 - (i) golf or archery; or;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*;
 - (n) erect a building or a refuelling site on local government property;
 - (o) make any excavation on or erect or remove any fence on local government property;
 - (p) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (q) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;
 - (r) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly; or
 - (s) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
 - (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.2 Licence to erect structures or camp

- (1) This clause does not apply to a caravan park or camping ground operated by the local government.
- (2) A person must not without a licence –
 - (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day; or
 - (c) park a vehicle on local government property, thoroughfare or public place for the purpose of sleeping in the vehicle.
- (3) The maximum period for which the local government may approve an application for a licence in respect of subclause (2)(a) or (b) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.
- (4) Any tent, camp, hut or similar structure erected in contravention of subclause (2)(b) and any associated goods may be impounded, subject to Regulation 29 of the *Local Government (Functions and General) Regulations 1996*.
- (5) A vehicle parked in contravention of subclause (2)(c) may, subject to the provisions of Regulation 29 of the *Local Government (Functions and General) Regulations 1996*, be impounded by immobilising the vehicle by the use of a wheel clamping device.
- (6) An authorised person who impounds a vehicle under subclause (5) shall attach a notice to a vehicle advising the owner of the vehicle that the vehicle will be released upon payment of the costs of impounding by use of a wheel clamping device and the place where and hours during which the costs can be paid.
- (7) The notice attached to the impounded vehicle under subclause (6) shall also advise the owner that if the impounding costs are not paid within 24 hours the vehicle may be removed to the local government pound.
- (8) Notices issued under this clause shall be in the form determined by the local government.

3.3 Licence required for possession and consumption of liquor

- (1) A person, on local government property, must not consume any liquor, have in her or his possession or under her or his control, or sell any liquor, unless –
 - (a) permitted under the Liquor Control Act; and

- (b) a licence has been obtained for that purpose from the local government.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

PART 4 - BEHAVIOUR ON LOCAL GOVERNMENT PROPERTY AND THOROUGHFARES

4.1 Behaviour which interferes with others

In or on any local government property or thoroughfare, a person must not, behave in a manner which –

- (a) is likely to interfere with the enjoyment of a person who might use or who might be on the property or thoroughfare; or
- (b) interferes with the enjoyment of a person using the property or thoroughfare.

4.2 Behaviour detrimental to property

A person must not behave in or on local government property or thoroughfare in a way which is or might be detrimental to the property, including but not limited to –

- (a) removing any thing from the local government property or thoroughfare including a rock, a plant or a seat provided for the use of any person; and
- (b) destroying, defacing or damaging any thing on the local government property or thoroughfare, including a plant, a seat provided for the use of any person or a building.

4.3 No unauthorised entry to function

- (1) A person must not enter local government property on such days or during such times as the property is set aside for a function, except –
 - (a) through the proper entrance for that purpose; and
 - (b) on payment of any fee chargeable for admission as determined by the hirer at the time.
- (2) An authorised person may exempt a person from compliance with subclause (1)(b).

4.4 Taking or injuring fauna

- (1) In this clause –

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

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur unless it has been shed or discarded by the fauna in a normal or natural manner.

- (2) A person must not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property or thoroughfare, unless that person is authorised under a written law to do so.

4.5 Flora

- (1) In this clause –

flora means all vascular plants, seeds and other flora, whether living or dead.

- (2) On or above any local government property or thoroughfare, unless authorised to do so under a written law or with the written approval of an authorised person, a person must not –
 - (a) remove, damage or interfere with any flora; or
 - (b) plant or deposit any flora.

4.6 Glass

Unless authorised by a licence or by the local government, a person must not take glass within any area of local government property as indicated by a sign.

4.7 Prohibition on use of firearms

A person shall not discharge a firearm within or so as the missile crosses any part of local government property for any reason, except with the express permission of the local government.

4.8 Vehicles on local government property

- (1) Unless authorised by a licence or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless –
 - (a) subject to subclause (3), the local government property is clearly designated as a road, access way, or car park;
 - (b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in –
 - (i) providing a service or making a delivery in connection with the local government property; or
 - (ii) maintaining the local government property;
 - (c) the person is driving an emergency vehicle in the course of his or her duties;
 - (d) the vehicle is –
 - (i) used in accordance with the conditions set down by the local government or an authorised person; and
 - (ii) of a type allowed to be taken onto the local government property by the local government or an authorised person; or
 - (e) the vehicle is a motorised wheelchair, and the driver of that vehicle is a person with a disability.
- (2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 20 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.
- (3) Other than in accordance with paragraphs (b), (c), (d) or (e) of subclause (1), a person must not drive a vehicle on local government property or part of it that is being used for a function for which a licence has been obtained unless permitted to do so by the licence holder or an authorised person.

4.9 UAVs and motorised model toys or ships

A person must not use, launch or fly a UAV, motorised model toy, ship or glider that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except where a licence or determination specifies a particular local government property.

4.10 Archery, pistol or rifle shooting

A person must not play or practise archery, pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise provided by a determination or licence.

4.11 Playing or practising golf

A person must not play or practise golf on local government property except where a licence or determination specifies a particular local government property.

4.12 Prohibition relating to bicycles, skateboards etc. on local government property

Unless the local government property is clearly identified for the purpose, a person must not, use or ride a bicycle or wheeled recreational device, skateboard or roller-blades, or sand board or similar devices on any local government property –

- (a) inside, or on the curtilage to, a building; or
- (b) in or on a lakebed or waterway.

PART 5 - MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

5.1 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by an authorised person.

5.2 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
 - (a) females – then a person of the male gender must not use that entry of the toilet block or change room;

- (b) males – then a person of the female gender must not use that entry of the toilet block or change room; or
 - (c) families – then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.
- (2) Subclause (1)(a) and (b) does not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –
- (a) under the age of 8 years; or
 - (b) otherwise permitted by an authorised person to use the relevant entry.

5.3 Use of shower or bath facilities

A person may use a shower or bath facility in change rooms only on conditions that –

- (a) the facilities must be used by the person only for the purpose of cleansing, bathing and washing themselves; and
- (b) the facilities must not be used for the purpose of laundering of clothing or washing of other articles.

PART 6 - ACTIVITIES IN THOROUGHFARES

Division 1 – General

6.1 General prohibitions

A person must not –

- (a) plant, or allow to remain, in a thoroughfare a plant that by virtue of its height, position or density obstructs a reasonable sight line for a driver of any vehicle negotiating or using the thoroughfare;
- (b) damage a lawn or a garden, or remove any plant or part of a plant from a lawn or a garden, in a thoroughfare unless –
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) damage, or remove a street tree, or part of a street tree, irrespective of whether it was planted by the owner or occupier of the lot abutting the thoroughfare or by the local government, unless –
 - (i) the damage to, or removal of, the street tree is authorised by an authorised person in writing; or
 - (ii) the person is acting under authority of written law;
- (d) except as permitted by this local law place, or allow to be placed or remain, on a thoroughfare any thing (except water) that –
 - (i) obstructs the thoroughfare; or
 - (ii) results in a hazard for any person using the thoroughfare;
- (e) unless at the direction of an authorised person, damage, remove or interfere with any part of a thoroughfare, or any structure erected on a thoroughfare, by the local government or a person acting under the authority of a written law; or
- (f) play or participate in any game or sport so as to cause danger to any person or thing or unreasonably impede the movement of vehicles or persons on a thoroughfare.

6.2 Activities allowed with a licence

(1) A person must not, without a licence –

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) cause any obstruction to a water channel or a water course in a thoroughfare;
- (c) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
- (d) damage a thoroughfare;
- (e) fell or damage any street tree;
- (f) unless installing, or in order to maintain, a permitted verge treatment –
 - (i) lay pipes under or provide taps on any verge; or

- (ii) place or install, on any part of a thoroughfare, any thing such as gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
 - (g) throw, place or deposit any thing on a verge;
 - (h) cause any obstruction to a vehicle or a person using a thoroughfare;
 - (i) fell any tree onto a thoroughfare;
 - (j) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose;
 - (k) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - (l) on a thoroughfare use anything or do anything so as to create a nuisance;
 - (m) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare;
 - (n) carry on any trading on a thoroughfare;
 - (o) conduct or set up a market on a thoroughfare; or
 - (p) conduct an entertainment event on a thoroughfare.
- (2) An authorised person may exempt a person from compliance with subclause (1) on the application of that person.

6.3 Assignment of numbers

- (1) In this clause –
number means a number with or without an alphabetical suffix indicating the street address of land as assigned by the local government from time to time, in accordance with this local law.
- (2) An authorised person may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.

6.4 No driving on closed thoroughfare

A person must not drive or take a vehicle on a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act unless –

- (a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or
- (b) the person has first obtained a licence.

6.5 Fencing of public place – Item 4(1) of Division 1, Schedule 3.1 of Act

A public place, as that term is defined in clause 1.6, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

Division 2 – Permitted verge treatments

6.6 Application

This Division only applies to within a built-up area.

