



16 MAY 2025

Shire of Esperance

ORDINARY COUNCIL MEETING

27 MAY 2025

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Shire of Esperance

***PARKING AND PARKING FACILITIES LOCAL
LAW 2025***

Local Government Act 1995

Shire of Esperance

PARKING AND PARKING FACILITIES LOCAL LAW 2025

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Local Government Act 1995

Shire of Esperance

PARKING AND PARKING FACILITIES LOCAL LAW 2025

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

PART 1 PRELIMINARY

1.1 Short title

This local law may be cited as the Shire of Esperance *Parking and Parking Facilities Local Law 2025*.

1.2 Commencement

This local law comes into operation 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

The Shire of Esperance *Parking and Parking Facilities Local Law 2002* published in the *Government Gazette* on 21 June 2002 is repealed.

1.5 Definitions

In this local law—

Act means the *Local Government Act 1995*;

Authorised Person means a person authorised 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.

authorised vehicle means a vehicle authorised by the local government, Chief Executive Officer, Authorised Person or by any written law to park on a thoroughfare or parking facility.

bicycle has the meaning given to it by the Code;

bicycle path has the meaning given to it by the Code;

bus has the meaning given to it by the Code;

bus embayment has the meaning given to it by the Code;

bus stop has the meaning given to it by the Code;

bus zone has the meaning given to it by the Code;

caravan means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

carriageway has the meaning given to it by the Code;

centre in relation to a carriageway, means a line or a series of lines, marks or other indications -

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

children's crossing has the meaning given to it by the Code;

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

Council means the Council of the Shire of Esperance;

Disability parking permit has the meaning given to in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

driver means any person driving or in control of a vehicle;

edge line has the meaning given to it by the Code;

emergency vehicle has the meaning given to it by the Code;

footpath has the meaning given to it by the Code;

GVM (which stands for 'gross vehicle mass') has the meaning given to it by the Code;

Loading Zone has the meaning given to it by the Code;

district means the district of the local government;

LG Act means the *Local Government Act 1995*;

local government means the Shire of Esperance;

mail zone has the meaning given to it by the Code;

median strip has the meaning given to it by the Code;

motorcycle has the meaning given to it by the Code;

motor vehicle means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

no parking area has the meaning given to it by the Code;

no parking sign as defined in Section 141 of the Code;

no stopping area has the meaning given to it by the Code;

no stopping sign as defined in Section 140 of the Code;

occupier has the meaning given to it by the Act;

owner

- (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

park, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of -

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);

parking area has the meaning given to it by the Code;

parking facilities includes land, buildings, shelters, parking bays and other facilities open to the public generally for the parking of vehicles and signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area described in Schedule 1;

parking bay means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking station means any land, or structure provided for the purpose of accommodating vehicles;

pedestrian crossing has the meaning given to it by the Code;

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land -

- (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;

Road Traffic Act means the *Road Traffic Act 1974*;

Schedule means a Schedule to this Local Law;

shared zone has the meaning given to it by the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

stop has the meaning given to it by the Code;

symbol includes any symbol specified by Australian Standard AS 1742.11:2016 (or its replacement) and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

taxi means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

taxi zone has the meaning given to it by the Code;

thoroughfare has the meaning given to it by the Act;

traffic island has the meaning given to it by the Code;

trailer means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

vehicle has the meaning given to it by the Code;

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.6 Application of Particular Definitions

- (1) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.7 Application and pre-existing signs

- (1) Subject to subclause (2), this Local Law applies to the parking region.
- (2) This Local Law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this Local Law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) Where a parking facility or a parking station is identified in Schedule 4, then the facility or station shall be deemed to be a parking station to which this Local Law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).
- (5) A sign that -
 - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and
 - (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.

- (6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this Local Law to operate and have effect as if it related to the parking of vehicles.
- (7) The provisions of Parts (2), (3), (4) and (5) do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.8 Classes of vehicles

For the purpose of this Local Law, vehicles are divided into classes as follows

-

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.9 Part of thoroughfare to which sign applies

Where under this Local Law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which -

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the local government

The local government may prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

PART 2 PARKING BAYS AND PARKING STATIONS

2.1 Determination of parking bays and parking stations

The local government may constitute, determine and vary and also indicate by signs -

- (a) parking bays;
- (b) parking stations;

- (c) permitted time and conditions of parking in parking bays and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking bays and parking stations;
- (e) permitted classes of persons who may park in specified parking bays or parking stations; and
- (f) the manner of parking in parking bays and parking stations.

2.2 Vehicles to be within parking bay on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking bay in a thoroughfare otherwise than -
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the bay; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the bay is situated.
- (2) Subject to subclause (3) where a parking bay in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that bay wholly within it.
- (3) Subject to subclause (4), if a vehicle is too long or too wide to fit completely within a single parking bay then the person parking the vehicle shall do so within the minimum number of parking bays needed to park that vehicle.
- (4) A vehicle too long or too wide to fit completely within a single parking bay is prohibited from parking across multiple bays, within -
 - (i) a parking facility or parking area to which a time limit applies; and,
 - (ii) all angle parking bays; or,
 - (iii) where prohibited by signage.
- (5) A person shall not park a vehicle partly within and partly outside a parking area.

2.3 Parking prohibitions and restrictions

- (1) A person shall not -
 - (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
 - (b) except with the permission of the local government or an Authorised Person, park a vehicle on any part of a parking station contrary to a sign referable to that part;

- (c) permit a vehicle to park on any part of a parking station, if an Authorised Person directs the driver of such vehicle to move the vehicle; or
 - (d) park or attempt to park a vehicle in a parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle -
 - (a) in a parking bay other than in a bay marked 'M/C'; and
 - (b) in such bay other than against the kerb.
- (3) Notwithstanding the provisions of subclause (1)(b) -
 - (a) a driver may park a vehicle in a permissive parking bay, parking bay or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that -
 - (i) the driver's vehicle displays a disability parking permit; and
 - (ii) a person with disabilities to which that disability parking permit relates is either the driver of or a passenger in the vehicle.
 - (b) a person may park a motorcycle in a parking bay set apart for other vehicles, other than a parking bay set aside for buses, commercial vehicles and taxis.

PART 3 PARKING GENERALLY

3.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station -
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) (a) This subclause applies to a driver if -

- (i) the driver's vehicle displays a disability parking permit; and
 - (ii) a disabled person to which the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.
- (3) A person shall not park a vehicle -
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;
 - (c) in a bay marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
 - (d) in a bay set apart for the parking of long vehicles when the vehicle is less than 6m in length.
- (4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking bay unless the bay is marked 'M/C'.
- (5) A person shall not, without the prior permission of the local government, the CEO, or an Authorised Person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.
- (6) Notwithstanding the provisions of subclauses (1)(a), (3)(b) and (4) a person may park a motorcycle in a parking bay set apart for other vehicles, other than a parking bay set aside for buses, commercial vehicles and taxis.

3.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking bay shall park it -
 - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;

- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law; and
- (e) so that it does not obstruct any vehicle on the carriageway,

unless otherwise indicated on a parking regulation sign or markings on the roadway.

(2) In this clause, 'continuous dividing line' means –

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) 2 parallel continuous dividing lines.

3.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is -

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

3.4 When angle parking applies

- (1) This clause does not apply to –
 - (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
 - (b) a person parking either a motor cycle without a trailer or a bicycle.

- (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

3.5 General prohibitions on parking

- (1) (a) This clause does not apply to a vehicle parked in a parking bay nor to a bicycle in a bicycle rack.
- (b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (2) A person shall not park a vehicle so that any portion of the vehicle is -
- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath, shared path, bike path or pedestrian crossing, or part thereof;
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (j) within 3 metres of a public letter box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or

- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.

- (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –
 - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children's crossing or pedestrian crossing.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of –
 - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
 - (b) a children's crossing or pedestrian crossing.unless a sign or markings on the carriageway indicate otherwise.
- (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

3.6 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this Local Law after an Authorised Person has directed the driver to move it.

3.7 Authorised person may mark tyres

- (1) An Authorised Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

3.8 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.

- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

3.9 No parking of vehicles exposed for sale and in other circumstances

A person shall not park a vehicle on any portion of a thoroughfare -

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle;
or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

3.10 Parking on private land

- (1) In this clause a reference to 'land' does not include land -
 - (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*;
 - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;
 - (d) which is the subject of an agreement referred to in clause 1.6(2); or
 - (e) which is identified in Schedule 4.
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

3.11 Parking on reserves

No person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

3.12 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorised Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 4 PARKING AND STOPPING GENERALLY

4.1 No stopping and no parking signs, and yellow edge lines

- (1) No stopping
A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (2) No parking
A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver is -
 - (a) dropping off, or picking up, passengers or goods;
 - (b) does not leave the vehicle unattended; and
 - (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

unattended, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

- (3) No stopping on a carriageway with yellow edge lines
A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

PART 5 STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is -

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or

(b) a motor vehicle taking up or setting down passengers,
but, in any event, shall not remain in that loading zone -

- (a) for longer than a time indicated on the 'loading zone' sign; or
- (b) longer than 30 minutes (if no time is indicated on the sign).

5.2 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

5.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

5.4 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

PART 6 OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless -

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Local Laws;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

6.2 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to -
 - (a) a driver stopped in traffic; or

- (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with these Local Laws.

6.3 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.4 Stopping on a bridge or in a tunnel, etc.

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless -
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless -
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

6.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

6.6 Stopping near a fire hydrant etc

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless -
 - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or

- (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

6.7 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, unless -
 - (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.
- (2) In this clause -
 - (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

6.8 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

6.9 Stopping on verge

- (1) A person shall not -
 - (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

6.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless -
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Local Laws.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless -
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Local Laws.

6.11 Stopping near a letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver -

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

6.12 Stopping on a carriageway – heavy and long vehicles

- (1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes -
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or

- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

6.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

6.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless -

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

6.15 Stopping in a parking bay for people with disabilities

- (1) A driver shall not stop in a parking area for people with disabilities unless -
 - (a) the driver's vehicle displays a disability parking permit; and
 - (b) either the driver or the passenger in that vehicle is a person with disabilities.
- (2) In this clause a 'parking area for people with disabilities' is a length or area -
 - (a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies;
 - (b) to which a 'people with disabilities parking' sign applies;
 - (c) indicated by a road marking (a 'people with disabilities road marking') that consists of, or includes, a people with disabilities symbol; or
 - (d) set aside within a parking region as a 'permit parking area' under the *Local Government (Parking for People with Disabilities) Regulations 2014*.
- (3) Offences under this clause attract penalties as set by *Local Government (Parking for People with Disabilities) Regulations 2014*.

PART 7 MISCELLANEOUS

7.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorised Person.

7.2 Unauthorised signs and defacing of signs

A person shall not without the authority of the local government -

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law.

7.3 Signs must be complied with

Except as provided in clauses 2.3(3)(b) and 3.1(6), and inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this Local Law.

7.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

7.5 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this Local Law, the driver of -

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and

- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

7.6 Vehicles not to obstruct a public place

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

7.7 Parking Areas not to be obstructed without a permit

- (1) Unless in accordance with a valid permit for temporary closure of a thoroughfare or use of public land, parking areas and facilities are not to be utilised for general storage purposes.
- (2) Unless a valid permit issued by the local government applies, a person shall not leave a vehicle, any part of a vehicle, a trailer, or any part of a trailer, or any other type of wheeled conveyance in a parking bay or parking facility for the purposes of advertising or in or for the conduct of a commercial activity.
- (3) Unless contrary to any other provision of this Local Law, a person will not contravene subclause (2) where a vehicle, part of a vehicle, a trailer, or any part of a trailer, or any other type of wheeled conveyance is left for a period not exceeding 24 hours.
- (4) The driver, owner, or custodian of a vehicle must produce any permit held relevant to subclause (1) and subclause (2) as requested by the local government, the CEO, or an Authorised Person, when requested to do so.

PART 8 PENALTIES

8.1 Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16(1) of the Act.

- (3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Averment on complaint as to clause 1.6(2) agreement

An averment on a complaint that this Local Law applies to a parking facility or a parking station under an agreement referred to in clause 1.6(2), shall be sufficient proof that this Local Law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.

8.3 Form of notices

For the purposes of this Local Law -

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 3;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 3; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

SCHEDULE 1 PARKING REGION

The parking region is the whole of the district, but excludes the following portions of the district -

- (1) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (2) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (3) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road has been delegated by the Commissioner of Main Roads to the local government.

SCHEDULE 2 PRESCRIBED OFFENCES

cl 8.1

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to park wholly within parking bay	70
2	2.2(4)	Parking long or wide vehicle across multiple bays	70
3	2.2(5)	Failure to park wholly within parking area	70
4	2.3(1)(a)	Causing obstruction in parking station	100
5	2.3(1)(b)	Parking contrary to sign in parking station	70
6	2.3(1)(c)	Parking contrary to directions of Authorised Person	100
7	2.3(1)(d)	Parking or attempting to park a vehicle in a parking bay occupied by another vehicle	70
8	3.1(1)(a)	Parking wrong class of vehicle	70
9	3.1(1)(b)	Parking by persons of a different class	70
10	3.1(1)(c)	Parking during prohibited period	70
11	3.1(3)(a)	Parking in no parking area	100
12	3.1(3)(b)	Parking contrary to signs or limitations	70
13	3.1(3)(c)	Parking vehicle in motor cycle only area	70
14	3.1(4)	Parking motor cycle in bay not marked 'M/C'	70
15	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100
16	3.2(1)(a)	Failure to park on the left of two-way carriageway	70
17	3.2(1)(b)	Failure to park on boundary of one-way carriageway	70
18	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	70
19	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	70
20	3.2(1)(d)	Parking closer than 1 metre from another vehicle	70
21	3.2(1)(e)	Causing obstruction	100
22	3.3(b)	Failure to park at approximate right angle	70
23	3.4(2)	Failure to park at an appropriate angle	70
24	3.5(2)(a) & 6.2	Double parking	70
25	3.5(2)(b)	Parking on or adjacent to a median strip	70
26	3.5(2)(c)	Denying access to private drive or right of way	100
27	3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
28	3.5(2)(e)	Parking within 10 metres of traffic island	70

29	3.5(2)(f)	Parking on footpath/pedestrian crossing	100
30	3.5(2)(g)	Parking contrary to continuous line markings	70
31	3.5(2)(h)	Parking on intersection	70
32	3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	100
33	3.5(2)(j)	Parking within 3 metres of public letter box	70
34	3.5(2)(k)	Parking within 10 metres of intersection	100
35	3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
36	3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
37	3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
38	3.6	Parking contrary to direction of Authorised Person	100
39	3.7(2)	Removing mark of Authorised Person	100
40	3.8	Moving vehicle to avoid time limitation	70
41	3.9(a)	Parking in thoroughfare for purpose of sale	70
42	3.9(b)	Parking unlicensed vehicle in thoroughfare	70
43	3.9(c)	Parking a trailer/caravan on a thoroughfare	70
44	3.9(d)	Parking in thoroughfare for purpose of repairs	70
45	3.10(1) or (2)	Parking on land that is not a parking facility without consent	100
46	3.10(3)	Parking on land not in accordance with consent	70
47	3.11	Driving or parking on reserve	100
48	4.1(1)	Stopping contrary to a 'no stopping' sign	70
49	4.1(2)	Parking contrary to a 'no parking' sign	70
50	4.1(3)	Stopping within continuous yellow lines	70
51	5.1	Stopping unlawfully in a loading zone	70
52	5.2	Stopping unlawfully in a taxi zone or bus zone	70
53	5.3	Stopping unlawfully in a mail zone	70
54	5.4	Stopping in a zone contrary to a sign	70
55	6.1	Stopping in a shared zone	70
56	6.3	Stopping near an obstruction	70
57	6.4	Stopping on a bridge or tunnel	70
58	6.5	Stopping on crests/curves etc	100
59	6.6	Stopping near fire hydrant	100
60	6.7	Stopping near bus stop	70
61	6.8	Stopping on path, median strip or traffic island	70
62	6.9	Stopping on verge	70
63	6.10	Obstructing path, a driveway etc	100
64	6.11	Stopping near letter box	70
65	6.12	Stopping heavy or long vehicles on carriageway	70

66	6.13	Stopping in bicycle parking area	70
67	6.14	Stopping in motorcycle parking area	70
68	7.6	Leaving vehicle so as to obstruct a public place	100
69	7.7(1)	Parking facility used as storage area	100
70	7.7(2)	Vehicle parked for advertising or commercial activity	100
71	7.7(4)	Failure to produce permit	70
72		All other offences not specified	70

SCHEDULE 3 FORMS

LOCAL GOVERNMENT ACT 1995

FORM 1

PARKING AND PARKING FACILITIES LOCAL LAW

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle -

make:

model:

registration:

was involved in the commission of the following offence -

.....

.....

.....

contrary to clause of the **Parking and Parking Facilities Local Law**.

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

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

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

- (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
- (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5)

(6)

Insert:

- | | | | |
|-----|--------------------------------|-----|--|
| (1) | Name of owner or 'the owner' | (2) | Address of owner (not required if owner not named) |
| (3) | Time of alleged offence | (4) | Location of alleged offence |
| (5) | Signature of authorised person | (6) | Name and title of authorised person giving notice |

LOCAL GOVERNMENT ACT 1995

FORM 2

PARKING AND PARKING FACILITIES LOCAL LAW

INFRINGEMENT NOTICE

Serial No

Date/...../.....

To: (1)

of: (2)

It is alleged that on/...../..... at (3)

at (4) in respect of
your vehicle -

make:

model:

registration:

you committed the following offence -

.....
.....
.....

contrary to clause..... of the **Parking and Parking Facilities Local Law**.

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 to an authorised person at (5) within a period of 28 days after the giving of this notice.

If you take no action you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken – your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilized or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately.

(6)

(7)

Insert:

- | | | | |
|-----|---|-----|--------------------------------|
| (1) | Name of alleged offender or 'the owner' | (2) | Address of alleged offender |
| (3) | Time of alleged offence | (4) | Location of alleged offence |
| (5) | Place where modified penalty may be paid | (6) | Signature of authorised person |
| (7) | Name and title of authorised person giving notice | | |

LOCAL GOVERNMENT ACT 1995

FORM 3

PARKING AND PARKING FACILITIES LOCAL LAW

INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) in respect of
your vehicle -

make:

model:

registration:

you committed the following offence -

.....
.....
.....

contrary to clause of the **Parking and Parking Facilities Local Law**.

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 to an authorised person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice –

- (a) you pay the modified penalty; or
- (b) you -

- (i) inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
- (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

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

If you take no action you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken – your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilized or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately.

(6)

(7)

Insert:

- | | | | |
|-----|---|-----|--------------------------------|
| (1) | Name of alleged offender or 'the owner' | (2) | Address of alleged offender |
| (3) | Time of alleged offence | (4) | Location of alleged offence |
| (5) | Place where modified penalty may be paid | (6) | Signature of authorised person |
| (7) | Name and title of authorised person giving notice | | |

LOCAL GOVERNMENT ACT 1995

FORM 4

PARKING AND PARKING FACILITIES LOCAL LAW

WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

Infringement Notice No Date / /

in respect of your vehicle -

make:

model:

registration:

for the alleged offence of -

.....

.....

.....

has been withdrawn

The modified penalty for the offence is \$

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.
- delete as appropriate.

(3)

(4)

Insert:

- | | | |
|-----|--|--|
| (1) | Name of alleged offender to whom (2)
infringement notice was given or
'the owner'. | Address of alleged offender |
| (3) | Signature of authorised person | (4) Name and title of authorised person
giving notice |

SCHEDULE 4 DEEMED PARKING STATIONS
PARKING AND PARKING FACILITIES LOCAL LAW

Dated _____ day of _____.

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

Ronald Chambers

SHIRE PRESIDENT

Shane Burge

CHIEF EXECUTIVE OFFICER



Shire of Esperance

***PARKING AND PARKING FACILITIES LOCAL
LAW 202⁵⁴***

Local Government Act 1995

Shire of Esperance

PARKING AND PARKING FACILITIES LOCAL LAW 2025⁴

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Local Government Act 1995

Shire of Esperance

PARKING AND PARKING FACILITIES LOCAL LAW 2025⁴

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

PART 1 PRELIMINARY

1.1 Short title

This local law may be cited as the Shire of Esperance *Parking and Parking Facilities Local Law 2025⁴*.

1.2 Commencement

This local law comes into operation 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

The Shire of Esperance *Parking and Parking Facilities Local Law 2002* published in the *Government Gazette* on 21 June 2002 is repealed.