6.7 Permitted verge treatments

- (1) A person must not install or maintain a verge treatment which is not a permitted verge treatment.
- (2) An owner or occupier of land which abuts on a verge may install a permitted verge treatment, on that part of the verge directly in front of her or his land.
- (3) A permitted verge treatment is–
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that –
 - (i) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
 - (iii) it does not include a wall or built structure; and
 - (iv) is not of a thorny, poisonous or hazardous nature; and

- (c) subject to subclause (4), the installation of material which do not detract from the amenity of the area, including but not limited to –
 - (i) bituminous surface or in-situ concrete, subject to reduction of area shedding of storm water or flooding ;
 - (ii) use of paving bricks or concrete slabs; and
 - (iii) all forms of loose aggregate materials such as pebbles, stones and gravel, not larger than 50mm and contained within the verge area at all times; and
- (d) other treatment approved by the local government.
- (4) Where installation of material which would create a hard surface has been installed or is intended, an authorised person may by written notice, require –
 - (i) a reduction of area covered or to be covered, if shedding of storm water or flooding is likely to cause a nuisance to neighbours or users of a thoroughfare; and
 - (ii) an area of open space to a maximum of 1m from the edge of a street trees.
- (5) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 6.9.

6.8 Obligations of owner or occupier

An owner or occupier who installs or maintains a permitted verge treatment must –

- (a) keep the permitted verge treatment in a good and tidy condition and, where the verge treatment is a garden or lawn, ensure that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (b) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a carriageway, or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
- (c) not place any obstruction on or around the verge treatment;
- (d) not disturb a footpath on the verge;
- (e) ensure that the verge treatment does not damage or obstruct a drain, manhole, gulley, inspection pit, channel, kerb or tree planted by the local government; and
- (f) ensure that any sprinklers or pipes installed to irrigate a verge treatment –
 - (i) do not protrude above the level of the lawn or verge treatment when not in use;
 - (ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and
 - (iii) do not otherwise present a hazard to pedestrians or other persons.

6.9 Transitional provision

- (1) In this clause –

former provisions means the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government.
- (2) A verge treatment is to be taken to be a permitted verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions which –
 - (a) was installed prior to the commencement day; and
 - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions.

6.10 Power to carry out public works on verge

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

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

Division 3 – Vehicle crossovers

6.11 Temporary crossovers

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must obtain a licence for the construction of a temporary crossover to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, where –
 - (a) a crossover does not exist; or
 - (b) a crossover does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossover.
- (2) The person responsible for the works in subclause (1) is to be taken to be –
 - (a) the builder named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
 - (b) the owner of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If an authorised person approves an application for a licence for the purpose of subclause (1), the licence is taken to be issued on the condition that until such time as the temporary crossover is removed, the licensee must keep the temporary crossover in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

6.12 Removal of redundant crossover

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

6.13 Crossovers in unsafe locations

- (1) Where a crossover is in an unsafe location, Council may give notice to the owner or occupier to –
 - (a) remove the crossover; or
 - (b) make the crossover safe.
- (2) In determining whether the crossover is in an unsafe location, Council shall have regard to –
 - (a) any guidelines or advice of Main Roads Western Australia sought or published from time to time;
 - (b) the usage of the thoroughfare; and
 - (c) alternative treatments available to make the crossover safe.
- (3) Any notice issued under subclause (1) is to give a minimum period of 28 days to remove or make the crossover safe, provided immediate measures are taken to advise users of the thoroughfare of the circumstances deemed unsafe.

PART 7 - ACTIVITIES IN PUBLIC PLACES

7.1 Leaving animal or vehicle in public place

- (1) A person must not leave an animal or a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a licence or is authorised to do so under a written law.
- (2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person does not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

7.2 Prohibitions relating to animals

- (1) In this clause, **owner** in relation to an animal includes –
 - (a) an owner of it;
 - (b) a person in possession of it;

- (c) a person who has control of it; and
 - (d) a person who ordinarily occupies the premises where the animal is permitted to stay and who has care and control of the animal.
- (2) An owner of an animal must not –
- (a) allow the animal to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (c) train or race the animal in a public place.

PART 8 - TEMPORARY SIGNS AND TRADE DISPLAYS

8.1 Definitions

In this Part, unless the context otherwise requires—

advertising sign means a temporary sign or poster which advertises a business, products or services for commercial gain;

election sign means a temporary sign or poster which advertises any aspect of a forthcoming Federal, State or local government election;

event sign means a temporary sign or poster which advertises an event, function or activity;

temporary sign means a sign used for the purpose of advertisement or notification, whether free standing or requiring to be affixed to a structure of any type, and includes –

- (a) a bill, poster and the like;
- (b) an advertising sign;
- (c) an event sign; and
- (d) an election sign; and

trade display means the display for sale or as samples, the goods and services available in, or with the permission of the adjoining premises.

8.2 Application

- (1) This Part applies –
- (a) within the built-up area;
 - (b) to temporary signs complying with clause 8.5; and
 - (c) to temporary trade displays complying with clause 8.10.
- (2) Any advertising sign or trade display that is to be a permanent structure or fixture is to comply with –
- (a) the Building Code as defined in section 3 of the *Building Regulations 2012*;
 - (b) any Local Planning Scheme; and
 - (c) any other written law regulating of signs within the district.

8.3 Temporary signs and trade displays

- (1) A person shall not on local government property or in a thoroughfare, without a licence –
- (a) place an temporary sign;
 - (b) place a trade display; or
 - (c) post any bill or paint, place or affix any advertisement.
- (2) Notwithstanding subclause (1), a licence is not required for –
- (a) the first and second advertising signs where each –
 - (i) does not exceed an area of 1 square metre ;
 - (ii) does not exceed 750mm horizontally;
 - (iii) has a minimum height of 600mm within the CBD or 300mm elsewhere;
 - (iv) is placed against the property boundary; and
 - (v) complies in all other respects with clauses 8.5, 8.6 and 8.7;
 - (b) not more than 5 free standing event signs where each –
 - (i) does not exceed an area of 1 square metre;
 - (ii) does not exceed 750mm horizontally;
 - (iii) has a minimum height of 600mm within the CBD or 300mm elsewhere; and
 - (iv) complies in all other respects with clauses 8.5, 8.6 and 8.8;

- (c) not more than 5 event signs requiring support where each –
 - (i) does not exceed an area of 5 square metres individually or an aggregate of 15 square metres;
 - (ii) has a maximum height of 1.2m above ground level;
 - (iii) is placed flat against a wall or constructed fence for the full length and height of the sign;
 - (iv) is for the purposes of a sporting, charitable or not for profit organisation; and
 - (v) complies in all other respects with clauses 8.5, 8.6 and 8.8;
- (d) an election sign which –
 - (i) complies with the requirements of subclause (2)(b)(i) to (iii) or (2)(c)(i) to (iii); and
 - (ii) complies in all other respects with clauses 8.5, 8.6 and 8.9; and
- (e) a trade display which –
 - (i) does not exceed 1m in width from the property boundary ;
 - (ii) is placed against the property boundary, or if no adjoining business, does not exceed 5m in length;
 - (iii) does not extend beyond the frontage of the business; and
 - (iv) complies in all other respects with clause 8.10.

8.4 Matters to be considered in determining application for licence

In determining an application for a licence for the purpose of clause 8.3(1), matters the local government is to have regard to include –

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

8.5 Conditions for temporary signs

Temporary signs shall –

- (a) be portable and free-standing or temporarily affixed so as there is no resulting damage to any thing;
- (b) be secured in position in accordance with any requirements of the local government;
- (c) be placed so as not to impede or obstruct either vehicle or pedestrian traffic, or access to a place by any person;
- (d) be placed so as not to obstruct lines of sight for vehicle traffic;
- (e) not be unduly distracting, in the opinion of an authorised person, if illuminated or incorporating reflective or fluorescent materials;
- (f) not display only part of a message which is to be read with other separate signs in order to obtain the whole message;
- (g) be maintained in good condition; and
- (h) be in compliance with any limitation of the number of signs notified in writing by the local government.

8.6 Prohibition on placement of temporary signs

An temporary sign shall not be placed –

- (a) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5 metres;
- (b) on any natural feature, including a rock or tree, on a thoroughfare; or
- (c) on any bridge or the structural approaches to a bridge.

8.7 Additional conditions for advertising signs

An advertising sign shall –

- (a) relate only to the business activity, or placed with the consent of the owner or occupier of the adjoining premises; and
- (b) be in place only during the hours of the business activity or the event being advertised.

8.8 Additional conditions for event signs

An event sign shall –

- (a) relate only to the event, function or activity advertised;
- (b) not be placed more than 28 days prior to the event, function or activity being advertised; and
- (c) be removed within 48 hours of the conclusion of the event, function or activity advertised.

8.9 Additional conditions for election signs

An election sign shall –

- (a) not be erected until the election to which it relates has been officially announced;
- (b) be removed within seven days of the close of polls; and
- (c) be placed at least 2.5 metres from the trafficable surface of a thoroughfare.

8.10 Conditions for trade displays

A trade display shall –

- (a) relate to the adjoining business activity;
- (b) be in place only during the hours of the business activity;
- (c) be constructed only to a such a height that it remains stable, in the opinion of an authorised person;
- (d) be secured in position in accordance with any requirements of the local government;
- (e) be placed so as not to impede or obstruct either vehicle or pedestrian traffic, or access to a place by any person;
- (f) be placed so as not to obstruct lines of sight for vehicle traffic; and
- (g) be maintained in a neat and tidy manner.

PART 9 - LICENCING

Division 1 – Applying for a licence

9.1 Application for licence

- (1) Where a person is required to obtain a licence under this local law, that person must apply for the licence in accordance with subclause (2).
- (2) An application for a licence under this local law must –
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the local government together with any set fee.
- (3) An authorised person may require an applicant to provide additional information reasonably related to an application before determining an application for a licence.
- (4) An authorised person may require an applicant to give local public notice of the application for a licence.
- (5) An authorised person may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

9.2 Decision on application for licence

- (1) An authorised person may –
 - (a) approve an application for a licence unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a licence.
- (2) If an authorised person approves an application for a licence, the licence is to issued to the applicant in the form determined by the local government.
- (3) If an authorised person refuses to approve an application for a licence, written notice of that refusal is to be given to the applicant.
- (4) An authorised person may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the licensee.

9.3 General restrictions on grant of licence

- (1) An authorised person must not grant a licence if there are reasonable grounds for believing that the provision of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.
- (2) An authorised person must not grant a licence unless an authorised person is satisfied that –
 - (a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the licence;
 - (b) the public place at which the activity is to be provided is suitable for that purpose;
 - (c) a licence or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and
 - (d) the applicant is a fit and proper person to carry on the activity.

9.4 Examples of conditions

- (1) Examples of the conditions that an authorised person may impose on a licence under clause 9.2(1)(a) or 9.7(1)(a) are conditions relating to –
 - (a) the payment of a set fee;
 - (b) compliance with a standard or a policy adopted by the local government;
 - (c) the duration and commencement of the licence;
 - (d) the commencement of the licence being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a licence which may be required by the local government under any written law;
 - (g) the area of the district to which the licence applies;
 - (h) where a licence is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by an authorised person.
- (2) Examples of the type and content of the conditions on which a licence to hire local government property may be issued include –
 - (a) when set fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of an authorised person to cancel a booking during the course of an annual or seasonal booking, if an authorised person sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Control Act;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
 - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

9.5 Imposing conditions under a policy

- (1) In this clause –

policy means a local government policy adopted by the Council under section 2.7(2)(b) of the Act containing conditions subject to which an application for a licence may be approved under clause 9.2(1)(a).

- (2) Under clause 9.2(1)(a) an authorised person may approve an application subject to conditions by reference to a policy.
- (3) An authorised person must give to the licensee a copy of the policy or the part of the policy which is relevant to the application for a licence, with the form of licence referred to in clause 9.2(2).
- (4) An application for a licence is not to be taken to have been approved subject to the conditions contained in a policy until an authorised person gives the licensee a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is deemed to be information within section 5.94(u)(i) of the Act.

9.6 Compliance with conditions

Where an application for a licence has been approved subject to conditions, the licensee must comply with each of those conditions, as amended.

9.7 Variation of licence

- (1) The CEO may, by written notice given to the licensee, vary a licence –
 - (a) imposing any new condition; or
 - (b) change or remove any existing condition.
- (2) An amendment may be made on application by the licensee or on the CEO's initiative.
- (3) An amendment will come into effect on the day that written notice is given to the licensee, or some other date as specified in the notice.

Division 2 – Duration of licences

9.8 Duration of licence

A licence is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the licence; or
- (b) suspended or cancelled under this Division.

9.9 Renewal of licence

- (1) A licensee may apply to the CEO for the renewal of a licence.
- (2) An application for renewal must –
 - (a) be in the form determined by the local government;
 - (b) be signed by the licensee;
 - (c) provide the information required by the form;
 - (d) be forwarded to the local government no later than 28 days before the expiry of the licence, or within a shorter period that the local government in a particular case permits; and
 - (e) be accompanied by any set fee.
- (3) The provisions of this Part that apply to an application for a licence also apply to an application for the renewal of a licence as though it were an application for a licence.

9.10 Transfer of licence

- (1) An application for the transfer of a valid licence is –
 - (a) to be made in writing;
 - (b) to be signed by the licensee and the proposed transferee of the licence;
 - (c) to include such information as an authorised person may require to enable the application to be determined; and
 - (d) to be forwarded to the local government together with any set fee.
- (2) An authorised person may approve an application for the transfer of a licence, refuse to approve it or approve it subject to any conditions.
- (3) Where an authorised person approves an application for the transfer of a licence, the transfer may be effected by an endorsement on the licence signed by the CEO or the authorised person.
- (4) Where an authorised person approves the transfer of a licence, the local government is not required to refund any part of any set fee paid by the former licensee.

9.11 Suspension of licence

- (1) The CEO may, subject to clause 9.12, by written notice given to the licensee, suspend a licence if there are reasonable grounds for believing that –
 - (a) the licensee has contravened a term or condition of a licence;
 - (b) the licensee has contravened a provision of this local law; or
 - (c) the continued provision of the activity authorised by the licence constitutes or will constitute an unacceptable risk to the safety, health or welfare of the public.
- (2) The suspension notice must –
 - (a) state the day, or the day and time, on or at which the suspension takes effect;
 - (b) state the reasons for the CEO's decision to suspend the licence; and
 - (c) where appropriate, indicate what steps need to be taken to ensure that there is compliance with the relevant provision, term or condition or that there is no longer a risk as described in subclause (1)(c); and
 - (d) inform the licensee that the licensee has a right to apply under the Act for a review of the CEO's decision to suspend the licence.

9.12 Proposed suspension

- (1) If the CEO proposes to suspend a licence under clause 9.11(1)(a), the CEO must give written notice to the licensee of the proposed suspension.
- (2) The notice must –
 - (a) state that the CEO proposes to suspend the licence;
 - (b) state the reasons for the proposed suspension; and
 - (c) inform the licensee that the licensee is entitled to make representation to the CEO in respect of the proposed suspension within 7 days after the day on which the licensee is given the notice.
- (3) In considering whether to suspend the licence, the CEO must have regard to any representations made by the licensee within the period referred to in subclause (2)(c).

9.13 Revocation of suspension

- (1) The CEO must, by written notice given to the licensee revoke the suspension of a licence if the CEO is satisfied that the steps specified in the suspension notice have been taken.
- (2) The CEO may, by written notice given to the licensee, revoke the suspension of the licence if it is appropriate to do so in the circumstances of a particular case.

9.14 Period of suspension

The suspension of a licence has effect on the day, or the day and time, specified in the suspension notice until one of the following happens –

- (a) the suspension is revoked under clause 9.13;
- (b) the licence is cancelled under clause 9.15 or expires; or
- (c) the licence is surrendered in accordance with the provisions of this local law.

9.15 Cancellation of licence

A licence may be cancelled by the CEO if –

- (a) the licence was obtained improperly;
- (b) the licensee has persistently or frequently contravened a term or condition of the licence, or a provision of this local law, whether or not the licence is or has been suspended on the grounds of a contravention; or
- (c) there are reasonable grounds for believing that the continued provision of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the licence has been suspended on the grounds of that risk.

9.16 Surrender of licence

A licensee may, at any time by notice in writing to the CEO, surrender the licence.

Division 3 – Responsibilities of licensees and others

9.17 Production of licence

A licensee must produce to an authorised person her or his licence immediately after being required to do so by that authorised person.

9.18 Production of licence document for amendment

If the CEO amends or renews a licence, the licensee must, if required by the CEO, produce the licence document to the CEO for amendment within the period specified by the CEO.

9.19 Advertising

A person must not advertise, or otherwise hold out in any way, that the person conducts a commercial activity in any public place unless that person holds a licence authorising that commercial activity.

9.20 False or misleading statement

A person must not make a false or misleading statement in connection with an application in respect of a licence under this local law.

9.21 Other responsibilities of licensee

A licensee must, in respect of local government property to which the licence relates –

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) comply with an instruction from an authorised person to take the action specified in the instruction for the purpose of maintaining public safety;
- (c) leave the local government property in a clean and tidy condition after its use;
- (d) report any damage or defacement of the local government property to an authorised person; and
- (e) take all reasonable action to prevent the consumption of any liquor on the local government property unless the licence allows it and a licence has been obtained under the Liquor Control Act for that purpose.