1.5 Definitions

In this local law—

~~*ACROD Disability parking permit sticker* has the meaning given to it by the *Local Government (Parking for People with Disabilities) Regulations 2014* Code;~~

Act means the *Local Government Act 1995*;

Authorised Person means a person authorised 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.

authorised vehicle means a vehicle authorised by the local government, Chief Executive Officer, Authorised Person or by any written law to park on a thoroughfare or parking facility.

bicycle has the meaning given to it by the Code;

~~Note: The Code defines 'bicycle' to mean --~~

~~'a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) --~~

~~(a) including a pedicab, penny-farthing and tricycle; but~~

~~(b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating);'~~

bicycle path has the meaning given to it by the Code;

~~Note: The Code defines 'bicycle path' to mean --~~

~~'a length of path beginning at a 'bicycle path' sign or a 'bicycle path' road marking and ending at the nearest of the following --~~

~~(a) an 'end bicycle path' sign, or an 'end bicycle path' road marking;~~

~~(b) a 'separated footpath' sign or a 'separated footpath' road marking;~~

~~(c) a carriageway;~~

~~(d) the end of the path;'~~

bus has the meaning given to it by the Code;

~~Note: The Code defines 'bus' to mean --~~

~~'a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver).'~~

bus embayment has the meaning given to it by the Code;

~~Note: The Code defines 'bus embayment' to mean --~~

~~'an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane.'~~

bus stop has the meaning given to it by the Code;

~~Note: The Code defines 'bus stop' to mean --~~

~~(a) 'a length of carriageway commencing 20m on the approach side of, and ending 10m on the~~

~~(b) departure side of, a post indicating that public busses stop at that 'point'.~~

bus zone has the meaning given to it by the Code;

~~Note: The Code defines 'bus zone' to mean --~~

~~'a length of carriageway to which a 'bus zone' sign applies.'~~

caravan means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

carriageway ~~has the meaning given to it by the Code; means a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a thoroughfare has two or more of those portions divided by a median strip, the expression means each of those portions, separately;~~

centre in relation to a carriageway, means a line or a series of lines, marks or other indications -

- (a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- (b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

children's crossing has the meaning given to it by the Code;

~~Note: The Code defines 'Children's Crossing' to mean –~~

~~'a portion of carriageway between 2 parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than 5 metres apart marked across, or partly across the carriageway and near which a fluorescent red-orange flag or sign bearing the words 'children crossing – stop', are displayed and, where the lines are so marked partly across a carriageway, includes a portion of the carriageway between the prolongations of those lines'~~

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

Council means the Council of the Shire of Esperance;

Disability parking permit has the meaning given to in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

driver means any person driving or in control of a vehicle;

edge line ~~has the meaning given to it by the Code;~~~~for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;~~

emergency vehicle has the meaning given to it by the Code;

~~Note: The Code defines 'emergency vehicle' to mean—~~

~~'a motor vehicle—~~

- ~~(a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with the official duty;~~
- ~~(b) of a fire brigade on official duty, in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;~~
- ~~(c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;~~
- ~~(d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument;~~
~~or~~
- ~~(e) duly authorised as an emergency vehicle for the purposes of these regulations, by the Director General'~~

footpath has the meaning given to it by the Code; ~~Note:~~

~~The Code defines 'footpath' to mean—~~

~~'an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;'~~

GVM (which stands for 'gross vehicle mass') has the meaning given to it by the Code;

~~Note: The Code defines 'GVM' to mean—~~

~~'for a vehicle, the maximum loaded mass of the vehicle—~~

- ~~(a) specified by the manufacturer on an identification plate on the vehicle; or~~
- ~~(b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified—certified by the Director General'.~~

Loading Zone ~~has the meaning given to it by the Code; means a parking-stall parking bay which is set aside for use by commercial vehicles if there is a sign referable to that stall bay marked 'Loading Zone';~~

district means the district of the local government;

LG Act means the *Local Government Act 1995*;

local government means the Shire of Esperance;

mail zone has the meaning given to it by the Code;

~~Note: The Code defines 'mail zone' to mean—
'the length of carriageway to which a 'mail zone' sign applies.'~~

median strip has the meaning given to it by the Code;

~~Note: The Code defines 'median strip' to mean—
'any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions'~~

motorcycle has the meaning given to it by the Code;

~~Note: The Code defines 'motorcycle' to mean—
a motor vehicle that has 2 wheels and includes—
(a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
(b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels,
but does not include any trailer;~~

motor vehicle means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

no parking area has the meaning given to it by the Code;

~~Note: The Code defines 'no parking area' to mean—
(a) a portion of carriageway to which a 'no parking' sign applies; or
(b) an area to which a 'no parking' sign applies;~~

no parking sign ~~means a sign with the words 'no parking' in red letters on a white background, or the letter 'P' within a red annulus and a red diagonal line across it on a white background; as defined in Section 141 of the Code;~~

no stopping area has the meaning given to it by the Code;

~~Note: The Code defines 'no stopping area' to mean—~~

- ~~(a) a portion of carriageway to which a 'no stopping' sign applies; or~~
- ~~(b) an area to which a 'no stopping' sign applies;~~

no stopping sign as defined in Section 140 of the Code; ~~means a sign with the words 'no stopping' or 'no standing' in red letters on a white background or the letter 'S' within a red annulus and a red diagonal line across it on a white background;~~

occupier has the meaning given to it by the Act;

~~Note: The Act defines 'occupier' to mean—~~

~~'where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right';~~

owner

- (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

~~Note: The Act defines 'owner', where used in relation to land, to mean—~~

- ~~(a) a person who is in possession as—~~

- ~~(i) — the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple;~~
- ~~(ii) — a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act;~~
- ~~(iii) — a mortgagee of the land; or~~
- ~~(iv) — a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant or mortgagee, mentioned in this paragraph;~~
- ~~(b) — where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a), except that of mortgagee;~~
- ~~(c) — where, under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;~~
- ~~(d) — where a person is lawfully entitled to occupy land which is vested in the Crown, and which has no other owner according to paragraph (a), (b) or (c), means the person so entitled;~~
- ~~(e) — means a person who —~~
 - ~~(i) — under the *Mining Act 1978*, holds in respect of the land a mining tenement within the meaning given to that expression by that Act;~~
 - ~~(ii) — in accordance with the *Mining Act 1978* holds, occupies, uses or enjoys in respect of the land a mining tenement within the meaning given to that expression by the *Mining Act 1904*; or~~
 - ~~(iii) — under the *Petroleum Act 1967* holds in respect of the land a petroleum production licence or a petroleum exploration permit within the meaning given to each of those expressions by that Act;~~
- ~~or~~
- ~~(f) — where a person is in the unauthorised occupation of Crown land, means the person so in occupation'.~~

park, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of -

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);

parking area has the meaning given to it by the Code;

~~Note: The Code defines 'parking area' to mean --~~

- ~~(a) a portion of carriageway to which a 'permissive parking' sign applies; or~~
- ~~(b) an area to which a 'permissive parking' sign applies;~~

parking facilities includes land, buildings, shelters, ~~parking stall~~ **parking bays** and other facilities open to the public generally for the parking of vehicles and signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area described in Schedule 1;

parking bay means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking station means any land, or structure provided for the purpose of accommodating vehicles;

pedestrian crossing has the meaning given to it by the Code;

~~Note: The Code defines pedestrian crossing to mean --~~

~~'a portion of a carriageway --~~

- ~~(a) defined --~~
 - ~~(i) by white stripes; or~~
 - ~~(ii) by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between these stripes;~~
 - ~~(iii) in such a manner that each stripe is approximately parallel to the centre of the carriageway; and~~
- ~~(b) near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a "pedestrian crossing" sign;~~

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land -

- (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;

Road Traffic Act means the *Road Traffic Act 1974*;

Schedule means a Schedule to this Local Law;

shared zone has the meaning given to it by the Code;

~~Note: The Code defines 'shared zone' to mean—~~

~~'the network of roads in an area with—~~

- ~~(a) a 'shared zone' sign on each road into the area, indicating the same number; and~~
- ~~(b) an 'end shared zone' sign on each road out of the area~~

~~Note: There are a number of other permitted versions of each of these signs;~~

~~Note: A 'shared zone' sign may also have a different number on the sign'.~~

sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

~~Note: The Code defines 'special purpose vehicle' to mean—~~

- ~~(a) a vehicle being driven by a member of the Police Force (other than a police officer) on official duty or that vehicle when it is stationary at any place connected with the official duty;~~
- ~~(b) a public utility service truck;~~
- ~~(c) a tow truck;~~
- ~~(d) a motor break down service vehicle;~~
- ~~(e) a vehicle being used by a government or local authority in connection with its roadwork or speed zoning functions; or~~
- ~~(f) a vehicle duly authorised as a special purpose vehicle for the purposes of these regulations, by the Director General,~~

~~but does not include an emergency vehicle';~~

stop ~~has the meaning given to it by the Code;~~in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

symbol includes any symbol specified by Australian Standard [AS 1742.11:2016 \(or its replacement\)](#)~~1742.11-1989~~ and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

taxi means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

taxi zone has the meaning given to it by the Code;

~~Note: The Code defines 'taxi zone' to mean:~~

~~'a length of carriageway to which a 'taxi zone' applies.'~~

thoroughfare has the meaning given to it by the Act;

~~Note: The Act defines 'thoroughfare' to mean --~~

~~'a road or other thoroughfare and includes structures and other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end';~~

traffic island has the meaning given to it by the Code;

~~Note: The Code defines 'traffic island' to mean --~~

~~'any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;'~~

trailer means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

vehicle has the meaning given to it by the Code;

~~Note: The Code defines 'vehicle' according to the definition of 'vehicle' in the Road Traffic Act which includes an animal driven or ridden but does not include a wheeled toy or wheeled recreational device;~~

verge means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.6 Application of Particular Definitions

- (1) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

- (2) Unless the context otherwise requires, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.7 Application and pre-existing signs

- (1) Subject to subclause (2), this Local Law applies to the parking region.
- (2) This Local Law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this Local Law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) Where a parking facility or a parking station is identified in Schedule 4, then the facility or station shall be deemed to be a parking station to which this Local Law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).
- (5) A sign that -
 - (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and
 - (b) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.
- (6) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this Local Law to operate and have effect as if it related to the parking of vehicles.
- (7) The provisions of Parts (2), (3), (4) and (5) do not apply to a bicycle parked at a bicycle rail or bicycle rack.

1.8 Classes of vehicles

For the purpose of this Local Law, vehicles are divided into classes as follows

-

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.9 Part of thoroughfare to which sign applies

Where under this Local Law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which -

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the local government

The local government may, ~~by resolution,~~ prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

PART 2 ~~PARKING STALL~~PARKING BAYS AND PARKING STATIONS

2.1 Determination of ~~parking stall~~parking bays and parking stations

The local government may ~~by resolution~~ constitute, determine and vary and also indicate by signs -

- (a) ~~parking stall~~parking bays;
- (b) parking stations;
- (c) permitted time and conditions of parking in ~~parking stall~~parking bays and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in ~~parking stall~~parking bays and parking stations;
- (e) permitted classes of persons who may park in specified ~~parking stall~~parking bays or parking stations; and
- (f) the manner of parking in ~~parking stall~~parking bays and parking stations.

2.2 Vehicles to be within ~~parking stall~~parking bay on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a ~~parking stall~~parking bay in a thoroughfare otherwise than -
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the ~~stall~~bay; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the ~~stall~~bay is situated.

- (2) Subject to subclause (3) where a ~~parking-stall~~parking bay in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that ~~stall~~bay wholly within it.
- (3) Subject to subclause (4), if a vehicle is too long or too wide to fit completely within a single parking bay then the person parking the vehicle shall do so within the minimum number of parking bays needed to park that vehicle.
- (4) A vehicle too long or too wide to fit completely within a single parking bay is prohibited from parking across multiple bays, within -
 - (i) a parking facility or parking area to which a time limit applies; and
 - (ii) all angle parking bays; or,
 - (iii) where prohibited by signage.-

~~(3)~~

- ~~(4)~~(5) A person shall not park a vehicle partly within and partly outside a parking area.

2.3 Parking prohibitions and restrictions

- (1) A person shall not -
 - (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
 - (b) except with the permission of the local government or an Authorised Person, park a vehicle on any part of a parking station contrary to a sign referable to that part;
 - (c) permit a vehicle to park on any part of a parking station, if an Authorised Person directs the driver of such vehicle to move the vehicle; or
 - (d) park or attempt to park a vehicle in a ~~parking-stall~~parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a ~~stall~~bay marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle -
 - (a) in a ~~parking-stall~~parking bay other than in a ~~stall~~bay marked 'M/C'; and
 - (b) in such ~~stall~~bay other than against the kerb.
- (3) Notwithstanding the provisions of subclause (1)(b) -

- (a) a driver may park a vehicle in a ~~permissive parking stall~~permissive parking bay, parking bay or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that -
 - (i) the driver's vehicle displays an ~~ACROD sticker~~disability parking permit; and
 - (ii) a person with disabilities to which that ~~ACROD sticker~~disability parking permit relates is either the driver of or a passenger in the vehicle.
- (b) a person may park a motorcycle in a ~~parking stall~~parking bay set apart for other vehicles, other than a ~~parking stall~~parking bay set aside for buses, commercial vehicles and taxis.

PART 3 PARKING GENERALLY

3.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station -
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) (a) This subclause applies to a driver if -
 - (i) the driver's vehicle displays an ~~ACROD sticker~~disability parking permit; and
 - (ii) a disabled person to which the ~~ACROD sticker~~disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.
- (3) A person shall not park a vehicle -
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;

(c) in a ~~stall~~bay marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

~~(c)~~(d) in a bay set apart for the parking of long vehicles when the vehicle is less than 6m in length.

- (4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a ~~parking-stall~~parking bay unless the ~~stall~~bay is marked 'M/C'.
- (5) A person shall not, without the prior permission of the local government, the CEO, or an Authorised Person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.
- (6) Notwithstanding the provisions of subclauses (1)(a), (3)(b) and (4) a person may park a motorcycle in a ~~parking-stall~~parking bay set apart for other vehicles, other than a ~~parking-stall~~parking bay set aside for buses, commercial vehicles and taxis.

3.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a ~~parking-stall~~parking bay shall park it -
 - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law; and
 - (e) so that it does not obstruct any vehicle on the carriageway,

unless otherwise indicated on a parking regulation sign or markings on the roadway.

- (2) In this clause, 'continuous dividing line' means –

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or

- (c) 2 parallel continuous dividing lines.

3.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is -

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

3.4 When angle parking applies

- (1) This clause does not apply to –
 - (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or
 - (b) a person parking either a motor cycle without a trailer or a bicycle.
- (3) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

3.5 General prohibitions on parking

- (1)
 - (a) This clause does not apply to a vehicle parked in a ~~parking~~ stall parking bay nor to a bicycle in a bicycle rack.
 - (b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
- (2) A person shall not park a vehicle so that any portion of the vehicle is -
 - (a) between any other stationary vehicles and the centre of the carriageway;
 - (b) on or adjacent to a median strip;
 - (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;

- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on any footpath, shared path, bike path or pedestrian crossing, or part thereof any footpath or pedestrian crossing;
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (j) within 3 metres of a public letter ~~pillar~~ box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,

unless a sign or markings on the carriageway indicate otherwise.

- (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of –
 - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children's crossing or pedestrian crossing.
- (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of –
 - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
 - (b) a children's crossing or pedestrian crossing.
 - ~~(b) unless a sign or markings on the carriageway indicate otherwise.~~

- (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

3.6 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this Local Law after an Authorised Person has directed the driver to move it.

3.7 Authorised person may mark tyres

- (1) An Authorised Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

3.8 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

3.9 No parking of vehicles exposed for sale and in other circumstances

A person shall not park a vehicle on any portion of a thoroughfare -

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle;
or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

3.10 Parking on private land

- (1) In this clause a reference to 'land' does not include land -

- (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*;
 - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act;
 - (d) which is the subject of an agreement referred to in clause 1.65(2);
or
 - (e) which is identified in Schedule 4.
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

3.11 Parking on reserves

No person, other than an employee of the local government in the course of his or her duties or a person authorised by the local government, shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

3.12 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorised Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.
- (2) Where permission is granted under subclause (1), the local government, the CEO or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 4 PARKING AND STOPPING GENERALLY

4.1 No stopping and no parking signs, and yellow edge lines

- (1) No stopping

A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.

- (2) No parking

A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver is -

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

unattended, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

- (3) No stopping on a carriageway with yellow edge lines

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

PART 5 STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is -

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers,

but, in any event, shall not remain in that loading zone -

- (a) for longer than a time indicated on the 'loading zone' sign; or
- (b) longer than 30 minutes (if no time is indicated on the sign).

5.2 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

5.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

5.4 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

PART 6 OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless -

- (a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws;
- (b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Local Laws;
- (c) the driver is dropping off, or picking up, passengers or goods; or
- (d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

6.2 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to -
 - (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with these Local Laws.

6.3 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.4 Stopping on a bridge or in a tunnel, etc.

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless -
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless -
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or

- (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

6.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

6.6 Stopping near a fire hydrant etc

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless -
 - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

6.7 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, unless -
 - (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.
- (2) In this clause -
 - (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

6.8 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

6.9 Stopping on verge

- (1) A person shall not -
- (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,

so that any portion of it is on a verge.

- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

6.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless -
- (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a ~~parking stall~~parking bay and the driver is permitted to stop in the ~~parking stall~~parking bay under these Local Laws.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless -
- (a) the driver is dropping off, or picking up, passengers; or

- (b) the driver stops in a ~~parking-stall~~parking bay and the driver is permitted to stop in the ~~parking-stall~~parking bay under these Local Laws.

6.11 Stopping near a letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver -

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

6.12 Stopping on a carriageway – heavy and long vehicles

- (1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes -
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause mitigates the limitations or conditions imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

6.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

6.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless -

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

6.15 Stopping in a ~~parking-stall~~parking bay for people with disabilities

- (1) A driver shall not stop in a parking area for people with disabilities unless -

- (a) the driver's vehicle displays an ~~an~~ disability parking permit~~ACROD-sticker~~; and
 - (b) either the driver or the passenger in that vehicle is a person with disabilities.
- (2) In this clause a 'parking area for people with disabilities' is a length or area -
- (a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies;
 - (b) to which a 'people with disabilities parking' sign applies;
 - (c) indicated by a road marking (a 'people with disabilities road marking') that consists of, or includes, a people with disabilities symbol; or
 - (d) set aside within a parking region as a 'permit parking area'~~parking-stall for use of a disabled person'~~ under the ~~Local Government (Parking for Disabled Persons) Regulations 1988~~Local Government (Parking for People with Disabilities) Regulations 2014.
- ~~(d)(3)~~ Offences under this clause attract penalties as set by Local Government (Parking for People with Disabilities) Regulations 2014.

PART 7 MISCELLANEOUS

7.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorised Person.

7.2 Unauthorised signs and defacing of signs

A person shall not without the authority of the local government -

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law.

7.3 Signs must be complied with

Except as provided in clauses 2.3(3)(b) and 3.1(6), and inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this Local Law.

7.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

7.5 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this Local Law, the driver of -

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any ~~time; and~~ time; and
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

7.6 Vehicles not to obstruct a public place

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

7.7 Parking Areas not to be obstructed without a permit

- (1) Unless in accordance with a valid permit for temporary closure of a thoroughfare or use of public land, parking areas and facilities are not to be utilised for general storage purposes.
- (2) Unless a valid permit issued by the local government applies, a person shall not leave a vehicle, any part of a vehicle, a trailer, or any part of a trailer, or any other type of wheeled conveyance in a parking bay or parking facility for the purposes of advertising or in or for the conduct of a commercial activity.

(3) Unless contrary to any other provision of this Local Law, a person will not contravene subclause (2) where a vehicle, part of a vehicle, a trailer, or any part of a trailer, or any other type of wheeled conveyance is left for a period not exceeding 24 hours.

(2) (4) The driver, owner, or custodian of a vehicle must produce any permit held relevant to subclause (1) and subclause (2) as requested by the local government, the CEO, or an Authorised Person, when requested to do so.

PART 8 PENALTIES

8.1 Offences and penalties

- (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.
- (2) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Averment on complaint as to clause 1.65(2) agreement

An averment on a complaint that this Local Law applies to a parking facility or a parking station under an agreement referred to in clause 1.65(2), shall be sufficient proof that this Local Law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.

8.3 Form of notices

For the purposes of this Local Law -

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 3;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 3; and

- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

SCHEDULE 1 PARKING REGION

The parking region is the whole of the district, but excludes the following portions of the district -

- (1) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (2) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (3) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road has been delegated by the Commissioner of Main Roads to the local government.

SCHEDULE 2 PRESCRIBED OFFENCES

cl 8.1

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to park wholly within parking-stall parking bay	70 35
2	2.2(4)	Parking long or wide vehicle across multiple bays	70
32	2.2(54)	Failure to park wholly within parking area	70 35
43	2.3(1)(a)	Causing obstruction in parking station	100 45
54	2.3(1)(b)	Parking contrary to sign in parking station	70 45
65	2.3(1)(c)	Parking contrary to directions of Authorised Person	100 45
76	2.3(1)(d)	Parking or attempting to park a vehicle in a parking-stall parking bay occupied by another vehicle	70 35
87	3.1(1)(a)	Parking wrong class of vehicle	70 35
98	3.1(1)(b)	Parking by persons of a different class	70 40
109	3.1(1)(c)	Parking during prohibited period	70 40
114 10	3.1(3)(a)	Parking in no parking area	100 45
124 4	3.1(3)(b)	Parking contrary to signs or limitations	70 35
134 2	3.1(3)(c)	Parking vehicle in motor cycle only area	70 35
144 3	3.1(4)	Parking motor cycle in stall bay not marked 'M/C'	70 35
154 4	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100 40
164 5	3.2(1)(a)	Failure to park on the left of two-way carriageway	70 35
174 6	3.2(1)(b)	Failure to park on boundary of one-way carriageway	70 35
184 7	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	70 40
194 8	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	70 40
204 9	3.2(1)(d)	Parking closer than 1 metre from another vehicle	70 35
212 0	3.2(1)(e)	Causing obstruction	100 45
222 4	3.3(b)	Failure to park at approximate right angle	70 35
232 2	3.4(2)	Failure to park at an appropriate angle	70 35
242 3	3.5(2)(a) & 6.2	Double parking	70 40
252 4	3.5(2)(b)	Parking on or adjacent to a median strip	70 35
262 5	3.5(2)(c)	Denying access to private drive or right of way	100 40
272 6	3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100 45
282 7	3.5(2)(e)	Parking within 10 metres of traffic island	70 40

2928	3.5(2)(f)	Parking on footpath/pedestrian crossing	10045
3029	3.5(2)(g)	Parking contrary to continuous line markings	7040
3130	3.5(2)(h)	Parking on intersection	7040
3234	3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	10045
3332	3.5(2)(j)	Parking within 3 metres of public letter box	7040
3433	3.5(2)(k)	Parking within 10 metres of intersection	10040
3534	3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	10045
3635	3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	10045
3736	3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	10045
3837	3.6	Parking contrary to direction of Authorised Person	10045
3938	3.7(2)	Removing mark of Authorised Person	10050
4039	3.8	Moving vehicle to avoid time limitation	7035
4140	3.9(a)	Parking in thoroughfare for purpose of sale	7035
4244	3.9(b)	Parking unlicensed vehicle in thoroughfare	7035
4342	3.9(c)	Parking a trailer/caravan on a thoroughfare	7035
4443	3.9(d)	Parking in thoroughfare for purpose of repairs	7035
4544	3.10(1) or (2)	Parking on land that is not a parking facility without consent	10050
4645	3.10(3)	Parking on land not in accordance with consent	7035
4746	3.11	Driving or parking on reserve	10035
4847	4.1(1)	Stopping contrary to a 'no stopping' sign	7035
4948	4.1(2)	Parking contrary to a 'no parking' sign	7035
5049	4.1(3)	Stopping within continuous yellow lines	7035
5150	5.1	Stopping unlawfully in a loading zone	7035
5254	5.2	Stopping unlawfully in a taxi zone or bus zone	7035
5352	5.3	Stopping unlawfully in a mail zone	7035
5453	5.4	Stopping in a zone contrary to a sign	7035
5554	6.1	Stopping in a shared zone	7035
5655	6.3	Stopping near an obstruction	7040
5756	6.4	Stopping on a bridge or tunnel	7035
5857	6.5	Stopping on crests/curves etc	10050
5958	6.6	Stopping near fire hydrant	10050
6059	6.7	Stopping near bus stop	7040
6160	6.8	Stopping on path, median strip or traffic island	7035
6264	6.9	Stopping on verge	7035
6362	6.10	Obstructing path, a driveway etc	10035
6463	6.11	Stopping near letter box	7035
6564	6.12	Stopping heavy or long vehicles on carriageway	7040

66 65	6.13	Stopping in bicycle parking area	70 35
67 66	6.14	Stopping in motorcycle parking area	70 35
67	6.15	Stopping in disabled parking area	40
68	7.6	Leaving vehicle so as to obstruct a public place	100 45
69	7.7(1)	Parking facility used as storage area	100
70	7.7(2)	Vehicle parked for advertising or commercial activity	100
71	7.7(4)	Failure to produce permit	70
72 69		All other offences not specified	70 30

SCHEDULE 3 FORMS

LOCAL GOVERNMENT ACT 1995

FORM 1

PARKING AND PARKING FACILITIES LOCAL LAW

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle -

make:

model:

registration:

was involved in the commission of the following offence -

.....