PART 10 - SIGNS AND POWERS TO GIVE DIRECTIONS

10.1 Signs installed by the local government

- (1) The local government may install a sign in public places, on local government property or in thoroughfares specifying any conditions of use which apply to that property or thoroughfare.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
 - (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

10.2 Pre-existing signs

Where a sign in a public place, property or thoroughfare or has been erected under a repealed local law then, on and from the commencement day, it is to be taken to be a sign erected under clause 10.1 if –

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

10.3 Authorised person to be obeyed

- (1) A person on or in local government property that is given a lawful direction by an authorised person shall comply with that direction.
- (2) A person shall not obstruct or hinder an authorised person in the performance of that person's duties.

10.4 Refusal of entry and removal

- (1) An authorised person may refuse to allow entry, or suspend admission, to a specific venue of local government property except for the venue where local government council meetings are held, by any person who he or she believes has behaved in a manner contrary to the provisions of this Part.

- (2) If an authorised person considers that a person has behaved in a manner contrary to the provisions of this Part or reasonably suspects that a person has contravened a provision of a written law, the authorised person may direct the person to leave the local government property.
- (3) A person who has been refused entry or who has been directed to leave under subclause (1) or (2) must immediately leave the local government property quickly and peaceably.
- (4) If a person fails to comply with subclause (1) or (2), an authorised person may remove the person, or arrange for the person to be removed, from the local government property.
- (5) This refusal or suspension of entry can be for any period of up to 12 months as decided by that authorised person.

10.5 Disposal of lost property

An article left on any local government property, and not claimed within a period of 2 months, may be disposed of by the local government in any manner it thinks fit.

PART 11 - OBJECTIONS AND REVIEW

11.1 Objection and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law in respect of the grant, renewal, transfer, amendment, suspension or cancellation of a licence, consent, approval or authorisation.

PART 12 - NOTICES

12.1 Notice to remedy non-compliance

Where any thing is required to be done or not permitted to be done by this local law, an authorised person may give a notice in writing –

- (a) to the owner or the occupier of the property which abuts that portion of the thoroughfare where the thing has been done or not done; or
- (b) to any other person who may be responsible for the thing done or not done, requiring the person to comply with the requirements of this local law.

12.2 Notice regarding damage to local government property

If a person unlawfully removes, damages or interferes with local government property or portion of a thoroughfare, an authorised person may give the person a notice requiring that person to do any one or more of the following (at the local government's option) –

- (a) reinstate the property to the state it was in before the removal, damage or interference;
- (b) replace that property; or
- (c) pay for the costs of reinstatement or replacement.

12.3 Notice requirements

A notice given must –

- (a) be in writing;
- (b) specify the reason for giving the notice;
- (c) specify the work or action that is required to be undertaken; and
- (d) the time within which the work or action is to be undertaken.

12.4 Local government may undertake requirements of notice

If a person fails to comply with a notice referred to in clauses 12.1 or 12.2, the local government may –

- (a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference;
- (a) take whatever remedial action it considers appropriate to put the local government in the position it would have been in if the breach or failure had not occurred; and
- (b) recover all costs from the person, as a debt.

12.5 Offence to fail to comply with notice

A person who fails to comply with a notice given to him or her under this local law commits an offence.

PART 13 - OFFENCES AND PENALTIES

13.1 Offences and general penalty

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

13.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of a modified penalty for a prescribed offence is the number specified adjacent to the clause in Schedule 1.

13.3 Form of notices

For the purposes of this local law –

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

13.4 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) If evidence of a determination is provided under subclause (1), it is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

SCHEDULE 1 – PRESCRIBED OFFENCES

[cl.13.2]

Item	Clause	Nature of offence	Modified penalty \$
Part 2 – Determination in respect of local government property			
1	2.4	Failure to comply with a determination	100
Part 3 – Activities on local government property			
2	3.1	Undertaking activity on local government property without a licence	100
3	3.2(2)	Camping on local government property or erecting an unauthorised structure without a licence	100
4	3.3(1)	Failure to obtain licence to possess, consume or sell liquor	100
Part 4 – Behaviour on local government property and thoroughfares			
5	4.1	Behaviour interfering with others	100

6	4.2	Behaviour detrimental to property	200
7	4.3	Unauthorised entry to function	100
8	4.4(2)	Taking or injuring fauna without authorisation	200
9	4.5(2)	Removing, damaging or depositing flora without authorisation	200
10	4.6	Taking glass into prohibited area	100
11	4.7	Discharge of firearm within or so as missile crosses part of local government property	500
12	4.8(1)	Unauthorised vehicle on local government property	100
13	4.8(2)	Unauthorised driving of a vehicle at more than 20km/hr on local government property or more than is otherwise indicated by a sign	100
14	4.8(3)	Unauthorised driving of a vehicle on local government property during a function	100
15	4.9	Unauthorised use of UAV or motorised model toy or ship	50
16	4.10	Unauthorised archery, pistol or rifle shooting on local government property	100
17	4.11	Unauthorised playing or practising golf on local government property	100
18	4.12	Unauthorised use of bicycle, skateboard etc. on local government property	50
Part 5 – Matters relating to particular local government property			
19	5.1	Unauthorised entry to closed or fenced local government property	100
20	5.2	Unauthorised entry to gender specific toilet block or change room	200
21	5.3	Unauthorised use of showers or bath facilities in change room	50
Part 6 – Activities in thoroughfares			
22	6.1(a)	Planting or allowing plant or verge treatment in thoroughfare to become a sightline hazard	100
23	6.1(b)	Damaging a lawn or garden in a thoroughfare or removal of a plant	100
24	6.1(c)	Damaging or removing whole or part of a street tree without authorisation	200
25	6.1(d)	Obstruction of or permitting a hazard in a thoroughfare	100
26	6.1(e)	Damaging, removing or interfering with thoroughfare, part of thoroughfare or structure in a thoroughfare without authorisation	100
27	6.1(f)	Playing games in thoroughfare so as to impede vehicles or persons	100
28	6.2(1) (a),(b), (c),(d), (e),(f)	Unauthorised activity in a thoroughfare causing damage	200
29	6.2(1) (g),(h), (i),(j), (k),(l), (m),(n), (o),(p)	Unauthorised activity in a thoroughfare causing inconvenience	100
30	6.4	Driving on a closed thoroughfare	100
31	6.7(1)	Unauthorised verge treatment	100

32	6.8(a)	Failure to keep permitted verge treatment in good and tidy condition, or from obstructing a thoroughfare or footpath	100
33	6.8(b)	Failure to maintain clear sightlines or visibility	100
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Dated _____

The Common Seal of the Shire of Morawa was affixed by authority of a resolution of Council in the presence of –

K.J. CHAPPELL, President

C.P.M. LINNELL, Chief Executive Officer.

**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MORAWA

WASTE LOCAL LAW 2018

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**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

SHIRE OF MORAWA

WASTE LOCAL LAW 2018

Under the powers conferred by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Morawa resolved on _____ to make the following local law.

PART 1 - PRELIMINARY

1.1 Short title

This is the *Shire of Morawa Waste Local Law 2018*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

Part 4, Division 2, clauses 4.7 to 4.16 inclusive of the *Shire of Morawa Health Local Laws 2004* published in the *Government Gazette* on 14 September 2004 are repealed.

1.5 Definitions

(1) In this local law –

authorised person means a person appointed by the local government under section 9.10 of the LG Act to perform any of the functions of an authorised person under this local law;

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is –

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

collection when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

LG Act means the *Local Government Act 1995*;

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

local government means the Shire of Morawa;

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following –

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste;

owner has the same meaning as in the LG Act;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle means a receptacle –

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means –

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

waste has the same meaning as in the WARR Act;

waste facility means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

- (2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter –

- (a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of one year after the date that local public notice has been given under paragraph (a);
- (d) after the period referred to in paragraph (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and section 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

PART 2 - LOCAL GOVERNMENT WASTE

2.1 Supply of receptacles

- (1) The local government is to supply, for the use of each premises that are, or are capable of being, occupied or used for residential purposes, one or more receptacles for the collection and removal, from those premises, of collectable waste.
- (2) The owner of premises to which subclause (1) applies must take all reasonable steps to –
 - (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
 - (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.
- (2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

- (1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle –
 - (a) where the receptacle has a capacity of 240 litres – more than 70 kilograms of collectable waste; or
 - (b) where the receptacle has any other capacity – more than the weight determined by the local government.
- (2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.
- (3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle –

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres – more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity – more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle –

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres – more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity – more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

- (1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises –
 - (a) to place a receptacle in respect of those premises for collection; or
 - (b) to remove a receptacle in respect of those premises after collection.
- (2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.
- (3) An owner or occupier of premises must comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, to ensure that, within a reasonable period before collection time, each receptacle is –
 - (i) within 1 metre of the carriageway;
 - (ii) so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and
 - (iii) facing squarely to the edge of and opening towards the carriageway,or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles;
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event: and
- (e) keep the lid of the receptacle closed at all times, except when depositing rubbish or refuse or cleaning the receptacle.

2.8 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state –
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply –
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not –

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.10 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person –
 - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

PART 3 - GENERAL DUTIES

3.1 Duties of an owner or occupier

An owner or occupier of premises must –

- (a) take all reasonable steps to ensure that an adequate number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) take all reasonable steps ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to –
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises.
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle; and
- (e) if directed by an authorised person, remove any waste from a receptacle that has not been properly deposited in that receptacle in accordance with this local law or a permit.

3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is –
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.
- (2) A person must not remove any waste from a receptacle without the approval of –
 - (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person –

- (a) deposit household, commercial or other waste from any premises on or into; or
- (b) remove any waste from,

a receptacle provided for the use of the general public in a public place.

3.4 Waste control on building sites

- (1) In this clause –

building work means –

- (a) building work for which a building permit is required under the *Building Act 2011*; and
- (b) demolition work for which a demolition permit is required under the *Building Act 2011*;

building work waste means all waste from building work that is capable of being windblown; and

receptacle means a receptacle the waste from which is collected and removed otherwise than by the local government or its contractor.

- (2) A person must not allow, commence or continue any building work on premises unless, at all times while the building work is being undertaken –
 - (a) there is located on the premises, as close as practicable to the building work a receptacle with adequate capacity or as otherwise approved by the local government, suitable for the collection and disposal of building work waste;
 - (b) building work waste is deposited and kept in the receptacle; and
 - (c) the lid of the receptacle is kept closed except when waste is being deposited in the receptacle.
- (3) The owner or occupier of the premises shall ensure that within 2 days of completion of works on the site –
 - (a) the site and the thoroughfare verge immediately adjacent to it is cleared of all refuse generated or originating from the building or development site; and
 - (b) that all refuse receptacles are permanently removed from the site.

PART 4 - OPERATION OF WASTE FACILITIES

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

- (1) The local government or an authorised person may regulate the use of a waste facility –
 - (a) by means of a sign; or
 - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility must comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person must comply with a direction under subclause (3).

4.4 Fees and charges

- (1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply –
 - (a) to a person who disposes of waste in accordance with the terms of –
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
 - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

- (1) A person must not deposit waste at a waste facility other than –
 - (a) at a location determined by a sign and in accordance with the sign; and
 - (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

- (1) Unless authorised by the local government, a person must not –
 - (a) remove any waste or any other thing from a waste facility;
 - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
 - (c) light a fire in a waste facility;
 - (d) remove, damage or otherwise interfere with any flora in a waste facility;
 - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
 - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- (2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

PART 5 - OBJECTIONS AND APPEALS

5.1 Objection and appeal rights

Division 1 of Part 9 of the *Local Government Act 1995* applies to a decision under this local law to grant, vary or cancel –

- (a) an approval under clause 2.7(b);
- (b) an exemption under clause 2.8(2);
- (c) an authorisation under clause 2.9(b);
- (d) an approval under clause 2.10(1);
- (e) an authorisation under clause 3.2(1)(c);
- (f) an approval under clause 3.2(2);
- (g) an approval under clause 3.3; and
- (h) an authorisation under clause 4.6(1).

PART 6 - ENFORCEMENT

6.1 Offences and general penalty

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

6.2 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.1, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as –
 - (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

6.3 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.
- (3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

6.4 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.
- (2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.
- (3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

SCHEDULE 1 – MEANING OF ‘NON-COLLECTABLE WASTE’

(Clause 1.5)

non-collectable waste means –

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;

- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) 'controlled waste' for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government under clause 1.6 to be non-collectable waste.

SCHEDULE 2 – PRESCRIBED OFFENCES

(Clause 5.4)

Item No.	Clause No.	Description	Modified Penalty (\$)
1	2.1(2)(a)	Failing to pay fee or charge	100
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	100
3	2.2(1)	Depositing non-collectable waste in a receptacle	100
4	2.2(2)	Depositing waste in another receptacle without consent	100
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	100
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	100
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	100
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	100
9	2.5(a)	Depositing unauthorised waste in an organic waste receptacle	100
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	100
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	100
12	2.7(a)	Failing to keep a receptacle in the required location	100
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	100
14	2.7(c)	Failing to provide an adequate number of receptacles	200
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	100
16	2.7(e)	Failure to keep receptacle lid closed unless in use or being cleaned	100
17	2.9(a)	Damaging, destroying or interfering with a receptacle	200

Item No.	Clause No.	Description	Modified Penalty (\$)
18	2.9(b)	Removing a receptacle from premises without permission or authorisation	100
19	2.10(1)	Failing to comply with a term or condition of verge waste collection	100
20	2.10(2)	Removing waste from a verge waste collection for commercial purposes	200
21	2.10(3)	Disassembling or tampering with waste deposited for collection	200
22	3.1(a)	Failing to provide an adequate number of receptacles	100
23	3.1(b)	Failing to keep a receptacle in a good condition and repair	100
24	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	200
25	3.1(c)(ii)	Failing to prevent the emission of offensive or noxious odours from a receptacle	100
26	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	200
27	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	100
28	3.1(e)	Failure to comply with direction of an authorised person to remove waste from a receptacle not properly deposited in that receptacle in accordance with this local law or a permit	100
29	3.2(1)	Unauthorised removal of waste from premises	100
30	3.2(2)	Removing waste from a receptacle without approval	100
31	3.3	Depositing household, commercial or other waste into, or removing waste from, a receptacle provided for the use of the general public in a public place without approval	100
32	3.4(2)(a)	Failing to have a suitable receptacle for building work waste	200
33	3.4(2)(b)	Failing to keep building work waste in a receptacle	200
34	3.4(3)(a)	Failure to clear from the building or development site or verge, all refuse generated or originating on the site	200
35	3.4(3)(b)	Failure to remove building or demolition refuse receptacle within 2 days	200
36	4.3(2)	Failing to comply with a sign or direction	100
37	4.3(4)	Failing to comply with a direction to leave	100
38	4.4(1)	Disposing waste without payment of fee or charge	100
39	4.5(1)	Depositing waste contrary to sign or direction	100
40	4.6(1)	Carrying out a prohibited activity in a waste facility.	200

Dated _____

The Common Seal of the Shire of Morawa was affixed by authority of a resolution of Council in the presence of –

K.J. CHAPPEL, President

C.P.M. LINNELL, Chief Executive Officer

Consented to –

MIKE ROWE, Chief Executive Officer
Department of Water and Environmental Regulation

Dated _____

LOCAL GOVERNMENT ACT 1995

SHIRE OF MORAWA

AMENITY LOCAL LAW 2018

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SCHEDULE 1 – MODIFIED PENALTIES

DRAFT

LOCAL GOVERNMENT ACT 1995

SHIRE OF MORAWA

AMENITY LOCAL LAW 2018

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

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Morawa Amenity Local Law 2018*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Shire of Morawa Health Local Laws 2004* published in the *Government Gazette* on 14 September 2004 are amended as follows –

1. Part 4, Division 2, clauses 4.17 and 4.17A are repealed;
2. Part 5, Division 1, clauses 5.2 to 5.5 inclusive and clauses 5.7 to 5.9 inclusive are repealed;
3. Part 5, Division 3 is repealed;
4. Part 5, Division 4 is repealed;
5. Part 5, Division 5 is repealed;
6. Part 5, Division 6 is repealed; and
7. Part 6, Division 7 is repealed.

1.5 Transitional provisions

- (1) An application for, or the renewal of, a licence, permit or other authorisation made under a local law that is in force before the commencement day is to be dealt with and determined as if it were an application under this local law.
- (2) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

1.6 Definitions

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

Act means the *Local Government Act 1995*;

amusement activity means anything conducted for amusement at a fair, a carnival or a show, whether conducted at a fair, a carnival or a show or elsewhere;

animal includes cats, dogs, rabbits and ferrets or the like;

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

aviary bird means any bird, other than poultry or pigeons, kept or usually kept in an aviary or cage;

birds includes poultry;

builder means the holder of a building permit issued in respect of building works on a building site or a person in control of a building site;

Building Code means the latest edition of the *National Construction Code* published by, or on behalf of, the Australian Building Codes Board;

building permit means a permit granted under section 20 of the *Building Act 2011*;

building site means any lot for which a building permit is current;

Class in relation to a building, means the Class of building as defined by the Building Code;

Code of Practice – Pigeon Keeping means the document entitled *A Code of Practice –for Pigeon Keeping and Racing in Western Australia* published by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation (Incorporated), as amended from time to time;

cow includes an ox, calf or bull;

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

development approval means a development approval under a local planning scheme;

development site includes any lot or lots for which there is currently a development or subdivision approval in place, and upon which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place pursuant to or in relation to that approval;

district means the district of the local government;

disused means, in relation to any thing whatsoever, that the thing –

- (a) is not in use for the purpose for which it was designed or appears to have been designed or intended; or
- (b) has been stored or left stationary on land in the district for more than 1 month;

dust means any visible granular or particulate material which has become airborne or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

food has the meaning given in section 9 of the *Food Act 2008*;

horse means a stallion, mare, gelding, Shetland pony, pony, colt or foal, and includes an ass, mule, donkey and any beast of whatever description used for burden or draught or for carrying persons;

land includes any building or structure on the land;

liquid waste means waste from any process or activity that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

livestock means any –

- (a) horse, cow, sheep, goat, pig, buffalo, deer or other ungulate; or
- (b) camel, llama, alpaca or other animal of the Camelidae family;

livestock vehicle means a vehicle that contains livestock or previously has been used for the carriage of livestock;

local government means the Shire of Morawa;

local planning scheme has the meaning given to it by the *Planning and Development Act 2005*;