.....

.....

contrary to clause of the **Parking and Parking Facilities Local Law**.

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

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

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

- (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
- (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5)

(6)

Insert:

- | | | | |
|-----|--------------------------------|-----|--|
| (1) | Name of owner or 'the owner' | (2) | Address of owner (not required if owner not named) |
| (3) | Time of alleged offence | (4) | Location of alleged offence |
| (5) | Signature of authorised person | (6) | Name and title of authorised person giving notice |

LOCAL GOVERNMENT ACT 1995

FORM 2

PARKING AND PARKING FACILITIES LOCAL LAW

INFRINGEMENT NOTICE

Serial No

Date/...../.....

To: (1)

of: (2)

It is alleged that on/...../..... at (3)

at (4) in respect of
your vehicle -

make:

model:

registration:

you committed the following offence -

.....
.....
.....

contrary to clause..... of the **Parking and Parking Facilities Local Law**.

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 to an authorised person at (5) within a period of 28 days after the giving of this notice.

If you take no action you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken – your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilized or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately.

(6)

(7)

Insert:

- | | | | |
|-----|---|-----|--------------------------------|
| (1) | Name of alleged offender or 'the owner' | (2) | Address of alleged offender |
| (3) | Time of alleged offence | (4) | Location of alleged offence |
| (5) | Place where modified penalty may be paid | (6) | Signature of authorised person |
| (7) | Name and title of authorised person giving notice | | |

LOCAL GOVERNMENT ACT 1995

FORM 3

PARKING AND PARKING FACILITIES LOCAL LAW

INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) in respect of
your vehicle -

make:

model:

registration:

you committed the following offence -

.....
.....
.....

contrary to clause of the **Parking and Parking Facilities Local Law**.

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 to an authorised person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice –

- (a) you pay the modified penalty; or
- (b) you -

- (i) inform the Chief Executive Officer or another authorized officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
- (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

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

If you take no action you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following actions may be taken – your driver's licence may be suspended, your vehicle licence may be suspended or cancelled, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilized or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately.

(6)

(7)

Insert:

- | | | | |
|-----|---|-----|--------------------------------|
| (1) | Name of alleged offender or 'the owner' | (2) | Address of alleged offender |
| (3) | Time of alleged offence | (4) | Location of alleged offence |
| (5) | Place where modified penalty may be paid | (6) | Signature of authorised person |
| (7) | Name and title of authorised person giving notice | | |

LOCAL GOVERNMENT ACT 1995

FORM 4

PARKING AND PARKING FACILITIES LOCAL LAW

WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: (1)

of: (2)

Infringement Notice No Date / /

in respect of your vehicle -

make:

model:

registration:

for the alleged offence of -

.....

.....

.....

has been withdrawn

The modified penalty for the offence is \$

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.
- delete as appropriate.

(3)

(4)

Insert:

- | | | |
|-----|--|--|
| (1) | Name of alleged offender to whom (2)
infringement notice was given or
'the owner'. | Address of alleged offender |
| (3) | Signature of authorised person | (4) Name and title of authorised person
giving notice |

SCHEDULE 4 DEEMED PARKING STATIONS
PARKING AND PARKING FACILITIES LOCAL LAW

Dated _____ day of _____.

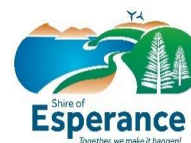
The Common Seal of the Shire of Esperance was hereunto affixed by the authority
of a resolution of the Council in the presence of -

Ronald Chambers
SHIRE PRESIDENT

Shane Burge
CHIEF EXECUTIVE OFFICER

Pricing Principles

The following pricing principles have been used by Council as a guide in setting charges.



Pricing Principles and Bases Used by Council

Pricing Principles	Pricing Basis
1. Public Benefit – service provides a broad community benefit and therefore full cost recovery should not apply. Partial cost recovery could apply in some circumstances.	Zero to partial cost recovery
2. Private Benefit – service benefits particular users making a contribution to their individual income, welfare or profits generally without any broader benefits to the community.	Full cost recovery
3. Shared Benefit – service provides both community benefits and a private benefit.	Partial cost recovery
4. Regulatory – fee or charge fixed by legislation	Regulatory
5. Recommended Retail Price and Average Minimum Mark Up	Supplier and market driven

Application of Pricing Principles to Good and Services

Service	Principle	Basis of Cost
Ranger Services		
Animal Controls	Shared Benefit	Partial
Animal Registration	Regulatory	Regulatory
Impoundage Fees	Private Benefit	Full Cost Recovery
Fire Hazard Reduction	Shared Benefit	Partial
Pet Cemetery	Shared Benefit	Partial
Environmental Health		
Lodging Houses	Shared Benefit	Partial
Food Premises	Shared Benefit	Partial
Caravan Parks & Camping Grounds License	Regulatory	Regulatory
Health Local Law	Shared Benefit	Partial
Offensive Trade Fees	Regulatory	Regulatory
Application for Approval to Construct or Establish Premises	Shared Benefit	Partial
Liquor Licensing	Shared Benefit	Partial
Onsite Effluent Disposal	Regulatory	Regulatory
Public Health Department	Regulatory	Regulatory
Noise	Shared Benefit	Partial
Water Sampling	Shared Benefit	Partial
Administration Fees	Shared Benefit	Partial
Home & Community Care		
CHSP/H&CC	Shared Benefit	Partial
Package Fees	Shared Benefit	Partial
Waste Management		
Rubbish Charges	Shared Benefit	Partial
Waste & Recycling Collection	Shared Benefit	Partial
Gate Fees	Shared Benefit	Partial
Truck Wash Down Bay	Shared Benefit	Partial
Sullage Water Disposal Fees	Shared Benefit	Partial
Town Planning		
Development Applications & Related	Regulatory	Regulatory
Licenses	Regulatory	Regulatory
Amendments	Regulatory	Regulatory
Advertising	Private Benefit	Full Cost Recovery
Rezoning Applications	Regulatory	Regulatory
Road Closures & Dedications	Private Benefit	Full Cost Recovery
Subdivision Applications	Regulatory	Regulatory
Zoning Certificate	Regulatory	Regulatory
Inspections	Regulatory	Regulatory
Cash in Lieu Car Park Construction	Private Benefit	Full Cost Recovery

Venue Hire		
Civic Centre – Various Hire, Equipment and Support Fees	Shared Benefit	Zero to full cost recovery depending on usage
Sound Shell	Shared Benefit	Zero to full cost recovery depending on usage
Senior Citizens Christmas Dinner	Shared Benefit	Partial
Cemeteries		
Cemetery Fees	Shared Benefit	Partial
Sporting Ground & Complexes		
Sport Association Ground Hire	Shared Benefit	Partial
Overflow Camping	Public Benefit	Partial
Stadium Hire & Related Programs	Shared Benefit	Partial
	Public Benefit	Partial
Bay of Isles Leisure Centre		
Entry Fees, Hire, Memberships & Programs	Shared Benefit	Partial
Cultural Facilities		
Library	Shared Benefit	Partial
Museum	Shared Benefit	Partial
Visitor Centre	Shared Benefit	Partial
Volunteer Resource Centre	Shared Benefit	Partial
Airport		
Landing & Terminal Fees	Private Benefit	Full Cost Recovery (RFDS Exempt)
Security Cards	Private Benefit	Full Cost Recovery
Reporting Officer	Private Benefit	Full Cost Recovery (RFDS Exempt)
Building Control		
Permit Applications	Regulatory	Regulatory
Inspection Fees	Private Benefit	Full Cost Recovery
Various Certificates (Design, Compliance etc.) & Advice	Regulatory	Regulatory
Local Laws		
Fencing Local Laws	Regulatory	Regulatory
Private Property	Regulatory	Regulatory
Local Government Property	Regulatory	Regulatory
Trading in Thoroughfares and Public Places	Private Benefit	Full Cost Recovery
Administration and Miscellaneous		
Water Charges	Shared Benefit	Partial
Wildflower Picking Rights	Private Benefit	Full Cost Recovery
Street Advertising Signs	Private Benefit	Full Cost Recovery
Private Works	Private Benefit	At cost + 40%
Drainage Headworks	Private Benefit	At cost + 10%
Sale of Books	Private Benefit	Full Cost Recovery
Camping Fees - Coastal	Public Benefit	Zero to partial cost recovery
Accommodation	Private Benefit	Median of market rate
General Enquiries	Private Benefit	Full Cost Recovery
Printing/Photocopying	Private Benefit	Full Cost Recovery
Property Agreement Administration	Public Benefit	Zero to partial cost recovery
Contract Work	Private Benefit	Full Cost Recovery
Gate Permits	Private Benefit	Full Cost Recovery
Hire of Equipment	Shared Benefit	Partial
Bonds	Private Benefit	Full Cost Recovery

GST Disclaimer

A goods and services tax (GST) applies to a number of goods and/or services supplied by the Shire. Those goods and/or services that are subject to GST have been identified in the attached Schedule of Fees and Charges as GST applying. In accordance with the new tax legislation the prices shown for those goods and/or services are the GST inclusive price.

Some goods and/or services supplied by the Shire have been declared "GST free" or excluded under Division 81 of the legislation. Those goods and/or services which are "GST free" or excluded from GST are indicated in the Schedule of Fees and Charges as GST not applying.

The attached Schedule of Fees and Charges has been prepared using the best available information in relation to the GST impact on the fees and charges at the time of publication.

Accordingly, if a fee that is shown as being subject to GST is subsequently proven not to be subject to GST, then that fee will be amended by reducing the GST to nil. Conversely if the Shire is advised that a fee which is shown as being not subjected to GST becomes subject to GST then the fee will be increased but only to the extent of the GST.

Schedule of Fees and Charges 2025-26 - Ranger Services

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Animal Registrations & Controls				
Microchipping Fee	No	Yes	\$25.00	\$25.50
Dog Impounding Charges				
- Dog Poundage Fee each	No	No	\$144.00	\$149.00
- Dog Poundage Fee (Registered & Microchipped) each	No	No	\$72.00	\$74.50
- Cost of sustenance additional /day	No	No	\$10.00	\$10.30
- Storm Dog Poundage Fee (Return of fully compliant dog after storm or fireworks)	No	No	Nil	Nil
Final Demand Letter	Yes	No	\$26.10	Fees applicable as per the Fines, Penalties and Infringement Notices Regulations 1994
Enforcement Certification	Yes	No	\$22.20	Fees applicable as per the Fines, Penalties and Infringement Notices Regulations 1994
Fines Enforcement Registry Lodgement Fee	Yes	No	\$83.50	Fees applicable as per the Fines, Penalties and Infringement Notices Regulations 1994
Dog Registration Fees				
<i>These fees are prescribed by Dog Regulations 2013 and therefore may be subject to change</i>				
1 year period:				
Pet				
- Sterilised (Pensioners half price)	Yes	No	\$20.00	\$20.00
- Unsterilised (Pensioners half price)	Yes	No	\$50.00	\$50.00
- Dangerous - dog or bitch (annual registration only)	Yes	No	\$50.00	\$50.00
Work dog (25% of set fee)				
- Sterilised	Yes	No	\$5.00	\$5.00
- Unsterilised	Yes	No	\$12.50	\$12.50
Note: Half price concession applies from 31 May to 31 Oct for the first time, 1 year registrations only (cats and dogs).				
3 year period:				
Pet				
- Sterilised (Pensioners half price)	Yes	No	\$42.50	\$42.50
- Unsterilised (Pensioners half price)	Yes	No	\$120.00	\$120.00
Work dog (25% of set fee)				
- Sterilised	Yes	No	\$10.60	\$10.60
- Unsterilised	Yes	No	\$30.00	\$30.00
Life:				
Pet				
- Sterilised (Pensioners half price)	Yes	No	\$100.00	\$100.00
- Unsterilised (Pensioners half price)	Yes	No	\$250.00	\$250.00
Work dog (25% of set fee)				
- Sterilised	Yes	No	\$25.00	\$25.00
- Unsterilised	Yes	No	\$62.50	\$62.50
Dog Rehoming/Surrender Fee	No	Yes	\$80.00	\$83.00
Registration of a dog kept in an approved kennel establishment (per establishment)	Yes	No	\$200.00	\$200.00
Exemption for more than Two Animals (Dog or Cat) per townsite premises:				
Application Fee	No	No	\$62.00	\$64.00
Cat Impounding Charges				
Cat Poundage Fee each	No	No	\$144.00	\$149.00
Cat Poundage Fee (Registered & Microchipped) each	No	No	\$72.00	\$74.50
Cost of sustenance additional day	No	No	\$10.00	\$10.30
Cat Rehoming/Surrender Fee	No	Yes	\$80.00	\$83.00
Bond for hire of cat trap (refundable)	No	No	\$50.00	\$50.00

Schedule of Fees and Charges 2025-26 - Ranger Services

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Cat Registration Fees				
<i>These fees are prescribed by Cat Regulations 2012 and therefore may be subject to change</i>				
1 year period - sterilised (Pensioners half price)	Yes	No	\$20.00	\$20.00
3 year period - sterilised (Pensioners half price)	Yes	No	\$42.50	\$42.50
Lifetime registration period - sterilised (Pensioners half price)	Yes	No	\$100.00	\$100.00
Application for grant or renewal of approval to breed cats (male or female per cat)	Yes	No	\$100.00	\$100.00
Note: Half price concession applies from 31 May to 31 Oct for the first time, 1 year registrations only (cats and dogs).				
Pet Cemetery				
Pet burial site	No	Yes	\$100.00	\$103.00
Impoundage Fees				
Vehicle Impounding Fees:				
- Base charge (exclusive of cost recovery component charged per transaction)	No	No	\$125.00	\$125.00
Sign Impounding Fees:				
- Charge for return of signs	No	No	\$120.00	\$125.00
Shopping Trolley Impounding Fees:				
- Charged for return of trolleys (per trolley)	No	No	\$120.00	\$125.00
Impounding Fees				
- Administration charges for return of item other than a vehicle, sign, or shopping trolley	No	No	-	\$125.00
Fire Hazard Reduction				
Application for Variation to a Firebreak	No	No	-	\$40.00
Contractor costs - Fire Prevention/Firebreaks	No	Yes	-	Full Cost Recovery
Fire Prevention/Firebreaks - Property Entry by Officer or Contractor - Works Administration Fee	No	No	-	\$300.00
Inspection Fees				
Ranger or Fire Control Officer Inspection Fee	No	No	-	\$100.00

Schedule of Fees and Charges 2025-26 - Environmental Health

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Lodging Houses				
Application Fee	No	No	\$310.00	\$310.00
Registration Fee (Annual)	No	No	\$270.00	\$270.00
Transfer of Lodging House Licence	No	No	\$62.00	\$62.00
Food Premises				
Notification Fee	Yes	No	\$75.00	\$75.00
Registration Fee	Yes	No	\$228.00	\$250.00
Food Business Surveillance Category (including pet and animal food) - calculated on a monthly basis, or part thereof, for any period prior to December 31st of each year				
- 1 - Exempt	No	No	Nil	Nil
- 2 - Low	No	No	\$114.00	\$117.00
- 3 - Medium	No	No	\$263.00	\$270.00
- 4 - High	No	No	\$423.00	\$435.00
Change of Food Business Detail	No	Yes	-	\$75.00
Temporary Food Permit - Not for Profit community groups	Yes	No	Nil	Nil
Caravan Parks and Camping Grounds Licence Fees				
Note: Fees set under Caravan Park and Camping Grounds Regulations 1997 and may be subject to change				
Minimum Fee (Application for grant or renewal licence fee only charged if greater than the final total of site type charges, listed below)	Yes	No	\$200.00	\$200.00
Annual Licence Fee calculated by the number of:				
- Long Stay Sites - per site	Yes	No	\$6.00	\$6.00
- Short stay and sites in transit	Yes	No	\$6.00	\$6.00
- Camp Site	Yes	No	\$3.00	\$3.00
- Overflow site	Yes	No	\$1.50	\$1.50
Other Fees				
- Penalty for renewal after expiry	Yes	No	\$20.00	\$20.00
- Transfer of Licence	Yes	No	\$100.00	\$100.00
- Temporary Licence Fee - pro rata as per licence fees above. Minimum Temporary Fee	Yes	No	\$100.00	\$100.00
Application construct park homes, annexe or other buildings	No	No	\$150.00	\$150.00
Temporary accommodation application fee for up to 30 days	No	No	\$150.00	\$150.00
Temporary accommodation for greater than 30 days to a maximum of 24 months	No	No	\$600.00	\$600.00
Renewal fee - Temporary accommodation	No	No	\$300.00	\$300.00
Health Local Laws				
Keeping of Bees	No	Yes	\$100.00	\$100.00
Application for Approval to Construct or Establish Premises (includes assessment and administration fee)				
Beauty therapy	No	No	\$103.00	\$180.00
Skin piercing establishments	No	No	\$103.00	\$180.00
Liquor Licensing				
Liquor Licensing (Section 39 Inspection Certificate) - no inspection	No	No	\$225.00	\$225.00
Liquor Licensing (Section 39 Inspection Certificate) - inspections required	No	No	\$500.00	\$500.00
Gaming				
Gaming Act S55(3) Certification (1 year or one off event)	Yes	No	\$25.00	\$25.00
Gaming Act S55(3) Certification (5 year)	Yes	No	\$105.00	\$105.00
Onsite Effluent Disposal				
Note: Fees are prescribed under the Health (Treatment and Sewage and Disposal of Liquid Waste) Regulation 1974 and may be subject to change				
Local Government Application Fee	Yes	No	\$118.00	\$118.00
Insurance of "Permit to Use an Apparatus"	Yes	No	\$118.00	\$118.00
Public Health Department under r.4A				
Local Government Report fee	Yes	No	\$125.00	\$125.00
¹ Fees are prescribed under the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and may be subject to change				

Schedule of Fees and Charges 2025-26 - Environmental Health

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Noise				
Noise Management Plan application for approval	No	No	\$140.00	\$144.00
Regulation 18 non-complying event noise exemption	Yes	No	\$600.00	\$600.00
Noise Monitoring - sound level meter - (per day)	No	Yes	\$412.00	\$424.00
Water Sampling				
Water sampling fee (within Esperance townsite) (per sample)	No	Yes	\$50.00	\$50.00
Water sampling fee (outside Esperance townsite) (per sample)	No	Yes	\$65.00	\$65.00
Water re-sampling due to non-compliance (per sample)	No	Yes	\$100.00	\$100.00
Public Building Application Fee - Low Risk	Yes	No	\$217.75	\$225.00
Public Building Application Fee - Medium Risk	Yes	No	\$435.50	\$450.00
Public Building Application Fee - High Risk	Yes	No	\$871.00	\$900.00
Temporary Public Building	Yes	No	Nil	Nil
Temporary Public Building not for profit	Yes	No	Nil	Nil
Administration Fees				
Copy of approval certificates per 30 minutes (minimum charge \$80)	No	No	\$82.50	\$83.00
Change of ownership of Health approval	No	No	\$72.00	\$75.00
Inspection Fees				
- Re-inspection due to incomplete or unsatisfactory work	No	No	\$103.00	\$106.00
- Property inspection on request	No	No	\$103.00	\$106.00
- Other - Pet shops, workshops, liquid waste industry, light ventilation or bore hole fee or suitability for animal drinking water supply inspections, settlement agents, inspection of pest control operators	No	No	\$103.00	\$106.00

Schedule of Fees and Charges 2025-26 - Home & Community Care

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
<i>Note: Fees effective from 1 September 2025</i>				
Commonwealth Home Support Program / Home & Community Care				
Domestic Assistance Services - per hour	No	No	\$11.50	\$12.00
Personal Care - per hour	No	No	\$11.50	\$12.00
Home Garden & Maintenance Services - per hour	No	No	\$16.00	\$16.60
Social Support (In Home) - per hour	No	No	\$5.50	\$12.00
Social Support (Community Access) - per hour	No	No	\$11.50	\$16.60
Day Centre Activities	No	No	\$5.00 - \$18.00	\$6.00 - \$19.00
Transport Community - per hour	No	No	\$4.00	\$16.60
Non Cancellation Fee (all CHSP services)	No	No	\$9.00	Service Cost
Meals on Wheels - per meal	No	No	\$13.50	\$14.00
Self-Funded retirees fees (DA, Personal Care, In Home Social Support) - per hour	No	No	\$23.50	\$24.40
Self-Funded retirees fees (Transport, Gardening, Social Support - Community Access) - per hour	No	No	-	\$33.20
Weekend CHSP Services (these are not supported by CHSP with weekend rates)				
Saturday Medication Service - per service	No	No	-	\$10.00
Sunday Medication Service - per service	No	No	-	\$13.00
Public Holiday Medication Service - per service	No	No	-	\$20.00
Saturday Personal Care Service - per hour	No	No	-	\$20.00
Sunday Personal Care Service - per hour	No	No	-	\$25.00
Public Holiday Personal Care Service - per hour	No	No	-	\$30.00
Self funded Retirees Saturday Medication Service - per service	No	No	-	\$15.00
Self funded Retirees Sunday Medication Service - per service	No	No	-	\$20.00
Self funded Retirees Public Holiday Medication Service - per service	No	No	-	\$26.00
Self funded Retirees Saturday Personal Care Service - per hour	No	No	-	\$40.00
Self funded Retirees Sunday Personal Care Service - per hour	No	No	-	\$50.00
Self funded Retirees Public Holiday Personal Care Service - per hour	No	No	-	\$60.00
Veterans Home Care Fees			As per DVA contract	As per DVA contract
Home Care Package Fees (Level 1-4)/Support at Home (Categories 1-8)				
Meals on Wheels (food only)	No	No	\$6.50	\$6.80
Centre Meals (food only)	No	No	\$5.50	\$5.80
Contracted Services (NDIS, brokered or private)			As per the applicable NDIS rate	As per the applicable contracted rate

Schedule of Fees and Charges 2025-26 - Waste Management

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Waste Collection - Domestic				
<i>Pensioner discount 25% on all Domestic Waste Services</i>				
Domestic Waste Collection Service Charge - per service:				
- 140 litre bin - Limit of 1	No	No	\$200.00	\$210.00
- 140 litre bin - For the second and subsequent bins	No	No	\$412.00	\$433.00
- 240 litre bin - Limit of 1	No	No	\$296.00	\$311.00
- 240 litre bin - For the second and subsequent bins	No	No	\$640.00	\$672.00
- 360 litre bin (Only where Recycling not available)	No	No	\$412.00	\$433.00
Strata Units or Aged Accommodation sharing a bulk bin (min 15):				
- Waste	No	No	\$170.00	\$178.50
- Recycle	No	No	\$118.00	\$124.00
0-1 m3 household rubbish for pass holders (Town & Country)	No	No	4 free vouchers	4 free vouchers
Additional Unscheduled Bin Collection: as below				
Waste Collection - Commercial				
Commercial Waste Collection Service Charge - per service:				
- 140 litre bin - Limit of 2	No	No	\$200.00	\$210.00
- 140 litre bin - For the third and subsequent bins	No	No	\$412.00	\$433.00
- 240 litre bin - Limit of 2	No	No	\$296.00	\$311.00
- 240 litre bin - For the third and subsequent bins	No	No	\$640.00	\$672.00
Additional Unscheduled Bin Collection: as below				
Recycling Collection - Domestic				
<i>Pensioner discount 25% on all Domestic Recycling Services</i>				
Domestic Recycling Collection Service Charge per service:				
- 140 litre bin	No	No	\$152.00	\$160.00
- 240 litre bin	No	No	\$195.00	\$205.00
- 360 litre bin	No	No	\$202.00	\$212.00
Additional Unscheduled Bin Collection: as below				
Recycling Collection - Commercial				
Commercial Recycling Collection Service Charge				
Per Fortnightly Service				
- 240 litre bin	No	No	\$196.00	\$206.00
- 360 litre bin	No	No	\$260.00	\$273.00
- 1.5m3 bin	No	No	\$1,310.00	\$1,375.00
- 3m3 bin	No	No	\$2,000.00	\$2,100.00
- 4.5m3 bin	No	No	\$2,670.00	\$2,804.00
Per Weekly Service				
- 240 litre bin	No	No	\$364.00	\$382.00
- 360 litre bin	No	No	\$491.00	\$516.00
- 1.5m3 bin	No	No	\$1,969.00	\$2,067.00
- 3m3 bin	No	No	\$3,371.00	\$3,540.00
- 4.5m3 bin	No	No	\$4,715.00	\$4,950.00
Additional Unscheduled Bin Collection				
- 140 litre bin	No	No	\$36.00	\$38.00
- 240 litre bin	No	No	\$36.00	\$38.00
- 360 litre bin	No	No	\$36.00	\$38.00
- 1.5 - 4.5m3 bin	No	No	\$88.00	\$92.00

Schedule of Fees and Charges 2025-26 - Waste Management

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Wylie Bay Waste Facility				
Residential refuse for non-pass holders per m3	No	Yes	\$56.00	\$59.00
Industrial/Commercial Waste Deliveries on week days per m3	No	Yes	\$56.00	\$60.00
Industrial/Commercial Waste Deliveries on weekends per m3	No	Yes	\$74.00	\$78.00
Commercial qty Asbestos Disposal per m3	No	Yes	\$120.00	\$160.00
Domestic qty Asbestos Disposal domestic per sheet by arrangement	No	Yes	\$36.00	\$37.00
Clinical Waste (per m3)	No	Yes	\$247.00	\$254.00
Clinical Waste / Sharps Container (per litre)	No	Yes		\$15.00
Tyre Disposal:				
- Car/Motorbike	No	Yes	\$13.00	\$13.00
- Light Truck & 4WD	No	Yes	\$14.00	\$14.00
- Heavy Truck & Trailer	No	Yes	\$37.00	\$37.00
- Rims extra	No	Yes	\$10.00	\$10.00
Waste oil free for residents <40 litres	No	Yes	Nil	Nil
Household Hazardous Waste (e.g. oil) per litre/kg (moved line)	No	Yes	\$6.70	\$7.00
Oil Filters (each)	No	Yes	\$12.40	\$10.00
Waste Deliveries out of hours (Special Waste) per hour	No	Yes	\$124.00	\$128.00
Unscheduled Special Waste deliveries & associated works per hour	No	Yes	-	\$128.00
Gas Bottles:				
- Small (per bottle) up to 9kg	No	Yes	\$17.50	\$10.00
- Large (per bottle) over 9kg	No	Yes	\$26.00	\$20.00
- Degassing fee	No	Yes	\$21.00	\$21.75
Quarantine/Biosecurity Waste:				
- per m3 or part thereof	No	Yes	\$412.00	\$425.00
- per m3 - weekend	No	Yes	\$515.00	\$535.00
Animal Disposal Site Fees:				
- Veterinary / other authorised businesses permit to dispose of dead animals - Annual	No	Yes	\$655.00	\$685.00
- Animal Carcass disposal - Domestic	No	Yes	\$31.00	\$32.50
- Animal Carcass disposal - Agriculture / Industry / large	No	Yes	\$82.50	\$86.00
E-Waste (e.g.: PC, TV, DVD/ VCR) Domestic perm3	No	Yes	Nil	Nil
E-Waste (e.g.: PC, TV, DVD/ VCR) Commercial per m3	No	Yes	-	\$120.00
Fluoro Globes (Commercial Quantity = 5 tubes/5 globes), less than 5 is free (less than 10)	No	Yes	\$0.50	nil
Mixed globes - per globe (when more than 10) out of scope or commercial	No	Yes	\$0.70	\$0.70
Household Batteries (more than 1kg) per kg	No	Yes	\$2.10	\$2.10
Mattress for recycling	No	Yes	\$17.50	\$18.00
Clean Green Waste Domestic (per m3)	No	Yes	Nil	Nil
Clean Green Waste Commercial (Not Requiring Mulching e.g.: lawn clippings) (per m3)	No	Yes	-	Nil
Clean Green Waste Commercial (Requiring Mulching) (per m3)	No	Yes	-	\$15.00
Green Waste large stumps (per m3) larger than 500 mm x 500 mm	No	Yes	\$55.00	\$57.00
Clean Fill (more than 200 m3) (per m3)	No	Yes	\$6.70	\$7.00
Greater than 20% recyclables to Tipping Face (per m3)	No	Yes	\$108.00	\$112.00
Clean Construction & Demolition Waste (per m3)	No	Yes	\$23.00	\$25.00
Unsorted Construction & Demolition Waste (per m3)	No	Yes	\$45.00	\$55.00
Recycling:				
- Unsorted per m3	No	Yes	\$27.00	\$28.00
- Sorted per m3	No	No	Nil	Nil
Short Term Bin Hire:				
- per 240L or 360L bin (free for Community Events) (max term 8 weeks) per week	No	Yes	\$19.00	\$19.00
- per 1.5m3 bin	No	Yes	\$63.00	\$65.00
- per 3.0m3 bin	No	Yes	\$63.00	\$65.00
- per 4.5m3 bin	No	Yes	\$88.00	\$90.00
Bin Swap - more than 1 per annum	No	No	\$35.00	\$36.00
Tip Shop	No	Yes	-	At management discretion, minimum gold coin
Truck Wash Down Bay				
Fee for use of truck wash down bay - per minute	No	Yes	\$1.30	\$1.30
AVDATA key	No	Yes	\$58.00	\$58.00
Truck wash and Liquid Waste Clean-up Charge (per hour/per person)	No	Yes	\$206.00	\$212.00
Sullage Water Disposal Fees - As per licence				
Fees charged per 1000 litres	No	No	\$88.00	\$90.00

Schedule of Fees and Charges 2025-26 - Town Planning

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Development Applications				
Determination of application where the development has not commenced or been carried out and estimated cost of development is:				
- Not more than \$50,000	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
- More than \$50,000 but not more than \$500,000				
- More than \$500,000 but not more than \$2.5 million				
- More than 2.5 million but not more than 5 million				
- More than \$5 million but not more than \$21.5 million				
- More than \$21.5 million				
Determination of application where the development has commenced or been carried out	Yes	No	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee
Determination of application where the development has commenced or been carried out where the non-compliance is confirmed to be undertaken by a previous owner.	Yes	No	Application fee as if development had not commenced	Application fee as if development had not commenced
Change of Use Development Applications				
Determination of application where the development has not commenced or been carried out	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
Determination of application where the development has commenced or been carried out	Yes	No	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee
Non-Conforming Use Development Applications				
Determination of application where the development has not commenced or been carried out	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
Determination of application where the development has commenced or been carried out	Yes	No	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee
Home Based Business Development Applications				
Determination of new application where has not commenced operating	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
Determination of new application where has commenced operating	Yes	No	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee
Determination of renewal application where application is made before approval has expired or within one (1) month of expiry	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
Determination of renewal application where application is made one (1) month after the approval has expired	Yes	No	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee

Schedule of Fees and Charges 2025-26 - Town Planning

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Extractive Industries Development Applications				
Determination of application where an extractive industry has not commenced or been carried out	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
Determination of application where an extractive industry has commenced or been carried out	Yes	No	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee
Extractive Industries Licence (Local Laws)				
Issuance of Local Law Licence	Yes	No	\$105.00	\$105.00
Extractive Industries Security Bonds				
Sand, Limes and, Gravel, Gypsum (per ha of excavation)	No	No	\$15,000.00	\$15,000.00
Limestone, Hard Rock, Granite (per ha of excavation)	No	No	\$25,000.00	\$25,000.00
Miscellaneous Development Applications Where Estimated Cost of Development Criteria is Not Relevant (e.g. Bed & Breakfast; Cottage Industry; Family Day Care; Earthworks; Modifications to Building Envelope)				
Determination of application where the development has not commenced or been carried out	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
Determination of application where the development has commenced or been carried out	Yes	No	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee
Determination of renewal application where application is made before approval has expired or within one (1) month of expiry	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
Determination of renewal application where application is made one (1) month after the approval has expired	Yes	No	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee	Applicable fee as if development had not commenced, plus by way of penalty, twice that fee
Advertising of Development Applications as Per Local Planning Scheme Provisions	No	No	\$250.00	\$250.00
Amendment to Town Planning Approval (reflects work involved)				
- Minor Amendment	No	No	\$170.00	\$175.00
- Major Amendment	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
Preliminary Consideration of Development Plans	No	Yes	\$500.00	\$500.00
Cancel development approval				
Determining an application to amend or cancel development approval	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
A Development Assessment Panel application where the estimated cost of the development is:				
- Not less than \$3 million and less than \$7 million	Yes	No	Fee Stipulated in Schedule 1 - Planning and Development (Development Assessment Panels) Regulations 2011	Fee Stipulated in Schedule 1 - Planning and Development (Development Assessment Panels) Regulations 2011
- Not less than \$7 million and less than \$10 million				
- Not less than \$10 million and less than \$12.5 million				
- Not less than \$12.5 million and less than \$15 million				
- Not less than \$15 million and less than \$17.5 million				
- Not less than \$17.5 million and less than \$20 million				
- 20 million or more				
- An application under r. 17				
Note 1: In addition to any fees payable to the Local Government				
Note 2: Must remit fee to Department within 30 days of receipt of DAP application				

Schedule of Fees and Charges 2025-26 - Town Planning

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Request for Extension of Time to Planning Approval				
- Basic Fee for Assessment (reflects work)	No	No	\$185.00	\$190.00
Rezoning Applications				
- Initial (non-refundable)	No	No	\$800.00	\$800.00
- Basic Amendment (as per regulations, reflects work) Refund unexpended fees	No	No	\$4,000.00	\$4,250.00
- Standard Amendment (as per regulations, reflects work) Refund unexpended fees	No	No	\$8,000.00	\$8,500.00
- Complex Amendment (as per regulations, reflects work) Refund unexpended fees	No	No	\$11,000.00	\$11,500.00
Proposed Structure Plans & Detailed Area Plans				
- Initial (non-refundable)	No	No	\$750.00	\$750.00
- Minor (as per regulations, reflects work) Refund unexpended fees	No	No	\$5,500.00	\$6,000.00
- Major (as per regulations, reflects work) Refund unexpended fees	No	No	\$9,500.00	\$10,000.00
Local Planning Strategy Amendments				
Processing Fee (reflects work) Refund unexpended fees	No	No	\$7,000.00	\$8,000.00
Road Closure Applications	No	No	\$600.00	\$600.00
Road Dedication Applications (Outside of Subdivision)	No	No	\$600.00	\$600.00
Liquor Licensing - Section 40	No	No	\$100.00	\$105.00
Subdivision Clearances (incl Strata's)				
- Not more than 5 lots	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
- More than 5 lots but not more than 195 lots				
- More than 195 lots				
Performance Bond for Second Hand Transportable Dwellings (per dwelling min.)	No	No	\$15,000.00	\$15,000.00
Zoning Certificate (including settlement advice)	Yes	No	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009	Maximum Fee Chargeable under Schedule 2 - Planning and Development Regulations 2009
Town Planning Enquiry (written response)				
Health, Building & Town Planning Requested Inspections outside of normal Council operations	No	Yes	\$190.00 per hour plus mileage allowance of \$1.20/km	\$190.00 per hour plus mileage allowance of \$1.20/km
Cash in Lieu Car Park Construction Costs (per bay)	No	No	\$3,500.00	\$7,900.00

Schedule of Fees and Charges 2025-26 - Venue Hire

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
CIVIC CENTRE				
Auditorium Including Main Foyer				
Concert & Stage Plays - Includes standard lighting/sound				
- Full Day (8 hour maximum)	No	Yes	\$2,080.00	\$2,152.00
- Half Day	No	Yes	\$1,580.00	\$1,635.00
Conventions, Meetings, Quiz Nights etc - Includes standard lighting/sound.				
- Full Day (8 hour maximum)	No	Yes	\$1,255.00	\$1,298.00
- Half Day	No	Yes	\$895.00	\$925.00
Stage Rehearsals				
- Full lighting (per hour)	No	Yes	\$190.00	\$250.00
- Work lights (per hour)	No	Yes	\$95.00	\$98.00
Reception Room including Kitchen and Reception Bar				
Weddings/Dinners/Parties/Concerts (8 hour maximum)				
- Whole room, one booking (per day)	No	Yes	\$680.00	\$700.00
Meeting, Seminars, Worship groups etc.				
- Full Day	No	Yes	\$350.00	\$380.00
- Half Day	No	Yes	\$250.00	\$280.00
Cleaning fee (where extra cleaning is required due to the condition of the hired space)	No	Yes	-	\$250.00
Main Foyer				
- Full Day (8 hour maximum)	No	Yes	\$340.00	\$280.00
- Half Day	No	Yes	\$250.00	\$190.00
Removal of signed frames and/or all furniture	No	Yes	-	\$500.00
Commercial Kitchen				
Commercial Kitchen Hire - Commercial Catering				
- Full Day (8 hour maximum)	No	Yes	\$190.00	\$280.00
- Half Day	No	Yes	-	\$140.00
Commercial Kitchen Hire - Non-Commercial Catering				
- Full Day (8 hour maximum)	No	Yes	\$90.00	\$120.00
- Half Day	No	Yes	-	\$60.00
Discounts Available on Combined Auditorium & Reception Room Fees				
Whole Complex	No	Yes	10%	10%
Not For Profit Organisations and Funerals	No	Yes	20%	20%
Surcharges				
Weekends & Public Holidays	No	Yes	10%	10%
Event Support - Labour (per person)				
Weekday per hour	No	Yes	\$75.00	\$65.00
Saturday per hour	No	Yes	\$75.00	\$75.00
Sunday per hour	No	Yes	\$75.00	\$90.00
Set up/Pack down per hour (Reception Room/Foyer/External events)	No	Yes	\$53.00	\$53.00
Security Call Out				
Call out fee	No	Yes	-	\$150.00
Commission on Ticket and Merchandise Sales				
Booking fee per ticket sale	No	Yes	\$4.95	\$3.95
20% discount on Booking fee for Not For Profit groups				
Commission on merchandise sales	No	Yes	10%	10%
Bonds				
Venue hire bond	No	No	\$500.00	\$550.00
Liquor bond on sporting clubs and private functions	No	No	\$1,300.00	\$1,300.00
External hire equipment bond	No	No	-	\$200.00
Hire of Equipment and Services - Internal (with room booking)				
Piano Hire - Yamaha G2 Baby Grand	No	Yes	\$200.00	\$250.00
Piano Hire - Yamaha Upright Piano	No	Yes	-	\$100.00
Haze Machine Per Day (8hr maximum)	No	Yes	-	\$50.00
PA system - Reception Room function Per Day (8 hr maximum)	No	Yes	\$185.00	\$190.00
Small Projector Per Day (per event)	No	Yes	\$37.00	\$50.00
Reception Room Mounted TV (per event)	No	Yes	-	\$30.00
Large Panasonic Projector & Fastfold Screen (per day)	No	Yes	-	\$400.00
Hand Held Mic Per Day (8 hr maximum)	No	Yes	-	\$50.00
Lectern, Whiteboard, etc (per day, per item)	No	Yes	\$19.00	\$20.00
JBL Eon Column Speaker (Rechargeable)	No	Yes	-	\$200.00
JBL Partybox Club120 Speaker & Microphones	No	Yes	-	\$50.00
Rostra (Megadeck stage pieces) per section	No	Yes	-	\$20.00
Tea/Coffee Service (per person)	No	Yes	-	\$3.00
Hire of Equipment and Services - External Hirers				
All items available at management discretion				

Schedule of Fees and Charges 2025-26 - Venue Hire

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
PA system - 2 x speakers, small mixing desk, 1 x microphone & stand (8 hr maximum)	No	Yes	\$185.00	\$240.00
Haze Machine Per Day (8hr maximum)	No	Yes	-	\$60.00
Small Projector Per Day (per event)	No	Yes	\$37.00	\$50.00
Hand Held Mic Per Day (8 hr maximum)	No	Yes	-	\$50.00
Lectern, Whiteboard, etc (per day, per item)	No	Yes	\$19.00	\$20.00
JBL Eon Column Speaker (Rechargeable)	No	Yes	-	\$200.00
JBL Partybox Club120 Speaker & Microphones (per event)	No	Yes	-	\$60.00
Trestle Tables (per event)	No	Yes	-	\$10.00
Chairs (per event)	No	Yes	-	\$2.50
Rostra (Megadeck stage pieces) per section	No	Yes	-	\$50.00
** All external hires requiring delivery, set up & pack down	No	Yes	-	\$100.00
Late return fee (per item - management discretion)	No	Yes	\$25.00	\$25.00
Advertising Poster Distribution (per poster)	No	Yes	\$3.50	\$3.50
Flyer distribution	No	Yes	\$460.00	\$460.00
Seniors Christmas Dinner Event				
Tickets (each)	No	Yes	\$25.00	\$25.00
Ticket Structure (each)				
Promotor (External Hire)	No	Yes	-	As per agreed contract
Buy In Shows (In House)				
VIP	No	Yes	-	\$0 - \$80.00
Standard	No	Yes	-	\$0 - \$70.00
Concession	No	Yes	-	\$0 - \$60.00
Student	No	Yes	-	\$0 - \$60.00
Child (2-16)	No	Yes	-	\$0 - \$50.00
Companion card	No	Yes	-	Nil
Bar and Kiosk				
Snacks (per unit)	No	Yes	-	\$1.00 - \$10.00
Drinks - Non Alcoholic - per unit	No	Yes	-	\$2.00 - \$10.00
Drinks - Alcoholic - per unit	No	Yes	-	\$3.00 - \$18.00
SOUND SHELL (permits may be required)				
Hire fee more than 3 hours	No	Yes	\$185.00	\$200.00
Hire fee less than 3 hours	No	Yes	\$110.00	\$115.00
Hire for a free community event	No	No	Nil	Nil
Multiple days of the same event/by same organisation	No	Yes	5 for the price of 3	5 for the price of 3
Bond	No	No	\$100.00	\$150.00

Schedule of Fees and Charges 2025-26 - Cemeteries

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Cemetery - Burial Fees				
Grant of Right of Burial (Grave Plot)	No	No	\$1,710.00	\$1,770.00
Ordinary Interment (Burial)	No	Yes	\$1,950.00	\$2,020.00
Child/Perinatal (includes plaque)*	No	Yes	\$710.00	\$730.00
Interment of stillborn and Perinatal child (Lawn Section)*	No	Yes	\$210.00	\$220.00
Interment of stillborn and Perinatal child (Antenatal Section includes plinth)*	No	Yes	\$470.00	\$490.00
Monument Fees				
New Monument Permit Fee	No	No	\$210.00	\$220.00
Renovation/Alteration Monument Permit Fee	No	No	\$60.00	\$65.00
Placement of plaque only	No	Yes	\$135.00	\$140.00
Monumental Mason / Funeral Director Fees				
Annual Monumental Mason Licence	No	No	\$330.00	\$340.00
Single Monumental Work Licence	No	No	\$60.00	\$65.00
Undertakers Annual Licence Fee	No	No	\$330.00	\$340.00
Placement of Ashes Fees				
Placement in Burial area	No	Yes	\$220.00	\$230.00
Placement in Niche Wall or Rose Garden*	No	Yes	\$580.00	\$600.00
Second Placement in Niche Wall or Rose Garden - if done at a separate time	No	Yes	\$145.00	\$150.00
Scattering to the winds within the Cemetery	No	Yes	\$65.00	\$65.00
Miscellaneous Fees				
Additional fee for late arrival at Cemetery	No	Yes	\$330.00	\$340.00
Oblong or oversized caskets	No	Yes	\$330.00	\$340.00
Weekend or Public Holiday - Additional Fee	No	Yes	\$1,060.00	\$1,100.00
Copy of Grant of Right of Burial	No	No	\$180.00	\$190.00
Administration Fee	No	Yes	\$85.00	\$90.00
Single Funeral Permit	No	No	\$740.00	\$770.00
Removal and Replacement of Ledger	No	Yes	\$490.00	\$510.00
Exhumation Fees				
Re-opening of grave	No	Yes	\$2,400.00	\$2,480.00
Re-interment in new grave	No	Yes	\$1,310.00	\$1,360.00
*Includes Grant of Right of Burial (25 year term)				