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

machinery includes disused equipment;

manure receptacle means a receptacle of sufficient capacity to receive all manure produced in one week on land upon which a farm animal or farm animals are kept, constructed of smooth, durable, impervious materials, fitted with a fly proof, hinged cover and with no part of the floor lower than the adjoining ground;

miniature horse means a horse which meets the standard and height for a miniature horse as described by the Miniature Horse Association of Australia Inc;

miniature pig means a pig that does not exceed 650 millimetres in height as an adult and weighs less than 55 kilograms;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment by a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

occupier has the meaning given to it in section 1.4 of the Act, and includes a person authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to land to perform any work in relation to any land and includes a builder or contractor;

owner has the meaning given to it in section 1.4 of the Act;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

pigeon includes homing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Parks and Wildlife;

poultry includes fowls, roosters, ducks, peafowls, turkeys, geese, guinea fowls, pheasants and other birds commonly kept for the production of eggs or meat for domestic consumption;

refuse means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter;

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

residential building means any building of Classes 1, 2, 3 or 4 as defined by the Building Code;

sand means granules or particles of rock, earth, clay, loam, silt and any other granular, particulate or like material, including dust and gravel;

Schedule means a schedule to this local law;

set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the Act;

stormwater means any naturally occurring water that results from rainfall on or around a site, or water flowing onto the site;

subdivision approval means a subdivision approval under the *Planning and Development Act 2005*;

thoroughfare means any highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and footpath;

truck means a motor vehicle having a tare weight in excess of 3000 kilograms;

unreasonable noise has the meaning given to it by the *Environmental Protection Act 1986*;

vehicle means any motor vehicle, or part of a motor vehicle in a state of disrepair or in the process of being wrecked whether licensed or not;

vermin includes rats, mice, flies, fleas, mites, lice, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions;

vessel means any kind of vessel intended for navigation by water, or part of a vessel in a state of disrepair or in the process of being wrecked whether licenced or not;

wreck includes the dismantling, breaking up, storage and disposal of vehicles; and

zoned in relation to land means the zoning as determined by any local planning scheme.

- (2) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.

PART 2 - KEEPING OF LIVESTOCK AND BIRDS

2.1 Application of this Part

- (1) This Part does not apply to the keeping of livestock or birds in accordance with the provisions of any local planning scheme applicable to that zone, on land zoned as –
- (a) rural; or
 - (b) urban.
- (2) The keeping of pigs is prohibited, except –
- (a) for premises registered by the local government as an abattoir or a piggery under the provisions of section 191 of the *Health (Miscellaneous Provisions) Act 1911*; or
 - (b) a miniature pig in accordance with this Part.

2.2 Keeping of livestock or birds generally

- (1) An owner or occupier of land shall not keep, or allow to be kept, livestock or birds unless –

- (a) on land zoned residential or rural residential in accordance with –
 - (i) this local law; or
 - (ii) a permit authorising the keeping of such issued under clause 3.3(1)(b); or
- (b) on land zoned commercial, industrial or special use unless –
 - (i) a veterinary surgery, clinic or hospital; or
 - (ii) a pet shop operating in compliance with the local planning scheme, from which animals or birds may be offered for sale, or
- (c) an aviary bird.

2.3 Keeping of a miniature horse

- (1) An owner or occupier of land shall not keep, or allow to be kept, a miniature horse on land zoned –
 - (a) commercial, industrial or special use; or
 - (b) residential or rural residential or special use unless –
 - (i) in accordance with a permit authorising the keeping of a miniature horse issued under clause 3.3(1)(b), and
 - (ii) not more than 1 miniature horse is to be kept per 1,000 square metres of accessible area.
- (2) An owner or occupier of land who keeps a miniature horse shall only keep a sterilised animal, and retain written proof of its sterilisation.

2.4 Keeping of a miniature pig

- (1) An owner or occupier of land shall not keep, or allow to be kept, a miniature pig on land zoned –
 - (a) commercial, industrial or special use; or
 - (b) residential or rural residential, unless –
 - (i) in accordance with a permit authorising the keeping of a miniature pig issued under clause 3.3(1)(b); and
 - (ii) not more than 1 miniature pig is to be kept per 1,000 square metres of accessible area.
- (2) An owner or occupier of land where a miniature pig is kept shall –
 - (a) only keep a sterilised animal and retain written proof of its sterilisation; and
 - (b) maintain documentary evidence that the animal's veterinary treatment against roundworm and tapeworm is current.

2.5 Keeping of poultry

- (1) An owner or occupier of land shall not keep or allow to be kept any poultry on land zoned –
 - (a) commercial or industrial; or
 - (b) residential, rural residential or special use –
 - (i) if more than 12 poultry, or
 - (ii) unless in accordance with a permit authorising the keeping of poultry, issued under clause 3.3(1)(b), on land with a minimum area of 1 hectare, any –
 - roosters;
 - geese;
 - turkeys; or
 - peafowls.
- (2) A person who keeps, or permits to be kept, poultry in accordance with subclause (1)(a)(i) shall ensure that the caged area in which the birds are kept is –
 - (i) a maximum area of 20 square metres;
 - (ii) located at least 1 metre from any lot boundary; and
 - (iii) located at least 5 metres from a residential building on any other lot.

2.6 Keeping of pigeons

- (1) An owner or occupier of land shall not keep or permit to be kept any pigeons on land zoned –
 - (a) commercial; or
 - (b) residential, rural residential, special use or industry, if more than 12 pigeons.

- (2) An owner or occupier of land in subclause (1) who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 1987* may be permitted to keep a maximum number of 100 pigeons.
- (3) An owner or occupier of land who keeps pigeons or permits pigeons to be kept shall ensure that all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise.
- (4) An person approved under subclause (2) who keeps pigeons, or permits pigeons to be kept, shall do so in accordance with the Code of Practice – Pigeon Keeping, subject to the provisions of this local law.

2.7 Keeping of aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that –

- (a) the aviary or cage in which the birds are kept is –
 - (i) a maximum area of 20 square metres;
 - (ii) located at least 1 metre from any lot boundary; and
 - (iii) located at least 5 metres from a residential building on any other lot;
- (b) where there is a floor beneath the roofed area of the aviary or cage which is constructed of smooth, impervious material with a minimum 2% gradient to the front of the aviary or cage;
- (c) the aviary or cage is kept in clean condition and good repair at all times;
- (d) all feed for the birds other than that intended for immediate consumption is stored in vermin proof containers; and
- (e) effective measures are taken to prevent -
 - (i) the attraction or harbourage of vermin; or
 - (ii) the emission of odours.

2.8 Livestock not to stray

- (1) The owner or person in charge of livestock shall not allow livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.
- (2) The provisions of Part XX of the *Local Government (Miscellaneous Provisions) Act 1960* apply.

2.9 Impounding and destruction of livestock

- (1) An authorised person or a member of the police force may impound livestock found straying in contravention of clause 2.8.
- (2) Livestock being impounded shall be placed in the pound or secured on private property with the consent of the owner.
- (3) The provisions of Part XX of the *Local Government (Miscellaneous Provisions) Act 1960* apply.

2.10 Nuisance caused by livestock or birds

- (1) An owner or occupier of land shall not keep any livestock or birds which –
 - (a) are or create a nuisance; or
 - (b) emit an unreasonable or constant noise.
- (2) An authorised person may order an owner or occupier of land to take reasonable steps to prevent or abate any nuisance.
- (3) An authorised person may order an owner or occupier of land on which pigeons are, or are in the habit of nesting or perching, to take reasonable steps to prevent them from continuing to do so.

PART 3 - APPLICATIONS FOR KEEPING OF LIVESTOCK AND BIRDS

3.1 Application for permit to keep livestock or birds

An application for a permit required by clause 3.2(1) shall include –

- (a) a plan of the property, at a scale not less than 1:200, with dimensions clearly marked, showing where it is proposed that the livestock or birds are to be kept and the distance of that location from any –
 - (i) residential building;

- (ii) Class 5 building;
- (iii) Class 6 building; or
- (iv) Class 9 building;
- (b) a sketch plan, at a scale of 1:100, indicating the nature of the shelter or housing to be provided for the livestock or birds;
- (c) a details for the management of manure which addresses –
 - (i) control of flies and other vermin;
 - (ii) disease prevention; and
 - (iii) prevention of nuisance odours; and
- (d) the set fee for the application.