Schedule of Fees and Charges 2025-26 - Sporting Grounds & Complexes

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Sporting Association Ground Fees				
Charge per 'Unit'	No	Yes	\$565.00	\$580.00
Esperance Agricultural Show	No	Yes	\$2,400.00	\$2,500.00
Casual Ground Hire Charges				
Non Commercial/Not for Profit (inc schools) morning/afternoon or evening session (booking within school hours charged as 1 session)				
- Old Hockey Oval	No	Yes	\$72.00	\$74.00
- Little Lords/10,000m2 of Multi-Sports/Overflow Camping-Circus	No	Yes	\$110.00	\$113.00
- Ovals (Ports, Esp, Newtown, Gibson)/20,000m2 of Multi-Sports	No	Yes	\$165.00	\$170.00
- Whole of Multi-Sports (40,000m2)	No	Yes	\$250.00	\$258.00
Non Commercial/Not for Profit (inc schools) 2 or more sessions				
- Old Hockey Oval	No	Yes	\$110.00	\$113.00
- Little Lords/10,000m2 of Multi-Sports/Overflow Camping-Circus	No	Yes	\$165.00	\$170.00
- Ovals (Ports, Esp, Newtown, Gibson)/20,000m2 of Multi-Sports	No	Yes	\$250.00	\$257.00
- Whole of Multi-Sports (40,000m2)	No	Yes	\$375.00	\$385.00
Commercial Rate - morning/afternoon or evening session				
- Old Hockey Oval	No	Yes	\$300.00	\$310.00
- Little Lords/10,000m2 of Multi-Sports/Overflow Camping-Circus	No	Yes	\$445.00	\$460.00
- Ovals (Ports, Esp, Newtown, Gibson)/20,000m2 of Multi-Sports	No	Yes	\$670.00	\$690.00
- Whole of Multi-Sports (40,000m2)	No	Yes	\$1,010.00	\$1,040.00
Commercial Rate 2 or more sessions				
- Old Hockey Oval	No	Yes	\$450.00	\$465.00
- Little Lords/10,000m2 of Multi-Sports/Overflow Camping-Circus	No	Yes	\$670.00	\$690.00
- Ovals (Ports, Esp, Newtown, Gibson)/20,000m2 of Multi-Sports	No	Yes	\$1,010.00	\$1,040.00
- Whole of Multi-Sports (40,000m2)	No	Yes	\$1,520.00	\$1,570.00
Equestrian Club	No	Yes	+20% Loading on above rates	+20% Loading on above rates
Oval Lighting Fees	No	Yes	Cost Recovery + \$2.50/hr commission	Cost Recovery + \$2.50/hr commission
Ground Hire Bonds				
Ground hire bond	No	No	\$500.00	\$500.00
Liquor bond	No	No	\$1,500.00	\$1,500.00
Overflow Camping				
Unpowered Site per night (2 people)	No	Yes	\$40.00	\$40.00
Extra person per site	No	Yes	\$10.00	\$10.00
Overflow closed self contained extra large vehicle parking per night (maximum 7 nights)	No	Yes	\$25.00	\$25.00
GSG - Greater Sports Ground				
Note: Fees effective from 1 September 2024				
Stadium Court Hire				
- Booked Court Hire (per hour)	No	Yes	\$35.00	\$35.00
- Casual Court Hire (per hour)	No	Yes	\$20.00	\$20.00
- Event Hire Half Stadium (per day)	No	Yes	\$400.00	\$400.00
- Event Hire Full Stadium (per day)	No	Yes	\$640.00	\$640.00
- Programmed casual entry per person (maximum 2 hours)	No	Yes	\$5.00	\$5.00
Bonds				
- Security Bond	No	Yes	\$500.00	\$500.00
- Security Bond - Alcohol Permitted	No	Yes	\$2,000.00	\$2,000.00
Kitchen and Kiosk				
- Kitchen and Kiosk Hire (per day)	No	Yes	\$100.00	\$100.00
- Hire 1 month for sporting clubs only	No	Yes	\$100.00	\$100.00
Advertising				
- Promotional Package 1	No	Yes	\$250.00	\$250.00
- Promotional Package 2	No	Yes	\$500.00	\$500.00
- Promotional Package 3	No	Yes	\$1,000.00	\$1,000.00
- Annual Court Naming (per court)	No	Yes	\$1,500.00	\$1,500.00
Additional Charges				
- Staff labour- per person (per hour)	No	Yes	\$70.00	\$70.00
- Staff labour- per person (per hour) - out of hours	No	Yes	\$100.00	\$100.00
- Key/Fob replacement	No	Yes	\$56.00	\$56.00
- Cleaning fee (per hour)	No	Yes	\$120.00	\$120.00
- Set up/pack down (per hour)	No	Yes	\$75.00	\$75.00
- Laying of carpet squares - Full stadium	No	Yes	-	\$1,500.00
- Laying of carpet squares - Half stadium	No	Yes	-	\$800.00
- Pack up of carpet squares - Full stadium	No	Yes	-	\$1,000.00
- Pack up of carpet squares - Half stadium	No	Yes	-	\$600.00
EIS - Esperance Indoor Stadium				
Grandstand set up and removal fee	No	Yes	\$250.00	\$260.00
Grandstand extra day left set up	No	Yes	\$120.00	\$125.00
Classes at EIS charged at BOILC Fees	No	No		

Schedule of Fees and Charges 2025-26 - Sporting Grounds & Complexes

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Noel White Centre				
<i>Note: Fees effective from 1 September 2024</i>				
Meeting Room Commercial (per hour)	No	Yes	\$45.00	\$45.00
Meeting Room Community (per hour)	No	Yes	\$25.00	\$25.00
Meeting Room Clubs (Club sports administration)	No	Yes	Nil	Nil
Meeting Room Commercial (per day at management discretion)	No	Yes	\$185.00	\$185.00
Meeting Room Community (per day at management discretion)	No	Yes	\$92.00	\$92.00
Function Room Hire Commercial (per hour)	No	Yes	\$82.00	\$82.00
Function Room Hire Community (per hour)	No	Yes	\$42.00	\$42.00
Function Room Commercial (per day at management discretion)	No	Yes	\$645.00	\$645.00
Function Room Hire Community (per day at management discretion)	No	Yes	\$325.00	\$325.00
Office Hire per hour	No	Yes	-	\$20.00
Office Hire per day	No	Yes	\$100.00	\$100.00
Office Hire 12 months	No	Yes	\$300.00	\$300.00
Storage Hire 12 months	No	Yes	\$150.00	\$150.00
Programs				
<i>Note: Fees effective from 1 September 2024</i>				
School Holiday Programs				
School holiday program - per day	No	Yes	\$50.00	\$50.00
Companion card holders carer for above programs	No	No	Nil	Nil

Schedule of Fees and Charges 2025-26 - Bay of Isles Leisure Centre

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
<i>Note: Fees effective from 1 September 2025</i>				
Bay of Isles Leisure Centre				
Last Hour 50% discount - applies to gym and pool entries only for the last hour operation	No	Yes	50% Discount	50% Discount
Admission 10 yrs+ (excluding centre programs)	No	Yes	\$1.00	\$1.00
Companion card holders carer	No	No	Nil	Nil
Front foyer Commercial advertising fee (yearly September charge out)	No	Yes	\$150.00	\$150.00
Administration fee	No	Yes	\$25.00	\$25.00
Meeting Room Hire (per hour), excluding entrance fee	No	Yes	\$25.00	\$25.00
Kiosk and Pro Shop retail items - Discounts and specials at management discretion	No	Yes	-	Average minimum mark up of 70% across all stock
Aquatic				
Adult	No	Yes	\$8.00	\$8.00
Under 5 supervisor 1:1 ratio Watch Around Water	No	No	Nil	Nil
Child under 12 years	No	Yes	\$4.50	\$4.50
Concession (Student, Health Care, Senior and Concession Card Holders)	No	Yes	\$5.50	\$5.50
Family pass (2 adults + 2 children)	No	Yes	\$21.50	\$21.50
Lane hire Commercial (per hr), plus entry fee	No	Yes	\$17.50	\$17.50
Lane hire Community (per hr), plus entry fee	No	Yes	\$6.70	\$6.70
Interm/Vacswim swimming lessons lane hire	No	No	Nil	Nil
Rehabilitation pool hire Commercial (per hr), plus entry fee	No	Yes	\$26.00	\$26.00
Rehabilitation pool hire Community (per hr), plus entry fee	No	Yes	\$13.00	\$13.00
Swimming carnival hire - Lap pool 8 lanes including all entry *10:30am-2:30pm	No	Yes	\$1,370.00	\$1,370.00
Exclusive pool hire outside operating hours (per hr), excluding entrance fee	No	Yes	\$200.00	\$200.00
Additional lifeguard (per hr)	No	Yes	\$75.00	\$75.00
Aquatic Run (group hire per hr)	No	Yes	\$85.00	\$85.00
Aquatic run individual fee	No	Yes	\$3.00	\$3.00
Party Bookings				
Birthday Party Booking Fee - catered or uncatered. (To be paid to confirm booking, non refundable)	No	Yes	-	\$25.00
Catered birthday parties (per person) - incl food, drink, table reservation with decorations and pool entry.	No	Yes	25% disc child entries	\$20.00 per child
Uncatered birthday party (per person) - incl table reservation with decorations	No	Yes	-	As per Aquatic entry fees
Crèche				
Child (per visit, maximum 3 hrs)	No	Yes	\$7.80	\$8.00
Health And Fitness				
Adult	No	Yes	\$17.50	\$18.00
Concession (Student, Health Care, Senior and Concession Card Holders)	No	Yes	\$13.50	\$14.00
Child Under 12	No	Yes	\$7.00	\$7.00
Inclusion Class	No	Yes	\$13.00	\$13.00
Gym appraisal or program (excluding entry fees)	No	Yes	\$72.00	\$73.50
Personal training (1 hour) all members / casuals plus entry fees	No	Yes	\$56.00	\$57.50
Swim School - Entry Included				
Swim lesson (half hour)	No	No	\$17.00	\$17.50
Swim lesson 1 to 1 (half hour)	No	No	\$50.00	\$51.50
Swim lesson 1 to 2 (half hour)	No	No	\$35.00	\$36.00
Mini Squad	No	Yes	\$17.00	\$17.00
Squad	No	Yes	\$19.00	\$19.00
Junior Lifeguard Club	No	No	\$19.00	\$19.00
Bronze Medallion - full course	No	No	\$200.00	\$200.00
Bronze Medallion - requalification	No	No	\$100.00	\$100.00
Resuscitation - full course	No	No	\$100.00	\$100.00
Resuscitation - requalification	No	No	\$100.00	\$100.00
Heartbeat Club/no certificate CPR Groups	No	No	\$35.00	\$35.00
Week Passes				
Week pass Aquatic	No	Yes	\$26.00	\$26.50
Week pass Complete Fitness (excluding creche)	No	Yes	\$60.00	\$62.00

Schedule of Fees and Charges 2025-26 - Bay of Isles Leisure Centre

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Memberships				
12 month prepaid membership				
Adult				
- Aquatic	No	Yes	\$675.00	\$675.00
- Gym & Group Fitness	No	Yes	\$986.00	\$986.00
- Complete Fitness	No	Yes	\$1,245.00	\$1,245.00
Concession (Student, Health Care, Senior and Concession Card Holders)				
- Aquatic	No	Yes	\$506.00	\$506.00
- Gym & Group Fitness	No	Yes	\$740.00	\$740.00
- Complete Fitness	No	Yes	\$934.00	\$934.00
Senior (70 Plus)				
- Aquatic	No	Yes	\$320.00	\$320.00
- Gym & Group Fitness	No	Yes	\$465.00	\$465.00
- Complete Fitness	No	Yes	\$590.00	\$590.00
Child (under 12 years)				
- Aquatic	No	Yes	\$405.00	\$405.00
Family 2 Adults & 2 Children (under 12 years)				
- Aquatic	No	Yes	\$1,410.00	\$1,410.00
- Complete Fitness	No	Yes	\$2,515.00	\$2,515.00
- Additional child (under 12 years)	No	Yes	\$205.00	\$205.00
Kidsport Regional Pool Pass Child (under 12 years) Aquatic Membership – 2024-25 summer season	No	Yes	\$200.00	\$200.00
Kidsport Regional Pool Pass Concession (Student, between 12 – 18 years) Aquatic Membership – 2024-25 summer season	No	Yes	\$250.00	\$250.00
Ongoing Memberships (fortnightly direct debit, minimum sign up 6 weeks)				
Direct debit default fee	No	Yes	At Cost	At Cost
Adult				
- Aquatic	No	Yes	\$28.05	\$28.05
- Gym & Group Fitness	No	Yes	\$40.00	\$40.00
- Complete Fitness	No	Yes	\$50.00	\$50.00
Concessions (Student, Health Care, Senior and Concession Card Holders)				
- Aquatic	No	Yes	\$21.65	\$21.65
- Gym & Group Fitness	No	Yes	\$30.50	\$30.50
- Complete Fitness	No	Yes	\$38.05	\$38.05
Senior 70 Plus				
- Aquatic	No	Yes	\$13.40	\$13.40
- Gym & Group Fitness			\$19.60	\$19.60
- Complete Fitness	No	Yes	\$24.80	\$24.80
Child (under 12 years)				
- Aquatic	No	Yes	\$17.75	\$17.75
Family 2 Adults & 2 Children (under 12 years)				
- Aquatic	No	Yes	\$56.30	\$56.30
- Complete Fitness	No	Yes	\$99.00	\$99.00
- Additional child (under 12 years)	No	Yes	\$10.30	\$10.30
12 Week Insurance and Workers Compensation Memberships (rehabilitation)				
Complete Fitness	No	Yes	\$360.00	\$360.00
Membership Administration				
Corporate Memberships/Emergency Services Volunteer discount - As per Bay of Isles Leisure Centre work practice	No	Yes	15% discount off ADULT pre-paid membership	15% discount off ADULT pre-paid membership
Fly In, Fly Out memberships - As per Bay of Isles Leisure Centre work practice	No	Yes	50% discount off Adult Direct Debit Membership	50% discount off Adult Direct Debit Membership
Membership 12 month bonus	No	Yes	Pre paid Members who renew their membership (prior to expiry) receive 1 additional month.	Pre paid Members who renew their membership (prior to expiry) receive 1 additional month.
Programs, Promotions and Discounts				
Leisure Centre specific programs (excluding memberships/week passes)	No	Yes	\$12.00	\$12.00
Companion card holders carer for above programs	No	No	Nil	Nil
Promotional events H&F free entry - includes creche - (limited to 4 times a year)	No	No		
Gold Coin/Free Entry Days - includes creche - (maximum 4 per year)	No	No		
New service/changed service free promotional event (management discretion)	No	No		
Promotional members - Bring a Friend for Free (management discretion)	No	No		
Promotional discounting	No	Yes	7 day trial promotion week pass	7 day trial promotion week pass
Member free hot drink	No	Yes	1 free hot drink per member on Sundays	1 free hot drink per member on Sundays
Staff excluded from spectator fee for school programs internal/external (e.g. interm swimming)				

Schedule of Fees and Charges 2025-26 - Cultural Facilities

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Library				
Overdue items (per item/week)	No	No	Nil	Nil
Lost/Damaged item	No	No	\$15.00	Full replacement/repair cost
Public Internet Access				
- Quarter hour	No	Yes	Nil	Nil
- Half hour	No	Yes	Nil	Nil
- One hour	No	Yes	Nil	Nil
Temporary Visitor Bond 1 (TV1)	No	No	\$30.00	\$30.00
Temporary Visitor Bond 2 (TV2)	No	No	\$65.00	\$65.00
Photocopying & Printing (for private personal use only)				
Black and White				
- A4 single side B&W	No	Yes	\$0.30	\$0.30
- A4 double side B&W	No	Yes	\$0.50	\$0.50
- A3 single side B&W	No	Yes	\$0.60	\$0.60
- A3 double side B&W	No	Yes	\$1.00	\$1.00
Colour				
- A4 single side Colour	No	Yes	\$2.00	\$1.00
- A4 double side Colour	No	Yes	\$3.50	\$1.50
- A3 single side Colour	No	Yes	\$6.00	\$2.00
- A3 double side Colour	No	Yes	\$8.00	\$3.50
Scanning per page	No	Yes	Nil	Nil
Esperance Municipal Museum				
Adults	No	Yes	\$10.00	\$10.00
Children	No	Yes	\$5.00	\$5.00
Pensioners/Seniors	No	Yes	\$8.00	\$8.00
Group of 10 or more per person	No	Yes	\$8.00	\$8.00
Family - 2 adults and 2 children	No	Yes	\$25.00	\$25.00
School Groups (per person)	No	Yes	-	\$2.00
Gold Coin/Free Entry Days (maximum 6 per year)	No	Yes		
Research Fee			First 30 min Free	First 30 min Free
- Personal/Community (per hour)	No	Yes	\$30.00	\$30.00
- Commercial (per hour)	No	Yes	\$60.00	\$60.00
Digital Item Supply				
- Personal/Community	No	Yes	\$20.00	\$20.00
- Commercial	No	Yes	\$60.00	\$60.00
- All express requests (additional charge)	No	Yes	\$30.00	\$30.00
Esperance Visitor Centre				
Display per brochure for local businesses (excluding Bookeasy clients)	No	Yes	\$120.00	\$125.00
Display of brochure - Business outside Esperance Shire - Annual Fee	No	Yes	\$185.00	\$190.00
Digital Advertising Signage in Visitor Centre (per 15 second slot, per year)	No	Yes	\$300.00	\$300.00
Change/update to digital content (per change)	No	Yes	\$50.00	\$50.00
Booking commissions (other than Gold)	No	Yes	14%	14%
Booking commissions (Gold)	No	Yes	10%	10%
Staff assistance with Bookeasy/website (per hour)	No	Yes	\$60.00	\$60.00
Consignment rate on souvenirs	No	Yes	20%	20%
Souvenirs	No	Yes	-	RRP or Average minimum mark up of 70% across all stock
Esperance Volunteer Resource Centre				
Note: Non-profits and community groups are exempt from the below hire and damage/replacement fees and receive the service free of charge.				
All hire fees are charged per day				
Items available at management discretion				
Laptop	No	Yes	-	\$60.00
Projector	No	Yes	-	\$60.00
Projector Screen (Large)	No	Yes	-	\$60.00
Projector Screen (Small)	No	Yes	-	\$30.00
PA Speaker with Microphone	No	Yes	-	\$60.00
Portable Bluetooth Speaker	No	Yes	-	\$20.00
Festoon Lights	No	Yes	-	\$15.00
Fairy Lights	No	Yes	-	\$5.00
Velcro Pin-Up Board	No	Yes	-	\$60.00
A-Frame Chalkboards	No	Yes	-	\$10.00
Small Blackboards	No	Yes	-	\$10.00
Trestle Table	No	Yes	-	\$10.00
3x3m Marquee	No	Yes	-	\$60.00
Marquee Walls (x3)	No	Yes	-	\$15.00
Marquee Base Pod (x4)	No	Yes	-	\$15.00
Moving Trolley	No	Yes	-	\$20.00

Schedule of Fees and Charges 2025-26 - Cultural Facilities

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Plastic Green Chairs	No	Yes	-	\$5.00
Hot Water Urn	No	Yes	-	\$20.00
Glass Drink Dispensers	No	Yes	-	\$15.00
Tub of Mugs	No	Yes	-	\$10.00
Large Tub of Tea Cups and Saucers	No	Yes	-	\$10.00
Small Tub of Tea Cups and Saucers	No	Yes	-	\$5.00
Serving Platter or Bowl	No	Yes	-	\$5.00
Food Storage Box	No	Yes	-	\$5.00
Water Jugs (x2)	No	Yes	-	\$5.00
Tub of Volunteer Aprons	No	Yes	-	\$20.00
Flexi round tub	No	Yes	-	\$5.00
Beach Clean Up Buckets (x25)	No	Yes	-	\$10.00
Beach Clean Up Hoops (x3)	No	Yes	-	\$5.00
EVRC Bucket Hats (x12)	No	Yes	-	\$10.00
Cash Box	No	Yes	-	\$5.00
Damage or Replacement fees (% of the replacement cost for the item up to full cost recovery, dependant on the level of damage)	No	Yes	-	% replacement cost

Schedule of Fees and Charges 2025-26 - Airport

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Airport				
RPT and Charter Passenger Terminal Usage Fee (passengers under 2 years exempt. REX as per negotiated contract.)	No	Yes	\$30.50	\$32.00
Landing Fees (collected by Avdata on Council's behalf)				
- Aircraft 0 - 2000kg flat rate	No	Yes	\$16.50	\$17.00
- Aircraft 2001 - 15000kg per 1000 kg or part thereof	No	Yes	\$16.50	\$17.00
- Aircraft >15000kg per 1000kg or part thereof	No	Yes	\$45.00	\$47.00
- Annual fee for private aircraft less than 2000kg - per year per aircraft (Optional)	No	Yes	\$161.00	\$167.00
- Annual fee for private aircraft greater than 2000kg - per year per aircraft (Optional)	No	Yes	\$16.50 per 1,000kg x 11	\$17.00 per 1,000kg x 11
- Annual fee for commercial aircraft less than 4000kg - per year per aircraft (Optional)	No	Yes	\$1,625.00	\$1,682.00
Landing Fee Concessions				
Aircraft <30000kg MTOW paying passenger service fee exempt				
Aircraft used for charity and fund raising related service (upon prior request & CEO approval)	No	No	Nil	Nil
Royal Flying Doctor Service	No	No	Nil	Nil
Aircraft Parking Fee - per week or part thereof (3 days or less free) excluding RPT	No	Yes	\$73.50	\$76.00
Terminal				
Hire of Meeting Room (excluding Shire of Esperance and Airport Contractors)				
- half day or part thereof	No	Yes	\$77.00	\$80.00
- full day or part thereof	No	Yes	\$154.00	\$159.00
Advertising Signage in terminal per m2	No	Yes	\$295.00	\$305.00
Lockable Key Storage Boxes (per year)	No	Yes	\$60.00	\$62.00
Baggage Conveyor Digital Advertising Screen Signage (per 15 second slot, per year)	No	Yes	\$1,900.00	\$1,999.00
Baggage Conveyor Digital Advertising Screen Signage (per 15 second slot, per month)	No	Yes	-	\$199.00
Baggage Conveyor Digital Advertising Screen Signage (per 15 second slot, per week)	No	Yes	-	\$99.00
Change/update to digital content (per change)	No	Yes	\$55.00	\$57.00
Security				
Security Swipe Card	No	Yes	\$74.00	\$77.00
Replacement Security Swipe Card	No	Yes	\$74.00	\$77.00
Reporting Officer (RFDS Exempt)				
Reporting Officer Callout (up to two hours)	No	Yes	\$145.00	\$200.00
Reporting Officer Callout (per 3rd and subsequent hours or part thereof)	No	Yes	\$100.00	\$100.00

Schedule of Fees and Charges 2025-26 - Building Control

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Applications for building permits, demolition permits				
Certified application for a building permit - s.16(1):				
(a) for building work for a Class 1 or Class 10 building or incidental structure	Yes	No	Fees applicable as per Building Act 2011 and associated legislation	Fees applicable as per Building Act 2011 and associated legislation
(b) for building work for a Class 2 to Class 9 building or incidental structure	Yes	No		
Uncertified application for a building permit - s.16(l)	Yes	No		
Application for a demolition permit - s.16(l):				
(a) for demolition work in respect of a Class 1 or Class 10 building or incidental structure	Yes	No		
(b) for demolition work in respect of a Class 2 to Class 9 building	Yes	No		
Application to extend the time during which a building or demolition permit has effect s.32(3)(f)	Yes	No		
Application for occupancy permits, building approval certificates				
Application for an occupancy permit for a completed building - s.46	Yes	No	Fees applicable as per Building Act 2011 and associated legislation	Fees applicable as per Building Act 2011 and associated legislation
Application for a temporary occupancy permit for an incomplete building - s.47	Yes	No		
Application for modification of an occupancy permit for additional use of a building on a temporary basis - s.48	Yes	No		
Application for a replacement occupancy permit for permanent change of the building's use, classification - s.49	Yes	No		
Application for an occupancy permit or building approval certificate for registration of strata scheme, plan of re-subdivision - s.50(1) & (2)	Yes	No		
Application for an occupancy permit for a building in respect of which unauthorised work has been done - s.51(2)	Yes	No		
Application for a building approval certificate for a building in respect of which unauthorised work has been done - s.51(3)	Yes	No		
Application to replace an occupancy permit for an existing building - s.52(1)	Yes	No		
Application for a building approval certificate for an existing building where unauthorised work has not been done - s.52(2)	Yes	No		
Application to extend the time during which an occupancy permit or building approval certificate has effect - s.65(3)(a)	Yes	No		
Other applications				
Application as defined in regulation 31 (for each building standard in respect of which a declaration is sought)	Yes	No	Fees applicable as per Building Act 2011 and associated legislation	Fees applicable as per Building Act 2011 and associated legislation
All Building Applications (Mandatory)				
Building Services Levy				
Building Permit - \$45,000 or Less	Yes	No	Fees applicable as per Building Act 2011 and associated legislation	Fees applicable as per Building Act 2011 and associated legislation
Building Permit - Over \$45,000	Yes	No		
Demolition Permit - \$45,000 or Less	Yes	No		
Demolition Permit - Over \$45,000	Yes	No		
Occupancy Permit for approved building work - \$45,000 or Less	Yes	No		
Occupancy Permit for approved building work - Over \$45,000	Yes	No		
Building Approval certificate for approved building work - \$45,000 or Less	Yes	No		
Building Approval certificate for approved building work - Over \$45,000	Yes	No		
Occupancy Permit for Unauthorised Building Work - \$45,000 or Less	Yes	No		
Occupancy Permit for Unauthorised Building Work - Over \$45,000	Yes	No		
Building Approval Certificate for Unauthorised Building Work - \$45,000 or Less	Yes	No		
Building Approval Certificate for Unauthorised Building Work - Over \$45,000	Yes	No		
Building Construction Industry Training Fund Levy				
BCITF Levy (for work greater than \$20,000)	Yes	No	Fees applicable as per Building Act 2011 and associated legislation	Fees applicable as per Building Act 2011 and associated legislation
BCITF Accounting Collection fee (Set by BCITF)	Yes	No		
Building Services Levy Administration Fee	Yes	No		
Fees set at Council's discretion				
New pool barrier inspection - including initial inspection & re-inspections - r.53A(2)	Yes	No	\$312.00	\$312.00
Inspection of pool barriers - r.53A(3)	Yes	No	\$78.00	\$78.00
Re-Inspection of pool enclosure	No	Yes	\$103.00	\$103.00
Pool Barrier Inspection Fee & Report - At request of Owner/Applicant	No	Yes	\$180.00	\$185.00
Application for approval of battery powered smoke alarms - r.61(3)(b)	Yes	No	\$179.00	\$179.00
Request for Certificate of Design Compliance Class 1 New Dwellings, Major Additions/Alterations	No	Yes	0.15% of construction value including GST but not less than \$550	0.15% of construction value including GST but not less than \$565
Request for Certificate of Design Compliance Class 1 Dwelling, Additions/Alterations (Minor Works Only)	No	Yes	0.15% of construction value including GST but not less than \$200	0.15% of construction value including GST but not less than \$200

Schedule of Fees and Charges 2025-26 - Building Control

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Request for Certificate of Design Compliance Class 10 Building Only	No	Yes	0.15% of construction value including GST but not less than \$200	0.15% of construction value including GST but not less than \$200
Request for Certificate of Design Compliance Class 2-9	No	Yes	0.25% of construction value including GST but not less than \$550	0.25% of construction value including GST but not less than \$565
Request to amend a Building Permit - Minor (Where new Certificate of Design Compliance and Building Permit is not required)	No	No	\$74.00	\$75.00
Request to provide a Certificate of Construction Compliance	No	Yes	\$620 min including GST, Additional inspections @ \$175	\$640 min including GST, Additional inspections @ \$185
Request to provide a Certificate of Building Compliance	No	Yes	\$620 min including GST, Additional inspections @ \$175	\$640 min including GST, Additional inspections @ \$185
Building/Planning/Health Records - Copies of Building Permits/Approvals, Planning Approvals, Effluent Disposal System Approvals	No	No	\$65.00	\$70.00
Building Inspection Fee	No	Yes	\$180.00	\$185.00
Written advice from Building Surveyor	No	Yes	\$180.00	\$185.00

Schedule of Fees and Charges 2025-26 - Local Laws

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Fencing Local Laws				
Application for a licence where no fees are applicable under the Planning and Development Act 2005 and/or Building Act 2011	No	No	\$112.00	\$116.00
Private Property Local Law				
Application for a permit where no fees are applicable under the Planning and Development Act 2005 and/or Building Act 2011	No	No	\$112.00	\$115.00
Local Government Property Local Law				
Event approvals				
Event application fee	No	No	\$68.00	\$70.00
Event Fees				
<p>Major impact event - A large scale, complex occurrence which entails significant use of physical space and resources. Typically requires extensive planning and coordination and may entail multiple or significant road closures, large scale temporary camping arrangements or considerable consumption of alcohol. Due to their scale and potential public health and safety impacts, major impact events often necessitate the involvement of additional external support resources such as Environmental Health Officers (EHOs), building surveyors, and contractors to assist with event processing, infrastructure servicing, compliance monitoring, and risk management.</p> <p>High impact event - 1000 to 5000 plus people. Exclusive use of event area. Most complex use and largest impact of space. Commercial, large scale presence. Multiple aspects requiring assessment. e.g. Esperance Ag Show & Edge of the Bay.</p> <p>Medium impact event - 500 to 1000 people. Exclusive use of event area. Moderate use and moderate impact of space. Commercial / moderate scale presence. Requires multiple assessments. e.g. Carols by Candlelight, Mother's Day Classic Fun Run</p> <p>Low impact event - 50 to 500 people. Moderate use & impact on space. Low impact on other groups.</p> <p>Social gathering - 30 to 50 people. Non-exclusive use of site. e.g. small wedding.</p> <p>No fee - Minimal impact on space.</p> <p>The Shire determines the class of the activity based on factors, including but not limited to, the following:</p> <ul style="list-style-type: none"> Number of participants / individuals / spectators involved in the activity Use of roads and car parking Approvals required by other agencies Structures Environmental impact Required management plans Charity/Not for profit 				
Major impact event (as per Contract Works fees listed under Administration and Miscellaneous)	No	No	-	At Cost
High impact event (per day)*	No	No	\$215.00	\$220.00
Medium impact event (per day)	No	No	\$167.00	\$172.00
Low impact event (per permit)*	No	No	\$126.00	\$130.00
Social gathering (per permit)*	No	No	\$58.00	\$60.00
No Fee - Minimal impact on space.*	No	No	Nil	Nil
*CEO discretion for events based around National/Community Celebrations	No	No	Nil	Nil
Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law				
Miscellaneous fees for Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law, where no other fees are applicable.				
Trading Class				
Class 1 - Most complex use of space/the largest impact on the space. Commercial presence minimising opportunities for use of space with other user groups. To be charged per location. e.g. Beam.				
Class 2 - Moderate use of space / moderate impact on space. Commercial presence which easily allows for access and use of space with other user groups.				
Class 3 - Minimal use of space / minimal impact on space. Small scale commercial use of space with low impact on other user groups.				
Hire of Use - Shire Parks, Reserves, Beaches or Foreshore related activities.				
The Shire determines the class of the activity based on factors including but not limited to the following:				
<ul style="list-style-type: none"> Number of participants / individuals involved in the activity Required parking bays Signage Structures Environmental impact Proposed usage 				
Commercial Activity – Class 1				
Per occasion	No	No	\$73.20	\$75.00
Up to 1 month	No	No	\$114.00	\$118.00
1-2 months	No	No	\$150.00	\$155.00
6 months	No	No	\$619.00	\$640.00
12 months	No	No	\$1,238.00	\$1,277.00
Commercial Activity - Class 2				

Schedule of Fees and Charges 2025-26 - Local Laws

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Per occasion	No	No	\$59.00	\$61.00
Up to 1 month	No	No	\$90.00	\$93.00
1-2 months	No	No	\$120.00	\$124.00
6 months	No	No	\$363.00	\$375.00
12 months	No	No	\$721.00	\$745.00
Commercial Activity – Class 3				
Per occasion	No	No	\$59.00	\$61.00
Up to 1 month	No	No	\$73.00	\$75.00
1-2 months	No	No	\$90.00	\$93.00
6 months	No	No	\$275.00	\$284.00
12 months	No	No	\$553.00	\$570.00
Trader Fees				
Trading Permit application	No	No	\$75.00	\$77.00
Designated parking space (per site/per year)	No	No	\$250.00	\$260.00
Mobile Trader and Food Business - Annual Fee	No	No	\$1,431.00	\$1,478.00
Mobile Trader and Food Business - Monthly Fee	No	No	\$120.00	\$125.00
Mobile Trader and Food Business - Minimum Fee (per occasion)	No	No	\$60.00	\$62.00
Mobile Trader - Community Health Service (daily/per occasion)	No	No	\$60.00	\$62.00
Key Bond	No	No	\$55.00	\$57.00
Stallholder / trader - Annual Fee	No	No	\$760.00	\$785.00
Stallholder / trader - Monthly Fee	No	No	\$100.00	\$105.00
Stallholder / trader - Daily Fee	No	No	\$70.00	\$72.00
Stallholder / trader - Community Group / Charity Organisation*	No	No	\$15.00	\$15.50
Street Entertainers / Buskers - Monthly Fee	No	No	Nil	Nil
Trader Power Usage - Half-Day Fee	No	No	\$15.00	\$15.50
Trader Power Usage - Full-Day Fee	No	No	\$25.00	\$26.00
Permit to Erect Signs / Advertising - Annual Fee	No	No	\$70.00	\$72.00
Application for an Alfresco Dining permit	No	No	\$125.00	\$130.00
*charitable organisation means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium				

Schedule of Fees and Charges 2025-26 - Administration and Miscellaneous

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Water Charges				
Eastern Suburbs Water Charges - consumption fee per kilolitre	No	No	\$0.89	\$0.92
Southern Suburbs Water Charges - consumption fee per kilolitre	No	No	\$0.89	\$0.92
Wild Flower Picking Rights				
Annual fee payable by persons authorised to pick wildflowers. Maximum 10 permits per year.	No	No	\$175.00	\$180.00
Street Advertising Signs				
Identilife Street Signs				
Per annum fee rental	No	Yes	\$1,420.00	\$1,470.00
Private Works				
Subject to availability of Shire resources	No	Yes	At Cost + 40%	At Cost + 40%
Private works for non profit community groups	No	Yes	At Cost	At Cost
Drainage Headworks				
Determined on site specific basis case by case	No	Yes	At Cost + 10%	At Cost + 10%
Proceeds Sale of Books				
"Esperance Yesterday & Today"	No	Yes	\$5.00	\$5.00
Camping Fees				
All Council Managed Coastal Reserves - campsite fee per night per family	No	Yes	\$15.00	\$20.00
Accommodation				
Short term rate - 4 Hicks Street	No	Yes	\$600.00	\$600.00
Shire owned houses	No	Yes	Median of market rate	Median of market rate
Bond	No	No	4 x weekly rate	4 x weekly rate
General Enquiry				
Rates, Order & Requisition Fee	No	No	\$190.00	\$196.00
Freedom of Information (FOI) Application	Yes	No	\$30.00	\$30.00
Staff time dealing with FOI application (per hour)	Yes	Yes	\$30.00	\$30.00
Re-issue Rate Notice/Waste Vouchers	No	Yes	\$15.00	\$15.00
Re-Issue Waste Voucher (Pensioner)	No	Yes	Nil	Nil
Plan Printing				
<i>For private personal use only</i>				
Plan Printer				
- A2	No	Yes	\$20.00	\$21.00
- A1	No	Yes	\$30.00	\$31.00
- A0	No	Yes	\$45.00	\$46.50
- Scanning, per hour (plan printer only)	No	Yes	\$60.00	\$62.00
Photocopying & Printing				
Black and White				
- A4 single side B&W	No	Yes	\$0.30	\$0.30
- A4 double side B&W	No	Yes	\$0.50	\$0.50
- A3 single side B&W	No	Yes	\$0.60	\$0.60
- A3 double side B&W	No	Yes	\$1.00	\$1.00
Colour				
- A4 single side Colour	No	Yes	\$2.00	\$1.00
- A4 double side Colour	No	Yes	\$3.50	\$1.50
- A3 single side Colour	No	Yes	\$6.00	\$2.00
- A3 double side Colour	No	Yes	\$8.00	\$3.50
Property Agreement Administration				
Agreement Preparation Fee - Excluding legal fees which incur an additional charge:				
- Not For Profit	No	Yes	\$155.00	\$160.00
- Commercial	No	Yes	\$635.00	\$650.00
Other Agreement Fees - Excluding legal fees which incur an additional charge:				
- Deed of Sub-Licence	No	Yes	\$245.00	\$250.00
- Variation	No	Yes	\$245.00	\$250.00
- Extension	No	Yes	\$245.00	\$250.00
- Surrender	No	Yes	\$245.00	\$250.00
- Assignment	No	Yes	\$245.00	\$250.00
Advertising costs for Lease/Licenses/Agreements	No	Yes	\$185.00	\$190.00
Contract Work (Rangers and Professional Staff)				
Contract work - Non Local Government - per hour	No	Yes	\$225.00	\$230.00
Contract work - Other Local Government - per hour	No	Yes	\$125.00	\$130.00
Travelling expenses additional - per km	No	Yes	\$1.20	\$1.20

Schedule of Fees and Charges 2025-26 - Administration and Miscellaneous

Fees & Charges Details	Statutory Fee	GST	2024-25	2025-26
Gate Permit Fees				
Gate Permit Fees	No	No	\$100.00	\$100.00
Hire of Equipment				
<i>Subject to availability and the hire providing all consumables</i>				
Accessible Toilet Trailer - Free community event - per day	No	Yes	Nil	Nil
Accessible Toilet Trailer - Not for profit community event - per day	No	Yes	\$50.00	\$50.00
Accessible Toilet Trailer - All other - per day	No	Yes	\$200.00	\$200.00
Ablution Trailer - Free community event - per day	No	Yes	\$100.00	\$100.00
Ablution Trailer - Not for profit - per day	No	Yes	\$250.00	\$250.00
BBQ Trailer - Free community event - per day	No	Yes	Nil	Nil
BBQ Trailer - Not for profit community event - per day	No	Yes	\$50.00	\$50.00
BBQ Trailer - All other - per day	No	Yes	\$200.00	\$200.00
Cleaning fee - If equipment is not cleaned on return - per item	No	Yes	\$250.00	\$250.00



Delegated Authority Register

20254/20265

Council to Chief Executive Officer and
Authorised Persons

Introduction

The Delegations of Authority contained in this register are made to the Chief Executive Officer pursuant to section 5.42 of the *Local Government Act 1995* (the Act). Some functions are delegated by the Chief Executive Officer to Shire of Esperance employees pursuant to section 5.44 of the Act. These are detailed in the Delegated Authority Register – Council to Authorised Officers. All delegations made by Council must be by **absolute majority** decision.

Limitations

The following are decisions that cannot be delegated to the Chief Executive Officer as per s5.43 of the Act -

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (h) (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (i) any power or duty that requires the approval of the Minister or the Governor;
- (j) such other powers or duties as may be prescribed.

Further to the above limitations the following cannot be delegated to the Chief Executive Officer as per r.18G of the *Local Government (Administration) Regulations 1996* - :

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

Record Keeping

If a person is exercising a delegated power or duty, r.19 of the *Local Government (Administration) Regulations 1996* requires records be kept relating to the exercise of the power or discharge of the duty. The written record is to contain -

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

Reading this Register

The aim of the Delegated Authority Register is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus.

This Delegated Authority Register is reviewed annually in accordance with the Act.

Example Delegation

#	Title (s.X.XX)
Function Delegated	Description of authority being delegated. This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions listed in legislation and the delegation.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	The express power or duty that is being delegated - The Legislation and Section <i>Head of Power (Act or Regulation)</i> s.# – Section Title
Power originally assigned to	Local Government (Local Government may be referred to as <i>Enforcement Agency</i> or <i>Permit Issuing Body</i> in some Legislation.)
Power to Delegate	The express power that allows a delegation to be made - The Legislation and Section <i>Head of Power (Act or Regulation)</i> s.# – Section Title
Power Delegated to	Chief Executive Officer or in some delegation's staff titles or a class of staff (eg. Rangers)
Council Conditions	Conditions placed on the delegation that are not already specified in Legislation, Regulation or Council Policy
Power to Sub-Delegate	The express power to sub-delegate the delegation to staff - The Legislation and Section <i>Head of Power (Act or Regulation)</i> s.# – Section Title In some cases, the Legislation expressly prohibits sub-delegation Not applicable – Sub-delegation is prohibited by s.# – Section Title The CEO can also choose to not sub-delegate authority that could be sub-delegated, in which case the following should be below the legislation. CEO has elected to not sub-delegate this role
Compliance Links	Documents relevant to the delegation should be listed here that provide further included but not limited to, other Acts, Regulations, Local Laws, Council Policy and Standard Operating Procedures.
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Date adopted, reviewed or amended and Council Resolution	3.
2.	4.

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PART 1 LOCAL GOVERNMENT ACT 1995

1.1 Expressions of Interest, Tenders and Pre-qualified Suppliers (s.3.57)	
Function Delegated	Authority to undertake tendering, expressions of interest and prequalified supplier panels.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government Act 1995</i> s.3.57(1) - Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996</i> Division 2 - Tenders for providing goods or services Division 3 - Panels of pre-qualified suppliers</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> 1. Unique supplier exemption may only be approved where a record is retained that evidences rationale for why the supply is unique and cannot be sourced through other suppliers 2. Tenders may only be called where there is a budget allocation for the proposed goods or services 3. Subject to goods and services included in the Annual Budget, the delegation is limited to - <ol style="list-style-type: none"> a) Purchases utilising WALGA Preferred Suppliers, not exceeding a value of \$250,000 b) Quotes utilising a pre-qualified supplier who is part of a panel of pre-qualified suppliers, not exceeding a value of \$250,000 c) Tenders not exceeding a value as per the Regulations excluding schedule of rates Tenders 4. Council consider a minor variation before entering into a contract to be 10% of the contract sum 5. In accordance with Division 3 - Panels of pre-qualified suppliers, applicants may only be appointed to a panel by Council Decision
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees</p>
Compliance Links	<p><i>Local Government Act 1995</i> s.5.43 - Limitations on delegations to the CEO <i>Local Government (Functions and General) Regulations 1996</i> Part 4 — Provision of goods and services Council Policy Procurement Policy</p>

1.1 Expressions of Interest, Tenders and Pre-qualified Suppliers (s.3.57)	
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2019, Resolution # O0619-120	5. Reviewed – June 2023, Resolution #O0623-117
2. Amended – May 2020, Resolution #O0520-148	6. Amended – May 2024, Resolution #O0524-059
3. Reviewed – May 2021, Resolution #O0521-147	7.
4. Reviewed – May 2022, Resolution #O0522-112	8.

1.2 Agreement as to payment of rates and service charges (s.6.49)	
Function Delegated	Authority to accept payment of a rate or service charge due and payable by a person in accordance with an agreement made with the person.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	Local Government Act 1995 s.6.49 – Agreement as to payment of rates and service charges
Power originally assigned to	Local Government
Power to Delegate	Local Government Act 1995 s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	Nil
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - May 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Reviewed – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	14. Reviewed – May 2024, Resolution #O0524-059

1.3 Powers of entry (s.3.28 s.3.32, s.3.33, & s.3.34 & s.3.36)	
Function Delegated	<p>Authority to</p> <p>a) Confer Exercise powers of entry to allow staff performing the functions of the <i>Local Government Act 1995</i> to enter property following a notice being given under s.3.32. and;</p> <p>b) Allow, in an emergency, entry to any land, premises or thing immediately and without notice to perform any Local Government function as considered appropriate to deal with the emergency.</p>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.28 - When this Subdivision applies (Subdivision 3 — Powers of entry)</p> <p>s.3.32 - Notice of Entry</p> <p>s.3.33 - Entry under warrant</p> <p>s.3.34 - Entry in emergency</p> <p>s.3.36 - Opening Fences</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 – Delegation of some powers and duties to the CEO</p> <p>s.5.43 – Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO may delegate powers and duties to other employees</p>
Compliance Links	<p><i>Local Government Act 1995</i></p> <p>Division 3, Subdivision 3 – Powers of entry</p> <p>s.3.32 – Notice of entry</p> <p>s.3.34 – Entry in emergency</p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	7. Amended – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Amended – May 2022, Resolution #O0522-112
4. Reviewed – June 2017, Resolution #O0617-133	10. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution #O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution # O0619-120	12.

1.4 Certain provisions about land (s.3.25, s.3.26 & s.3.27)	
Function Delegated	<p>Authority to give an owner or occupier of land notice requiring them to do anything as prescribed in Schedule 3.1, Division 1 of the <i>Local Government Act 1995</i>.</p> <p>Following a failure to comply with the above notice, authority to take action that is considered necessary to achieve, so far as is practicable, the purpose for which the notice was given.</p> <p>Authority to recover cost of the above action as a debt due from the person who failed to comply.</p> <p>Authority to do any of the things prescribed in Schedule 3.2 to non-local government property, without consent, in the Local Government's capacity to undertake its general functions as outlined in s.3.27.</p>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government Act 1995</i></p> <p>s.3.25 – Notices requiring certain things to be done by owner or occupier of land</p> <p>s.3.26 – Additional powers when notices given</p> <p>s.3.27 – Particular things local governments can do on land that is not local government property</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i></p> <p>s.3.24 – Authorising persons under this Subdivision (Subdivision 2 — Certain provisions about land)</p> <p>s.5.42 – Delegation of some powers and duties to the CEO</p> <p>s.5.43 – Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.44 – CEO may delegate powers and duties to other employees</p>
Compliance Links	<p><i>Local Government Act 1995</i></p> <p>Schedule 3.1 - Powers under notices to owners or occupiers of land</p> <p>Schedule 3.2 - Particular things local governments can do on land even though it is not local government property</p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	7. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017, Resolution #O0617-133	10. Reviewed – June 2023, Resolution #O0623-117

1.4 Certain provisions about land (s.3.25, s.3.26 & s.3.27)

5.	Reviewed – May 2018, Resolution #O0518-098	11.	Reviewed – May 2024, Resolution #O0524-059
6.	Amended – June 2019: Resolution # O0619-120	12.	