3.2 Requirements to keep livestock or birds

- (1) A permit shall not be granted pursuant to clause 3.3 unless –
 - (a) the land or portion of land for which the permit is sought is of such dimensions and configuration as will permit the livestock or birds to be confined in a minimum accessible area of –
 - (i) 150 square metres for livestock;
 - (ii) 100 square metres for birds other than poultry, pigeons or aviary birds;
 - (b) the land or portion of the land is fenced –
 - (i) in a manner capable of confining the livestock or birds, to that portion where they are to be kept; and
 - (ii) notwithstanding subclause (1)(b)(i), the minimum fencing requirements are as defined by the Shire of Morawa Fencing Local Law in force at the time of approval;
 - (c) the land for which the approval is sought has a minimum area of 1 hectare in the case of a horse (other than a miniature horse) or cow; and
 - (d) the livestock or birds are prevented from reaching within 15 metres of any –
 - (i) residential building;
 - (ii) Class 5 building;
 - (iii) Class 6 building; or
 - (iv) Class 9 building.
- (2) An owner or occupier of land upon which livestock or birds are kept, may apply in writing to the local government to vary the requirements of subclause (1)(a) or (b).

3.3 Determination of application to keep livestock or birds

- (1) Subject to clause 3.1, the local government may –
 - (a) refuse to determine an application for a permit which does not comply with clause 3.2;
 - (b) approve an application for a permit subject to such conditions as it considers appropriate; or
 - (c) refuse to approve an application for a permit.
- (2) The local government shall take into account the amenity of occupiers of adjoining properties in determining whether to grant approval for the keeping of livestock or birds.
- (3) Where an application for a permit is approved subject to conditions, the permit holder shall comply with those conditions or cause compliance with those conditions.
- (4) Where the local government approves an application under paragraph (1)(b), it is to issue to the applicant a permit in the form approved by the local government from time to time.
- (5) A permit is valid from the date of issue until 30 June following, unless cancelled prior to that date.

3.4 Conditions of approval to keep livestock or birds

- (1) An application approved under clause 3.3(1)(b) to keep livestock or birds may be issued subject to conditions, including –
 - (a) all livestock or birds are to be kept confined to the lot;
 - (b) provision of adequate shelter or housing for the livestock or birds;
 - (c) all fencing and gates of the enclosure in which livestock or birds are kept –
 - (i) are capable of confining the livestock or birds at all times;
 - (ii) gates are securely kept fastened; and
 - (iii) maintained in good condition and repair at all times;

- (d) all structures or enclosures in which livestock or birds are kept is at all times –
 - (i) maintained in clean condition and good repair;
 - (ii) kept free from all matter which is or is likely to become offensive or injurious to health or likely to attract vermin; and
 - (iii) effectively drained and the drainage flows away from the walls or foundations of any building;
 - (e) require that a manure receptacle is provided –
 - (i) within the structure or enclosure where livestock or birds are kept;
 - (ii) all manure produced on the land to be collected daily and placed in the receptacle;
 - (iii) the receptacle to be emptied as often as is necessary to prevent it becoming offensive or a breeding place for vermin, but in any case at least once a week; and
 - (iv) keep the lid of the receptacle closed except when manure is being deposited or removed;
 - (f) when so directed by an authorised person, the owner or occupier of the land shall –
 - (i) clean and disinfect any specified portion of the land; and
 - (ii) spray with a residual chemical or other effective means of controlling any vermin;
 - (g) ensuring the livestock or birds do not cause a nuisance to any neighbour regarding noise, dust, or odour; and
 - (h) any other conditions that the local government considers necessary for the protection of the health and amenity of the neighbourhood.
- (2) Conditions under subclause (1) may be imposed at the time of approval or any time subsequent to the initial approval.

3.5 Variation of permit to keep livestock or birds

The local government may vary the conditions of a permit after it has been issued, and shall give written notice of such variation to the permit holder, where –

- (a) the variation is at the discretion of the local government, no fee is required to be paid; or
- (b) the variation is made by the owner of the livestock or birds, the application is accompanied by the set fee.

3.6 Transfer of permit

The local government may transfer a permit where –

- (a) the application is accompanied by the set fee;
- (b) in relation to land, subject to the permit holder complying with clauses 3.1, 3.2 and 3.4; or
- (c) in relation to the permit holder, where all conditions imposed under clause 3.4 are confirmed in writing by the proposed permit holder.

3.7 Cancellation of approval to keep livestock or birds

The local government may cancel a permit in the event the permit holder –

- (a) fails to comply with any condition of the approval set under clause 3.4;
- (b) after being notified of a variation under clause 3.5 fails to comply with the varied condition by the date specified in the notice; or
- (c) fails to comply with a notice of breach issued under clause 7.1.

PART 4 - ENVIRONMENT

4.1 Burning of refuse or vegetation on building or development sites

An owner or occupier of any building or development site shall ensure that no vegetation or other material cleared from the site is burnt on the site unless consent in writing is given by an authorised person.

4.2 Unsightly land – removal of unsightly or disused materials

The owner or occupier of a lot shall not keep, or permit to remain on the lot, any unsightly or disused material of whatever nature or kind, which in the opinion of an authorised person, is likely to give the lot an untidy appearance and does not conform with the general appearance of other adjoining land.

4.3 Unsightly land – removal of overgrown vegetation

The owner or occupier of a lot shall not permit to remain on a lot, any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other adjoining land.

4.4 Prevention of dust and liquid waste nuisance

- (1) An owner and or occupier of land must take effective measures to –
 - (a) stabilise dust on the land;
 - (b) contain all liquid waste on the land; and
 - (c) ensure no dust or liquid waste is released or escapes from the land, by means of wind, water or any other cause.
- (2) A notice issued under clause 7.1 may require the owner and or occupier to do one or more of the following –
 - (a) comply with subclause (1);
 - (b) clean up and properly dispose of any released or escaped dust or liquid waste;
 - (c) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
 - (d) take effective measures to stop any further release or escape of dust or liquid waste.
- (3) Where an authorised person is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the authorised person may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

4.5 Dust management

- (1) This clause does not apply to land zoned as rural or urban.
- (2) The local government may require an owner or occupier of land who intends to undertake any activity, from which any soil, sand or dust is likely to be released whether by means of wind, water or any other cause, to –
 - (a) submit to an authorised person a Dust Management Plan in accordance with the Department of Environmental Regulation document "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*" (March 2011), or any updated version of this document; and
 - (b) obtain written approval of the Dust Management Plan from an authorised person before commencement of any work.
- (3) A notice issued under clause 7.1 may require an owner or occupier of land undertaking work involving the clearing of land, from which soil, sand and dust is being released by means of wind, water or any other cause, to –
 - (a) submit to an authorised person a Dust Management Plan in accordance with the Department of Environmental Regulation document "*A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities*" (March 2011), or any updated version of this document; and
 - (b) obtain written approval of the Dust Management Plan from an authorised person before continuing any work.

4.6 Storage of vehicles, vessels and machinery

The owner or occupier of a lot shall not –

- (a) store, or allow to remain, in public view on any lot more than one vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;
- (b) store, or allow to remain, in public view on any lot any vehicle, vessel or machinery in a state of disrepair for a period in excess of one month;
- (c) store, or allow to remain, in public view on any lot any vehicle, vessel or machinery parts (including tyres);
- (d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed –
 - (i) inside a building; or

- (ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the street and from adjoining properties; or
- (e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

4.7 Sea containers

- (1) This clause does not apply where approval to place or deposit a sea container has been given under the local planning scheme.
- (2) An owner or occupier of land or premises shall not deposit or place a sea container on land –
 - (a) unless the land is zoned as rural, commercial, industrial or urban; or
 - (b) on any other land, without the prior approval of the local government.
- (3) Subclause (2) does not apply where the sea container is used for the temporary storage of materials or equipment during the construction or other works on site.
- (4) A sea container used in accordance with subclause (3) shall not –
 - (a) be on the land for more than 6 consecutive months nor for more than 6 months within any 12 month period, without the approval of the local government; and
 - (b) shall be removed within five working days of –
 - (i) completion of works,
 - (ii) expiry of 6 consecutive months; or
 - (iii) such other time as approved by the local government.
- (5) An application made for approval under subclause (2)(b) shall be accompanied by the set fee.

PART 5 - NUISANCES AND DANGEROUS THINGS

5.1 Emission or reflection of light

- (1) An owner or occupier of land shall ensure that –
 - (a) floodlights or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto any other land;
 - (b) artificial light is not emitted or reflected from anything on the land so as to illuminate land outside that land to more than 50 lux; and
 - (c) natural light is not reflected from anything on the land so as to create or cause a nuisance to the occupier of any other land or to an owner or occupier of land lawfully using a thoroughfare.
- (2) A notice issued under clause 7.1 may require the owner and or occupier to do one or more of the following –
 - (a) floodlights or other exterior lights are used only during the hours specified in the notice;
 - (b) the direction in which the lights shine be altered as specified in the notice;
 - (c) any reflective surfaces be painted or otherwise treated so as to abate the nuisance; or
 - (d) any combination of these measures that an authorised person believes to be appropriate to the circumstances.