1.5 Enforcement and legal proceedings <u>Commencing Prosecutions</u> (s. 9.19, 9.20 & 9.24)	
Function Delegated	Authority to exercise the powers and duties of a local government to administer and enforce the provisions of the <u>commence a prosecution for an offence against the Local Government Act 1995.</u>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	Local Government Act 1995 s.9.19 – Extension of time s.9.20 – Withdrawal of notice s.9.24 – Prosecutions, commencing
Power originally assigned to	Local Government
Power to Delegate	Local Government Act 1995 s.5.42 – Delegation of some powers and duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	Road Traffic (Vehicles) Act 2012
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	7. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Amended – May 2022, Resolution #O0522-112
4. Reviewed – June 2017, Resolution #O0617-133	10. Amended – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution #O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution # O0619-120	12.

1.6 Closing certain thoroughfares to vehicles (s.3.50)	
Function Delegated	Authority to close a thoroughfare to vehicles wholly or partially, for a period not exceeding four weeks.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.50 – Closing certain thoroughfares to vehicles
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	<i>Local Government Act 1995</i> <i>s.3.50A – Partial closure of thoroughfare for repairs and maintenance</i> <i>s.3.51 – Affected owners to be notified of certain proposals</i> Nil
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - May 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Reviewed – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	14. Reviewed – May 2024, Resolution #O0524-059

1.7 Declaring a vehicle as an abandoned vehicle wreck (s.3.40A)	
Function Delegated	Authority to = 1. declare an impounded vehicle as an abandoned wreck. 4-2. Authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.40A(1) & (4) – Abandoned vehicle wreck may be taken
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	<i>Local Government Act 1995</i> s.3.39 - Power to remove and impound s.3.46 – Goods may be withheld until costs paid s.3.47 – Confiscated or uncollected goods, disposal of
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – March 2009, Resolution # O0309-1572	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - May 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Reviewed – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	14. Reviewed – May 2024, Resolution #O0524-059

1.8 Disposing of confiscated or uncollected goods (s.3.47)	
Function Delegated	Authority to sell or otherwise dispose of confiscated or uncollected goods that have been ordered to be confiscated under s.3.43.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.47 – Confiscated or uncollected goods, disposal of
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	<i>Local Government Act 1995</i> s.3.40 - Vehicle may be removed if goods to be impounded are in or on vehicle s.3.42 - Impounded non-perishable goods s.3.43 - Impounded non-perishable goods, court may confiscate s.3.44 - Notice to collect goods if not confiscated s.3.46 - Goods may be withheld until costs paid s.3.58 - Disposing of Property
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - May 2012, Resolution # AP0412-005	10. Amended – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	14. Amended – May 2024, Resolution #O0524-059

1.9 Disposing of property (s.3.58)	
Function Delegated	Authority to dispose of property surplus to the Shire's operational needs.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	Local Government Act 1995 s.3.58 - Disposing of Property
Power originally assigned to	Local Government
Power to Delegate	Local Government Act 1995 s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> Authority for the Disposal of land and/or building assets is limited to matters specified in the Annual Budget or Corporate Business Council Plan and in any other case, requires a specific resolution of Council. The Chief Executive Officer is limited to determining disposals of property (including land assets) for any single project, or where not part of a project a single event, to an aggregated maximum material value of \$500,000. Authority to determine the method of disposal - <ol style="list-style-type: none"> Where a public auction is determined as the method of disposal - <ol style="list-style-type: none"> a reserve price has been set through independent valuation; where the reserve price is not achieved at auction negotiation may be undertaken to achieve the sale of the property at up to a 10% variation on the valuation price. Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method. Where a direct negotiation is determined [s.3.58(3)] as the method of disposal, authority to - <ol style="list-style-type: none"> negotiate the sale of the property up to a 10% variance below the valuation; and consider any public submissions received and determine if to proceed with the disposal, ensuring that the reasons for such a determination are recorded.
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	Local Government Function and General Regulations 1996 r.30 - Dispositions of property excluded from Act s. 3.58 Council Policy Asset Disposal Policy
DELEGATION ADMINISTRATION	

1.9 Disposing of property (s.3.58)	
Decision Reference	Decision Reference
1. Adopted – May 2010, Resolution # O0510-1456	9. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	10. Amended – June 2019: Resolution # O0619-120
3. Reviewed - May 2012, Resolution # AP0412-005	11. Amended – May 2020, Resolution #O0520-148
4. Reviewed – December 2012, Resolution # O1212-062	12. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed - June 2013, Resolution # O0613-012	13. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – May 2015, Resolution # O0515-026	14. Amended – June 2023, Resolution #O0623-117
7. Reviewed – July 2016, Resolution # O0716-032	15. Amended – May 2024, Resolution #O0524-059
8. Reviewed – June 2017 Resolution # O0617-133	16.

1.10 Investment of funds (s.6.14)	
Function Delegated	Authority to invest money in the municipal fund or the trust fund that is not for the time being, required for any other purpose.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.14 – Power to invest
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	<i>Local Government (Financial Management) Regulations 1996</i> r.19 - Investments, control procedures for Council Policy Investment Policy
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Amended – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017 Resolution # O0617-133	14. Amended – May 2024, Resolution #O0524-059

1.11 Local government may require lessee to pay rent (s.6.60)

Commented [SW1]: Updated in line with WALGA template

Function Delegated	Authority to require a lessee to pay rent to the Local Government in satisfaction of rates or service charges due and payable. 1. Give notice to a lessee of land in respect of which there is an unpaid rate or service charge, requiring the lessee to pay its rent to the Shire of Esperance 2. Recover the amount of the rate or service charge as a debt from the lessee if rent is not paid in accordance with a notice.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.60 – Local Government may require lessee to pay rent
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Nil
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution #O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution #O0617-133	14. Reviewed – May 2024, Resolution #O0524-059

1.12— Local laws administration (s.3.18)	
Function Delegated	Authority to exercise the powers and duties and to administer and do all things necessary to enact the Shire of Esperance Local Laws.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.18—Performing executive functions
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42—Delegation of some powers or duties to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	<p>The following powers be reserved to the Council:</p> <p><u>Local Government Property Local Law 2009</u></p> <ul style="list-style-type: none"> i. make a determination under Part 2; ii. enter into an agreement with a permit holder in respect of ownership of materials in a building (clause 3.7); iii. restrict use of the airport through a designation under clause 5.10(2); iv. hear an objection under Part 7; v. appoint authorised persons who are not employees under section 9.10 of the Local Government Act 1995; and vi. Determine forms to be used in the administering of the Local Law. <p><u>Activities in Thoroughfares and Public Places and Trading Local Law 2016</u></p> <ul style="list-style-type: none"> i. require any person to fence land adjoining a public place or local government property at his/ her expense (see clause 2.16); ii. declare a thoroughfare to be a "flora road" under clause 5.3; iii. designate a thoroughfare or part of a thoroughfare as 'a special environmental area' under clause 5.7; iv. grant any exemptions under clause 6.7(3); v. approve an application for a permit unconditionally or subject to any condition under clause 7.2(1)(a) vi. refuse an application for a permit under clause 7.2(1)(b) vii. hear an objection (see clause 8.1); viii. appoint authorised persons who are not Shire of Esperance employees under section 9.10 of the Local Government Act 1995; and ix. Determine forms to be used in the administering of the Local Law. <p><u>Extractive Industries Local Law 2001</u></p> <ul style="list-style-type: none"> i. issue of refusal of a license under clause 3.1(2) of the Local Law; ii. determination of a license period under clause 3.1(3)(a) of the Local Law; iii. cancellation of a license under clause 4.2(1) of the Local Law; and iv. renewal or refusal to renew a license under clause 4.3(4) of the Local Law.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44—CEO may delegate some powers & duties to other employees

Commented [SW2]: Request WALGA advice for whether this is a function able to be delegated as there is no reference to this section of the Act within the WALGA template.

Commented [SW3R2]: WALGA Response:
The WALGA Template Delegation Register includes guidance, and several example template delegations related to local laws – see section 1.4 Local Law Delegations to the CEO.

As with all other statutory delegations, WALGA does not recommend 'general' delegations (e.g. delegate all powers and duties under an Act or Local Law) as it is not clear to Council, the CEO or a subdelegate what power and duty is delegated and therefore it is unclear when a delegate is using a delegation. Further, some powers and duties in legislation, including in Local Laws, can only be performed by a person appointed to the prescribed office of 'authorised person', or by a person authorised to perform a specified function – these forms of authorisation are not capable of being exercised via a delegated authority.

It is important therefore, for the Shire to review each Local Law clause to identify how decision-making authority has been assigned. For example, if the Local Law provision assigns authority to:

- "Council" or "by resolution" means the function can only be performed by a Council resolution.
- "Local Government" and the provision requires exercise of broad discretion, then this would require a Council resolution (as Council is the LGs governing body), unless Council has delegated authority to the CEO. These provisions are often capable of delegation, unless otherwise prohibited e.g. LG Act s.5.43
- "Local Government" and the provision must be acted upon where the prescribed circumstances in which action is required have occurred – in this case the action is likely administrative and can be undertaken as 'acting through' without need for delegation.
- "authorised person" a function or duty assigned to an "authorised person" can only be performed by a person appointed by the CEO in accordance with LG Act s.9.10.
- "an employee authorised" or a "person authorised" means the function can only be performed by a person appointed by Council resolution to perform that function as specified in the provision.

1.12 — Local laws administration (s.3-18)**Compliance Links** Shire-of-Esperance Local Laws**DELEGATION-ADMINISTRATION**

Decision-Reference		Decision-Reference	
1.	Adopted—February-2004, Resolution # O0204-0769	8.	Reviewed—May-2018, Resolution #O0518-008
2.	Reviewed—February-2011, Resolution # O0211-1575	9.	Amended—June-2019, Resolution # O0619-129
3.	Reviewed—April-2012, Resolution # AP0412-005	10.	Amended—May-2020, Resolution #O0520-148
4.	Reviewed—June-2013, Resolution # O0613-012	11.	Amended—May-2021, Resolution #O0521-147
5.	Reviewed—May-2015, Resolution # O0515-026	12.	Reviewed—May-2022, Resolution #O0522-112
6.	Reviewed—July-2016, Resolution # O0716-032	13.	Amended—June-2023, Resolution #O0623-117
7.	Reviewed—June-2017, Resolution #O0617-133	14.	Amended—May-2024, Resolution #O0524-059

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It is important therefore, for the Shire to review each Local Law clause to identify how decision-making authority has been assigned. For example, if the Local Law provision assigns authority to:

- "Council" or "by resolution" means the function can only be performed by a Council resolution.
- "Local Government" and the provision requires exercise of broad discretion, then this would require a Council resolution (as Council is the LGs governing body), unless Council has delegated authority to the CEO. These provisions are often capable of delegation, unless otherwise prohibited e.g. LG Act s.5.43
- "Local Government" and the provision must be acted upon where the prescribed circumstances in which action is required have occurred – in this case the action is likely administrative and can be undertaken as 'acting through' without need for delegation.
- "authorised person" a function or duty assigned to an "authorised person" can only be performed by a person appointed by the CEO in accordance with LG Act s.9.10.
- "an employee authorised" or a "person authorised" means the function can only be performed by a person appointed by Council resolution to perform that function as specified in the provision.

1.12 Cat Local Law 2024

Commented [SW4]: New local law following removal of generic local law delegation.

Function Delegated	<p><u>Authority to –</u></p> <ol style="list-style-type: none"> 1. Give written notice to owner of the cat requiring that person to abate the nuisance. [cl.2.1(2)] 2. Provide written authorisation to allow a cat to be in a cat prohibited area. [cl.2.2(1)] 3. Refuse to determine an application for a permit. [cl.3.4] 4. Approve or refuse a permit application. [cl.3.6] 5. Revoke a permit. [cl.3.9]
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><u>Cat Local Law 2024</u></p> <p><u>cl.2.1(2) Cat not to be a nuisance</u></p> <p><u>cl.2.2(1) Cat prohibited areas</u></p> <p><u>cl.3.4 Refusal to determine application</u></p> <p><u>cl.3.6 Decision on application</u></p> <p><u>cl.3.9 Revocation</u></p>
Power originally assigned to	<u>Local Government</u>
Power to Delegate	<p><u>Local Government Act 1995</u></p> <p><u>s.5.42 – Delegation of some powers or duties to the CEO</u></p> <p><u>s.5.43 – Limitations on delegations to the CEO</u></p>
Power Delegated to	<u>Chief Executive Officer</u>
Council Conditions	<u>Nil</u>
Power to Sub-Delegate	<p><u>Local Government Act 1995</u></p> <p><u>s.5.44 – CEO may delegate some powers & duties to other employees</u></p>
Compliance Links	<u>Nil</u>

DELEGATION ADMINISTRATION

<u>Decision Reference</u>	<u>Decision Reference</u>
<u>1.</u>	<u>4.</u>
<u>2.</u>	<u>5.</u>
<u>3.</u>	<u>6.</u>

1.13 Objection to the rate record (s.6.76)

Function Delegated	<p>Authority to -</p> <ol style="list-style-type: none"> 1. Extend the period of time for making the objection for such period as seen fit upon application by a person proposing to make an objection to the rate record. 2. Promptly consider any objection to the rate record and either disallow it or allow it, wholly or in part. 3. Serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	Local Government Act 1995 s.6.76 – Grounds of objection
Power originally assigned to	Local Government
Power to Delegate	Local Government Act 1995 s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate some powers & duties to other employees CEO has elected to not sub-delegate this role
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution #O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017 Resolution # O0617-133	14. Reviewed – May 2024, Resolution #O0524-059

1.14 Partial closure of thoroughfare for repairs and maintenance (s.3.50A)	
Function Delegated	Authority to partially and temporarily close a thoroughfare, without giving local public notice, if the closure is - <ul style="list-style-type: none"> a. for the purpose of carrying out repairs or maintenance; and b. unlikely to have a significant adverse effect on users of the thoroughfare.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.3.50A – Partial closure of thoroughfare for repairs or maintenance
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	<i>Local Government Act 1995</i> s.3.50 - Closing certain thoroughfares to vehicles s.3.51 – Affected owners to be notified of certain proposals
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019, Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution # O0617-133	14. Reviewed – May 2024, Resolution #O0524-059

1.15 Power to remove, impound goods and recover expenses (s.3.39 & s.3.48)		
Function Delegated	Authority to <ol style="list-style-type: none"> Remove and impound any goods as per s.3.39 of the Act. Recover from the convicted offender the expenses incurred by removing and impounding the goods and disposing of them, if goods were removed and impounded under s.3.39. 	
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>		
Power being Delegated	<i>Local Government Act 1995</i> s.3.39 – Power to remove and impound s.3.48 – Impounding expenses, recovery of	
Power originally assigned to	Local Government	
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO	
Power Delegated to	Chief Executive Officer	
Council Conditions	Nil	
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees	
Compliance Links	s.3.47 - Confiscated or uncollected goods, disposal of	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1.	Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution #O0518-098
2.	Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3.	Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4.	Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5.	Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6.	Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7.	Reviewed – June 2017, Resolution #O0617-133	14. Reviewed – May 2024, Resolution #O0524-059

1.16 Power to write off debts (s.6.12)	
Function Delegated	Authority to write off money which is owed to the local government.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.12 – Power to defer, grant discounts, waive or write off debts
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Debts up to a value of \$1,000.00 may be written off, conditional upon all avenues of debt recovery action having been exhausted.
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	Council Policy Debt Collection Policy
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Amended – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017, Resolution # O0617-133	14. Amended – May 2024, Resolution #O0524-059

1.17 Rates or service charges recoverable in court (s.6.56)	
Function Delegated	Authority to recover rates or service charges, as well as costs of proceedings for the recovery, in a court of competent jurisdiction.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government Act 1995</i> s.6.56. Rates or service charges recoverable in court
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate some powers and duties to other employees
Compliance Links	Council Policy Debt Collection Policy
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution # O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Amended – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017 Resolution # O0617-133	14. Amended – May 2024, Resolution #O0524-059

1.18 Disposal of sick or injured animals (s.3.47A)			
Function Delegated	Authority to <ul style="list-style-type: none">a. humanely destroy the animal and dispose of the carcass, if an impounded animal is ill or injured to such an extent that treating it is not practicable; andb. recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods.		
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.			
Power being Delegated	Local Government Act 1995 s.3.47A – Sick or injured animals, disposal of s.3.48 – Impounding expenses, recovery of		
Power originally assigned to	Local Government		
Power to Delegate	Local Government Act 1995 s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO		
Power Delegated to	Chief Executive Officer		
Council Conditions	Nil		
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate some powers and duties to other employees		
Compliance Links	Nil		
DELEGATION ADMINISTRATION			
Decision Reference		Decision Reference	
1.	Adopted – July 2015, Resolution #O0715-017	6.	Amended – May 2020, Resolution #O0520-148
2.	Reviewed – July 2016, Resolution # O0716-032	7.	Reviewed – May 2021, Resolution #O0521-147
3.	Reviewed – March 2017 Incorrect section referenced now corrected	8.	Reviewed – May 2022, Resolution #O0522-112
4.	Reviewed – May 2018, Resolution #O0518-098	9.	Amended – June 2023, Resolution #O0623-117
5.	Amended – June 2019: Resolution # O0619-120	10.	Reviewed – May 2024, Resolution #O0524-059

1.19— Reserves under control of Local Government (s.3.54)	
Function Delegated	To provide consent to the Minister for requests made regarding variations to the care, control and management of Shire managed reserves in accordance with Section 46(2) Land Administration Act 1997
<i>This text is provided as a reference only—Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	Local Government Act 1995 s.3.54(1) Reserves under control of Local Government
Power originally assigned to	Local Government
Power to Delegate	Local Government Act 1995 s.5.42—Delegation of some powers or duties to the CEO
	s.5.43—Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Limited to giving consent of the management body of reserve (being limited to the Shire of Esperance).
Power to Sub-Delegate	Local Government Act 1995 s.5.44—CEO may delegate powers and duties to other employees
Compliance Links	Local Government Act 1995 Land Administration Act 1997
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted—February 2017, Resolution # O0217-032	6. Reviewed—May 2021, Resolution #O0521-147
2. Reviewed—June 2017, Resolution # O0617-133	7. Reviewed—May 2022, Resolution #O0522-112
3. Reviewed—May 2018, Resolution # O0518-098	8. Amended—June 2023, Resolution #O0623-117
4. Amended—June 2019, Resolution #O0619-120	9. Reviewed—May 2024, Resolution #O0524-059
5. Amended—May 2020, Resolution #O0520-148	10.

Commented [SW5]: Need WALGA advice - s.3.54 only appears to provide authority for actions listed under s.5 of the Parks Act.

Commented [SW6R5]: WALGA Response

You are correct in the interpretation of s.3.54, being limited to the provisions of the Parks and Reserves Act s.5. This does not extend to Land Admin Act s.46(2) which provides authority to seek Ministerial approval to vary conditions included in a Management Order. The Land Admin Act does not provide a power of delegation and therefore the Shire cannot delegate authority for any provisions included in the Land Admin. Act.

This means that any decision required under the Land Administration Act, will require a Council resolution. When you consider the types of decisions that could be required under the LAA s.46(2) to vary conditions on a Management Order, then these decisions will have impact for the types of activities that can occur on the reserve, the type of development the LG may undertake on the reserve, etc... these being decisions that require a council resolution in any case as they have implications for budget, resourcing and service delivery.

1.19 Dog Local Law 2024

Commented [SW7]: New local law following removal of generic local law delegation.

Function Delegated	<p><u>Authority to –</u></p> <ol style="list-style-type: none"> 1. Approve an application for a licence subject to conditions [cl.4.8] 2. Vary or cancel a licence. [cl.4.13] 3. Approve or refuse an application for the transfer of a valid licence. [cl.4.14(3)]
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><u>Dog Local Law 2024</u></p> <p>cl.4.8 Conditions of approval</p> <p>cl.4.13 Variation or cancellation of licence</p> <p>cl.4.14(3) Transfer</p>
Power originally assigned to	<u>Local Government</u>
Power to Delegate	<p><u>Local Government Act 1995</u></p> <p>s.5.42 – Delegation of some powers or duties to the CEO</p> <p>s.5.43 – Limitations on delegations to the CEO</p>
Power Delegated to	<u>Chief Executive Officer</u>
Council Conditions	<u>Nil</u>
Power to Sub-Delegate	<p><u>Local Government Act 1995</u></p> <p>s.5.44 – CEO may delegate some powers & duties to other employees</p>
Compliance Links	<u>Nil</u>

DELEGATION ADMINISTRATION

<u>Decision Reference</u>	<u>Decision Reference</u>
1.	4.
2.	5.
3.	6.

1.20 Fencing Local Law 2018

Commented [SW8]: New local law following removal of generic local law delegation.

Function Delegated	Authority to consent to the erection or repair of a fence which does not comply with the Fencing Local Law requirements
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	Fencing Local Law 2018 cl.3.2 General discretion of the Local Government
Power originally assigned to	Local Government
Power to Delegate	Local Government Act 1995 s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Fencing Local Law 2018 3.2(2) General discretion of the local government

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1.	4.
2.	5.
3.	6.

1.21 Extractive Industries Local Law 2024**Commented [SW9]:** New local law following removal of generic local law delegation.

Function Delegated	<u>Authority to –</u> 1. <u>Display or require the applicant to display notices. [cl2.2(2)]</u> 2. <u>Exempt a person making application for a licence from supplying data required in cl.2.3(1)(b), (d), (e) and (i). [cl.2.3]</u> 3. <u>Refuse or approve an application for transfer of licence. [cl.4.1(2)]</u>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<u>Extractive Industries Local Law 2024</u> <u>cl.2.2(2) Applicant to advertise proposal</u> <u>cl.2.3 Application for licence</u> <u>cl.4.1(2) Transfer of licence</u>
Power originally assigned to	<u>Local Government</u>
Power to Delegate	<u>Local Government Act 1995</u> <u>s.5.42 – Delegation of some powers or duties to the CEO</u> <u>s.5.43 – Limitations on delegations to the CEO</u>
Power Delegated to	<u>Chief Executive Officer</u>
Council Conditions	<u>Nil</u>
Power to Sub-Delegate	<u>Local Government Act 1995</u> <u>s.5.44 – CEO may delegate some powers & duties to other employees</u>
Compliance Links	<u>Nil</u>

DELEGATION ADMINISTRATION

<u>Decision Reference</u>	<u>Decision Reference</u>
<u>1.</u>	<u>4.</u>
<u>2.</u>	<u>5.</u>
<u>3.</u>	<u>6.</u>

1.22 Local Government Property Local Law 2001

Commented [SW10]: New local law following removal of generic local law delegation.

Function Delegated	<p><u>Authority to –</u></p> <ol style="list-style-type: none"> 1. Approve or refuse an application for permit. [cl.3.3] 2. Approve an application for permit subject to conditions. [cl. 3.4] 3. Approve an application for permit subject to conditions by reference to a policy. [cl.3.5] 4. Vary conditions of a permit. [cl.3.6] 5. Approve or refuse an application for transfer of permit. [cl.3.10(2)] 6. Exempt a person from compliance with cl.3.13(1). [cl.3.13(2)] 7. Exempt specified local government property or a class of local government property from the application of cl.3.13(1)(a). [cl.3.13(3)] 8. Erect a sign on local government property specifying any conditions of use which apply to that property. [cl.4.6(1)] 9. Exempt a person from compliance with cl.6.1(1)(b). [cl.6.1(2)]
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Commented [SW11]: Asset Management?