5.2 Escape of smoke, fumes or odours

An owner or occupier of land or premises shall take all practicable steps to prevent the escape of smoke, fumes or odours from the land so as to cause a nuisance to any person.

5.3 Burning rubbish, refuse or other material

- (1) This clause does not apply to land zoned –
 - (a) rural; or
 - (b) urban.
- (2) An owner or occupier of land shall not set fire to rubbish, refuse or other material either in an incinerator or on the ground, except in accordance with the conditions of the local government.
- (3) The burning of rubbish, refuse or other material is subject to the following conditions –
 - (a) the person has demonstrated to the satisfaction of an authorised person that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;

- (b) at least 3 metres from a fence, building or inflammable matter;
 - (c) in such a position so as not to create a nuisance or be offensive to other persons,
 - (d) written approval has first been obtained from the local government;
 - (e) the material does not include any plastic, rubber, food scraps, green garden materials or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons; and
 - (f) the burning complies with the *Bush Fires Act 1954*, any annual fire break and fuel hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.
- (4) Subclause (2) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.
- (5) Subclause (2) is subject to any fire danger rating as determined by the Bureau of Meteorology.

5.4 Disposal of swimming pool backwash

- (1) The owner or occupier of land on which a swimming pool is constructed shall ensure that all backwash water is contained within the lot or discharged into the sewerage mains and is not permitted to discharge onto or run-off onto adjacent land.
- (2) Subclause (1) shall not prevent the discharge of swimming pool backwash water from a lot into a local government approved stormwater drain or road by a method approved by an authorised person.

5.5 Containment of stormwater

- (1) The owner or occupier of a lot shall ensure that all stormwater received by any building, house, or other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot or discharged into the sewerage mains and is not permitted to discharge onto or run-off onto adjacent land.
- (2) Subclause (1) shall not prevent the discharge of stormwater from a lot into a local government approved stormwater drain or road by a method approved by an authorised person.

5.6 Livestock vehicles

- (1) A person shall not park a vehicle containing livestock for a period in excess of 30 minutes on land or adjacent to land zoned as –
 - (a) commercial;
 - (b) residential; or
 - (c) special use
- (2) A person shall not park a vehicle which contains or has been used for the carriage of livestock so as to create or be a nuisance to any person, by reason of the odour emanating from the vehicle.
- (3) If a person parks a vehicle containing livestock in accordance with subclause (1), then the person does not contravene subclause (2).
- (4) A person shall not wash down a livestock vehicle on land or adjacent to land zoned as –
 - (a) commercial;
 - (b) residential; or
 - (c) special use.

5.7 Truck noise on or adjacent to residential land

- (1) This clause does not apply to land zoned as rural, industrial or urban.
- (2) A person shall not start or drive a truck on land or adjacent to land which is zoned, approved or used for residential purposes between the hours of 10.30 pm and 6.30 am on the following day without first obtaining the written consent of the local government.

5.8 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice chest, ice box, trunk, chest or other similar article having a compartment with a capacity of 0.04 cubic metres or more, on any land unless –

- (a) every door and lid and every lock, catch and hinge attached to a door or lid has been removed; or
- (b) rendering every door and lid incapable of being fastened.

PART 6 - OBJECTIONS AND APPEALS

6.1 Objections and appeals

The provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations shall apply to a decision made by the local government under this local law as to whether it will –

- (a) grant a person a permit or authorisation;
- (b) vary or cancel a permit or authorisation; or
- (c) give a person a notice.

PART 7 - ENFORCEMENT

7.1 Notice of breach

- (1) Where a breach of any provision of this local law has occurred, an authorised person may give a notice in writing to the person alleged to be responsible for such breach.
- (2) A notice issued pursuant to subclause (1) shall –
 - (a) specify the provision of this local law which has been breached;
 - (b) specify the particulars of the breach; and
 - (c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within a time period stipulated in the notice.
- (3) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

7.2 When local government may undertake work required by notice

- (1) Where an owner or occupier of land fails to comply with a notice referred to in clause 7.1 the local government may, subject to compliance with the requirements of subdivision 3 of Division 3 of Part 3 of the Act, do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.
- (2) The local government may recover the cost of anything it does under subclause (1) as a debt due from the person who failed to comply with the notice.

7.3 Offences

A person commits an offence who –

- (a) fails to do anything required or directed to be done under this local law;
- (b) fails to comply with the requirements of a notice issued under this local law by an authorised person; or
- (c) does anything which under this local law that person is prohibited from doing.

7.4 General penalty

Any person who commits an offence shall be liable, upon conviction, to a penalty not exceeding \$5,000, and a maximum daily penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

7.5 Modified penalties

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1 –
 - (a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Schedule 1; and
 - (b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of Schedule 1.

7.6 Form of infringement notices

For the purposes of this local law –

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

SCHEDULE 1 – MODIFIED PENALTIES

[cl.7.5]

Item	Clause No.	Nature of offence	Modified penalty – first offence \$	Modified penalty – subsequent offence \$
1	2.2	Keeping of livestock or birds without approval	100	250
2	2.3(1)	Keeping of a miniature horse other than as approved	100	250
3	2.3(2)	Failure to provide evidence of sterilisation of a miniature horse	100	250
4	2.4(1)	Keeping of a miniature pig other than as approved	100	250
5	2.4(2)	Failure to provide evidence of sterilisation or vaccination of a miniature pig	100	250
6	2.5(a)	Keeping of poultry other than as approved	100	250
7	2.5(b)(i)	Keeping of more than 12 poultry	100	250
8	2.5(b)(ii)	Keeping of a rooster, goose, turkey or peafowl other than as approved	100	250
9	2.6(1)(a)	Keeping of pigeons other than as approved	100	250
11	2.6(1)(b)	Keeping of more than 12 pigeons	100	250
12	2.6(3)	Keeping pigeons in a loft other than as approved	100	250
13	2.7	Keeping of aviary birds other than as approved	100	250
14	2.8(1)	Allowing livestock to stray or be at large	100	250
15	2.10	Livestock or birds creating a nuisance	100	250
16	3.4	Failure to comply with conditions of approval to keep livestock or birds	100	250
20	4.1	Burning cleared vegetation or other material on site	250	500
21	4.2	Failure to remove unsightly or disused material from land	100	250
22	4.3	Failure to remove overgrowth of vegetation from land	100	250
23	4.4(1)	Release or escape of dust or liquid waste from land	100	250
24	4.5(2)	Failure to comply with notice to obtain approval of a Dust Management Plan for clearing of land	100	250
	4.5(3)	Failure to comply with notice to cease work before obtaining approval of a Dust Management Plan for clearing of land	100	250

25	4.6(a)	Store or allow to remain on land more than one vehicle, vessel or machinery in a state of disrepair	100	250
26	4.6(b)	Store or allow to remain on land any vehicle, vessel or machinery in a state of disrepair for a period in excess of one month	100	250
27	4.6(c)	Store or allow to remain on land any vehicle, vessel or machinery parts (including tyres)	100	250
28	4.6(d)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not inside a building or not behind a sufficient fence or wall	100	250
30	4.6(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	100	250
31	4.7(1)	Placement of a sea container other than as approved	100	250
32	4.7(4)(a)	Placement of a sea container on land for more than six months without approval	100	250
33	4.7(4)(b)	Failure to remove a sea container within five working days	100	250
34	5.1(1)(a)	Erection or use of lighting installations other than in accordance with requirements	100	250
35	5.1(1)(b)(c)	Emitting or reflecting excessive artificial light, or reflecting natural light that causes nuisance	100	250
36	5.2	Cause of permit the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	100	250
38	5.3(2)	Set fire to rubbish, refuse or other materials other than in an approved manner	100	250
39	5.4(1)	Failure to dispose of backwash water as approved	100	250
40	5.5(1)	Failure to dispose of stormwater as approved	100	250
41	5.6(1)	Parking a livestock vehicle in excess of 30 minutes other than as approved	100	250
	5.6(4)	Washing a livestock vehicle other than as approved	100	250
42	5.7	Starting or driving a truck on or adjacent to residential land, or adjoining residential land, other than as approved	100	250
43	5.8	Disposing of disused refrigerator or similar container other than as approved	250	500
44	7.1(3)	Failure to comply with notice	100	250
45	7.3	All other offences	100	250

Dated _____

The Common Seal of the Shire of Morawa was affixed by authority of a resolution of Council in the presence of –

K.J. CHAPPEL, President
C.P.M. LINNELL, Chief Executive Officer

8. New Business of an Urgent Nature

Nil

9. Applications for Leave of Absence

Nil

10. Motions of Which Previous Notice Has Been Given

Nil

11. Questions from Members without Notice

Nil

12. Meeting Closed

12.1 Matters for which the meeting may be closed

Nil

12.2 Public reading of resolutions that may be made public

Nil

13. Closure

The President declared the meeting closed at 5:47pm.

.....**Presiding Person**

Next Meeting - Ordinary Meeting 17 May 2018