This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.

Power being Delegated	<p><u>Local Government Property Local Law 2001</u></p> <p><u>cl.3.3 Decision on application for permit</u></p> <p><u>cl.3.4 Conditions which may be imposed on a permit</u></p> <p><u>cl.3.5 Imposing conditions under a policy</u></p> <p><u>cl.3.6 Compliance with and variation of conditions</u></p> <p><u>cl.3.10(2) Transfer of permit</u></p> <p><u>cl.3.13(2) and 3.13 (3) Activities needing a permit</u></p> <p><u>cl.4.6(1) Signs</u></p> <p><u>cl.6.1(2) No unauthorised entry to function</u></p>
Power originally assigned to	<u>Local Government</u>
Power to Delegate	<p><u>Local Government Act 1995</u></p> <p><u>s.5.42 – Delegation of some powers or duties to the CEO</u></p> <p><u>s.5.43 – Limitations on delegations to the CEO</u></p>
Power Delegated to	<u>Chief Executive Officer</u>
Council Conditions	<u>Nil</u>
Power to Sub-Delegate	<p><u>Local Government Act 1995</u></p> <p><u>s.5.44 – CEO may delegate some powers & duties to other employees</u></p>
Compliance Links	<u>Nil</u>

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1.	4.

1.22 Local Government Property Local Law 2001

Commented [SW10]: New local law following removal of generic local law delegation.

2.

5.

3.

6.

1.23 Private Property Local Law 2003

Commented [SW12]: New local law following removal of generic local law delegation.

Function Delegated	<p><u>Authority to –</u></p> <ol style="list-style-type: none"> 1. Refuse or approve an application. [cl.2.4] 2. Assign a number to land in a street, thoroughfare or way in the district. [cl. 4.1(1)] 3. Establish a minimum standard for the display of street numbering in the district. [cl.4.1(2)] 4. Give notice of a breach, carry out works to remedy a breach and recover expenses. [cl.10.1]
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><u>Private Property Local Law 2003</u></p> <p>cl.2.4 Determination of application</p> <p>cl.4.1 Assignment and standard of street numbers</p> <p>cl.10.1 Works on private property</p>
Power originally assigned to	<u>Local Government</u>
Power to Delegate	<p><u>Local Government Act 1995</u></p> <p>s.5.42 – Delegation of some powers or duties to the CEO</p> <p>s.5.43 – Limitations on delegations to the CEO</p>
Power Delegated to	<u>Chief Executive Officer</u>
Council Conditions	<u>Nil</u>
Power to Sub-Delegate	<p><u>Local Government Act 1995</u></p> <p>s.5.44 – CEO may delegate some powers & duties to other employees</p>
Compliance Links	<u>Nil</u>

Commented [SW13]: Asset management?

DELEGATION ADMINISTRATION

<u>Decision Reference</u>	<u>Decision Reference</u>
<u>1.</u>	<u>4.</u>
<u>2.</u>	<u>5.</u>
<u>3.</u>	<u>6.</u>

1.24 Activities in Thoroughfares and Public Places and Trading Local Law 2016

Commented [SW14]: New local law following removal of generic local law delegation.

<p>Function Delegated</p>	<p><u>Authority to –</u></p> <ol style="list-style-type: none"> <u>1. Exempt a person from compliance with cl.2.2(1). [cl.2.2(2)(c)]</u> <u>2. Provide written notice to the owner or occupier of a lot to remove a crossing and reinstate any part of the thoroughfare which may be affected by the removal. [cl.2.5(2)]</u> <u>3. Provide written notice to the owner or occupier of a lot abutting on a verge to make good a breach. [cl.2.11]</u> <u>4. Assign a number to a lot in the district. [cl.2.15]</u> <u>5. Erect a sign on a public place specifying any conditions of use which apply. [cl. 2.17(1)]</u> <u>6. Exempt the holder of a permit from prohibitions in cl.3.2. [cl.3.4]</u> <u>7. Signpost flora roads with the standard MRWA 'flora road' sign. [cl. 5.5]</u> <u>8. Approve an application for a permit for the purpose of cl.5.13. [cl.5.15]</u> <u>9. Refuse to approve an application for a permit. [cl. 6.5(2)]</u> <u>10. Authorise another person to be a nominee of the permit holder for a specific period. [cl.6.6(2)]</u> <u>11. Give notice in writing to vary the permitted area or time of a permit, and direct a permit holder to move from one permitted area to another if more than one area is specified in a permit. [cl.6.11]</u> <u>12. Consider cl.6.17(a) to (e) in addition to any other matter considered relevant when determining an application. [cl.6.17]</u> <u>13. Require an applicant to provide additional information. [cl.7.1(3)]</u> <u>14. Approve an application for a permit subject to conditions. [cl.7.3]</u> <u>15. Vary the conditions of a permit. [cl.7.5(2)]</u> <u>16. Approve or refuse an application for the transfer of a permit. [cl.7.8(2)]</u> <u>17. Give notice to the owner or occupier of land requiring them to move or alter the direction of a sprinkler or watering equipment. [cl.9.1]</u> <u>18. Give notice to the owner or occupier of land to remove, cut, move or otherwise deal with a plant to remove a hazard. [cl.9.2]</u> <u>19. Give notice to a person who caused damage to repair or replace the thoroughfare. [cl.9.3]</u> <u>20. Give notice in writing to the owner or occupier of the property or person responsible for a thing being placed requiring them to remove the thing. [cl.9.4]</u>
<p><i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i></p>	
<p>Power being Delegated</p>	<p><u>Activities in Thoroughfares and Public Places and Trading Local Law 2016</u></p> <p><u>cl.2.2(2)(c) Activities allowed with a permit - general</u></p> <p><u>cl.2.5(2) Removal of redundant crossing</u></p> <p><u>cl.2.11 Notice to owner or occupier</u></p> <p><u>cl.2.15 Assignment of numbers</u></p> <p><u>cl.2.17(1) Signs</u></p> <p><u>cl.3.4(1) Exemption</u></p> <p><u>cl.5.5 Signposting of flora roads</u></p> <p><u>cl.5.15 When application for permit can be approved</u></p> <p><u>cl.6.5(2) Relevant considerations in determining application for permit</u></p> <p><u>cl.6.6(2) Conditions of permit</u></p>

1.24 Activities in Thoroughfares and Public Places and Trading Local Law 2016

Commented [SW14]: New local law following removal of generic local law delegation.

	cl.6.11 Variation of a permitted area and permitted time cl.6.17 Matters to be considered in determining application cl.7.1(3) Application for permit cl.7.3 Conditions which may be imposed on a permit cl.7.5(2) Compliance with and variation of conditions cl.7.8(2) Transfer of permit cl.9.1 Notice to redirect or repair sprinkler cl.9.2 Hazardous plants cl.9.3 Notice to repair damaged thoroughfare cl.9.4 Notice to remove thing unlawfully placed on thoroughfare
Power originally assigned to	Local Government
Power to Delegate	Local Government Act 1995 s.5.42 – Delegation of some powers or duties to the CEO s.5.43 – Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate some powers & duties to other employees
Compliance Links	Nil

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1.	4.
2.	5.
3.	6.

PART 2 BUILDING ACT 2011

2.1 Appointment of Authorised Persons (s.96 & s.99)	
Function Delegated	Authority to = a. Designate an employee as an authorised person under the <i>Building Act 2011</i> ; and b. Revoke or vary a condition of designation as an authorised person or give written notice to an authorised person limiting powers that may be exercised by that person.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Building Act 2011</i> s.96 - Authorised Person s.99 - Limitation on powers of authorised person
Power originally assigned to	Local Government
Power to Delegate	<i>Building Act 2011</i> s.96 – Authorised Person s.127(6A) – Delegation: Special Permit Authorities and Local Governments
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees CEO has elected to not sub-delegate this role
Compliance Links	<i>Building Act 2011</i> s.97 - Identity cards
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – July 2012, Resolution # O0712-065	7. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Amended – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution # O0619-120	12.

2.2 Powers pursuant to the Building Act 2011	
Function Delegated	To undertake the powers of the Local Government for the following sections of the <i>Building Act 2011</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Building Act 2011</i> s.18 Further Information s.20 Grant of building permit s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.24 Notice of decision not to grant building or demolition permit s.27 Conditions imposed by permit authority s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.60 Notice of decision not grant occupancy permit or grant building approval certificate s.62 Conditions imposed by permit authority s.65 Extension of period of duration s.88 Finishes of walls close to boundaries s.110 Building orders s.111 Notice of proposed building order other than a building order (emergency) s.117 Revocation of building order s.118 Permit authority may give effect to building order if non-compliance s.131 Inspection, copies of building records
Power originally assigned to	Local Government
Power to Delegate	<i>Building Act 2011</i> s.127 – Delegation: Special Permit Authorities and Local Governments
Power Delegated to	Chief Executive Officer
Council Conditions	<u>Officers who issue building orders (s.110) or notices (s.111) must not revoke (s.117) or give effect to those building orders (s.118).</u> Nil
Power to Sub-Delegate	<i>Building Act 2011</i> s.127 – Delegation: Special Permit Authorities and Local Governments
Compliance Links	<i>Building Regulations 2012</i>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – July 2012, Resolution # O0712-065	7. Amended – June 2019: Resolution # O0619-120
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2020, Resolution #O0520-148

Commented [SW15]: Request advice from WALGA as their template has multiple delegations for these functions.

Commented [SW16R15]: WALGA Response
I'd recommend the Shire review its Building Act delegation referenced 2.2 as it includes conflicting powers that perhaps should be exercised by different officers. For example, a delegate with the power to issue a building order, should not also have the power to revoke or give effect to a building order – having different delegates for decision-making which is a review of an original decision provides for not only avoiding conflicts of interest, but also provides for improved probity and integrity

2.2 Powers pursuant to the Building Act 2011

3. Reviewed – July 2015, Resolution #O0715-017	9. Amended – May 2021, Resolution #O0521-147
4. Reviewed – July 2016, Resolution # O0716-032	10. Amended – May 2022, Resolution #O0522-112
5. Reviewed – June 2017 Resolution #O0617-133	11. Amended – June 2023, Resolution #O0623-117
6. Reviewed – May 2018, Resolution #O0518-098	12. Reviewed – May 2024, Resolution #O0524-059

Commented [SW15]: Request advice from WALGA as their template has multiple delegations for these functions.

Commented [SW16R15]: WALGA Response
I'd recommend the Shire review its Building Act delegation referenced 2.2 as it includes conflicting powers that perhaps should be exercised by different officers. For example, a delegate with the power to issue a building order, should not also have the power to revoke or give effect to a building order – having different delegates for decision-making which is a review of an original decision provides for not only avoiding conflicts of interest, but also provides for improved probity and integrity

PART 3 PUBLIC HEALTH ACT 2016**3.1 Appointment of Environmental Health Officer (s.17)**

Function Delegated	Authority to appoint suitably qualified employees as Environmental Health Officers
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Public Health Act 2016</i> s.17 – Appointment of Environmental Health Officers
Power originally assigned to	Local Government
Power to Delegate	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate CEO has elected to not sub-delegate this role
Compliance Links	<i>Public Health Act 2016</i> s.18 - Chief Health Officer to approve qualifications and experience required by environmental health officers

DELEGATION ADMINISTRATION

Decision Reference	Decision Reference
1. Reviewed – July 2017 Resolution # O0717-161	5. Reviewed – May 2021, Resolution #O0521-147
2. Reviewed – May 2018 Resolution # O0518-098	6. Reviewed – May 2022, Resolution #O0522-112
3. Amended – June 2019: Resolution # O0619-120	7. Reviewed – June 2023, Resolution #O0623-117
4. Amended – May 2020, Resolution #O0520-148	8. Reviewed – May 2024, Resolution #O0524-059

3.2 Designation of Authorised Officers (s.24)	
Function Delegated	Authority to designate a person or class of persons as authorised officers under the <i>Public Health Act 2016</i> .
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Public Health Act 2016</i> s.24 – Designation of authorised officers
Power originally assigned to	Local Government
Power to Delegate	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Public Health Act 2016</i> s.21 – Enforcement agency may delegate CEO has elected to not sub-delegate this role
Compliance Links	<i>Public Health Act 2016</i> s.25 - Certain authorised officers required to have qualifications and experience. s.26 - Further provisions relating to designations s.27 - Lists of authorised officers to be maintained s.28 - When designation as authorised officer ceases s.29 - Chief Health Officer may issue guidelines about qualifications and experience of authorised officers s.30 - Certificates of authority s.31 - Issuing and production of certificate of authority for purposes of other written laws s.32 - Certificate of authority to be returned. s.136 - Authorised officer to produce evidence of authority
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Reviewed – July 2017 Resolution # O0717-161	5. Reviewed – May 2021, Resolution #O0521-147
2. Reviewed – May 2018 Resolution # O0518-098	6. Reviewed – May 2022, Resolution #O0522-112
3. Amended – June 2019: Resolution # O0619-120	7. Reviewed – June 2023, Resolution #O0623-117
4. Amended – May 2020, Resolution #O0520-148	8. Reviewed – May 2024, Resolution #O0524-059

PART 4 PLANNING AND DEVELOPMENT ACT 2005

4.1 General Administration Powers

Function Delegated

Unless the specific power may only be exercised by the Council itself (or is not permitted to be delegated under the provisions of the *Local Government Act 1995*), the Council hereby delegates authority under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Chief Executive Officer¹ to administer the Scheme and exercise discretionary powers to conditionally or unconditionally approve (or recommend approval for) the following subject to the delegate/s actions being in accordance with the *Planning and Development Act 2005*, the Local Planning Scheme No. 24, the Acceptable Development requirements of the Residential Design Codes and variations that satisfy the Objectives and Performance Criteria of the Codes, State Planning Policies, relevant Local Laws and adopted Planning Strategies or Policies:

- a) For development² and land use applications:
 - where advertising is not necessary;
 - for which advertising is necessary and there are no objections;
 - for single house developments which advertising is necessary and there are objections³
 - for which advertising is necessary and any comments can be resolved through negotiation with the applicant or appropriately conditioned on the planning consent;
 - for which advertising is necessary and objections are received which are determined to be frivolous or vexatious by the Chief Executive Officer;
 - for which comments have been sought from any Government instrumentalities and those recommendations have been satisfactorily addressed or appropriately conditioned on the planning consent.
- b) Unless the specific power may only be exercised by the Council itself (or is not permitted to be delegated under the provisions of the *Local Government Act 1995*), the Council hereby delegates authority under Clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to the Chief Executive Officer⁴ to administer the Scheme and exercise discretionary powers to refuse (or recommend refusal for) the following subject to the delegate/s actions being in accordance with the *Planning and Development Act 2005*, the Local Planning Scheme No. 24, the Acceptable Development requirements of the Residential Design Codes, State Planning Policies and variations that satisfy the Objectives and Performance Criteria of the Codes, relevant Local Laws and adopted Planning Strategies or Policies:

¹ A list of delegated authority approvals for development and subdivision applications is to be included in each monthly agenda of the Ordinary Council Meeting.

² The *Planning and Development Act 2005* (as amended) defines 'development' as follows:

'development' means the development or use of any land, including—

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
- (b) the carrying out on the land of any excavation or other works;
- (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building;

³ Effective from 1 July 2024

⁴ A list of delegated authority approvals for development and subdivision applications is to be included in each monthly agenda of the Ordinary Council Meeting.

4.1 General Administration Powers

- Where a planning application is received that is classified as "X" or non-permitted under the provisions of Local Planning Scheme No. 24.
 - Where a request for further information has not been responded to in accordance with the Shire's Refusal of Planning Applications policy.
 - Where a planning application is received that is not mentioned in the Zoning and Land Use Table and is not consistent with the objectives of the particular zone.
 - Where a planning application is received that is not consistent with an adopted Local Planning Policy.
 - Where a planning application is received that is not consistent with a Scheme provision.
 - Where a single house has valid objections in the 'Rural Residential' 'rural Townsite', 'Tourism' or 'Private Clubs, Institutions and Places of Worship' zones;⁵
 - Where comments have been sought from any Government instrumentality and those recommendations cannot be satisfactorily addressed or appropriately conditioned on the planning consent.
- c) Commence advertising of any proposal where so required by the Local Planning Scheme No. 24 or other related legislation and inform or consult with any affected person or statutory authority prior to the application being determined by or on behalf of Council.
- d) Development on reserved land that is consistent with the gazetted purpose of the reserve, the Local Planning Scheme No. 24 and leasing arrangements subject to prior consultation with the reserve manager or the Crown if not under Council control.
- e) Concurrently advertise and subsequently approve or renew planning applications for:
- extractive industries under the Local Planning Scheme No. 24 and Extractive Industries Local Law.⁶
 - kennels under the Local Planning Scheme No. 24 and Dogs Local Law⁷.
- f) Make recommendations to the Western Australian Planning Commission (WAPC) for:
- approval of subdivisions, amalgamations, strata and survey-strata plans, and variations to such applications that comply with the Local Planning Scheme No. 24, any adopted Structure Plan and the adopted Local Planning Strategy;
 - refusal of subdivisions, amalgamations, strata and survey strata plans, and variations to such applications that do not comply with the Local Planning Scheme No. 24, any adopted Structure Plan and the adopted Local Planning Strategy; and
 - clearance of subdivision conditions that comply with the WAPC preliminary approval and Council's applicable development standards including authorization of receipt or refund of bonds, cash (includes cleared cheque) or bank guarantees for associated works.

⁵ Effective from 1 July 2024

⁶ Development Approval would normally be issued subject to a condition that an extractive industry licence be obtained under the Extractive Industries Local Law and renewed annually. Therefore, if the use is substantially commenced during the term of the initial planning consent, the use could be continued subject to annual renewal in accordance with the Local Laws.

⁷ Development Approval would normally be issued subject to a condition that a kennel licence be obtained under the Dogs Local Law and renewed annually. Therefore, if the use is substantially commenced during the term of the initial planning consent, the use could be continued subject to annual renewal in accordance with the Local Laws.

4.1 General Administration Powers

- g) Administer the State Planning Policies that are referenced into the Local Planning Scheme No. 24.
- h) Determine that a revised plan is considered to contain modifications that are minor and do not amount to a significantly different proposal, do not breach any of the conditions of the approval and do not materially affect the decision given by, or on behalf of, Council or the WAPC.
- i) Determine whether there is compelling evidence to warrant reconsideration of a Council decision whether the decision was made by, or on behalf of Council.
- j) Amend or cancel development approval at the request of the owner.
- k) Respond, defend and otherwise deal with legal proceedings arising from planning decisions made by, or on behalf of, Council.⁶
- l) Exercise discretion on behalf of Council to reach determination, where appropriate, of Appeals processed by mediation under the State Administrative Tribunal.
- m) Exercise discretion on behalf of Council in relation to the Arbitration provisions of the Scheme.
- n) Make modifications to Scheme Amendments in accordance with directions from the Minister for Transport; Planning; Ports or the Western Australian Planning Commission.
- o) Agree to accept management orders for reserves provided they have been created under Section 152 of the *Planning and Development Act 2005*.
- p) Extend time for a planning consent when there has been no proposed change to the Local Planning Scheme No.24 or supporting planning strategies and policies that would affect the previous approval and any change to the proposed plans is relatively minor.
- q) Comment on mineral exploration licenses.
- r) Issue Liquor Licensing Act Section 40 Certificates regarding compliance with relevant planning laws.
- s) Enter land or buildings for the purposes of administering the Local Planning Scheme No. 24 in accordance with Schedule 2, section 79 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- t) Allow appropriate selection of road names by developers from the Council/Geographic Names Committee approved reserved name list subject to developers being given the opportunity to submit alternative selections to Council
- u) Determine that a use is consistent or not consistent with the objectives of a zone and determine an application under Section 18.(4) of the Local Planning Scheme No. 24.
- v) Determine a cash-in-lieu payment for parking spaces in accordance with Schedule 1 Section 12.(b) of the Local Planning Scheme No. 24.
- w) Issue a written direction under Section 214(2) of the *Planning and Development Act 2005* to any person undertaking a development that contravenes a Planning Scheme

⁶ Council to be kept informed of any actions that may entail legal representation in Court or in an insurance claim being made against Council.

4.1 General Administration Powers	
	<p>or planning Control Area requirements, to stop and not recommence, the development or part of the development that is undertaken in contravention of the planning scheme or planning control area requirements.</p> <p>x) Issue a written direction under Section 214(3) of the <i>Planning and Development Act 2005</i> if a development has been undertaken in contravention of a planning scheme or interim development order or in contravention of planning control area requirements;</p> <ul style="list-style-type: none"> to remove, pull down, take up, or alter the development; and to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government Act 1995</i> <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Shire of Esperance Local Planning Scheme No 24 Shire of Esperance Extractive Industries Local Law Shire of Esperance Dog Local Law</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i> s.5.42 – Delegation of some powers or duties to the CEO <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.82</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule.2, Part 10, cl.83</p>
Compliance Links	Part 10 of Schedule 2, Planning and Development (Local Planning Scheme) Regulations 2015
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Amended– February 2011, Res # O0211-1575 & O0211-1573	11. Amended – June 2019: Resolution # O0619-120
2. Reviewed - April 2012, Resolution # AP0412-005	12. Amended – May 2020, Resolution #O0520-148

4.1 General Administration Powers	
3. Reviewed - June 2013, Resolution # O0613-012	13. Amended – July 2020, Resolution #O0720-240
4. Reviewed – May 2015, Resolution # O0515-026	14. Amended – May 2021, Resolution #O0521-147
5. Amended – November 2015, Resolution # O1115-030	15. Amended – March 2022, Resolution #O0322-059
6. Reviewed – July 2016, Resolution # O0716-032	16. Reviewed – May 2022, Resolution #O0522-112
7. Reviewed – September 2016, Resolution # O0916-026	17. Amended – June 2023, Resolution #O0623-117
8. Reviewed – June 2017, Resolution #O0617-133	18. Reviewed – May 2018 Resolution # O0518-098
9. Amended– February 2011, Res # O0211-1575 & O0211-1573	19. Amended – May 2024, Resolution #O0524-059
10. Reviewed – May 2018 Resolution # O0518-098	20.

PART 5 BUSH FIRES ACT 1954

5.1 Appointment of Bush Fire Control Officers & Fire Weather Officers (s.38)	
Function Delegated	<p>Authority to</p> <ol style="list-style-type: none"> 1. Appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and <ol style="list-style-type: none"> a. Of those Officers, appoint 2 as the Chief Bush Fire Control Officer and Deputy Chief Bush Fire Control Officer; and b. Determine the respective seniority of the other Bush Fire Officers so appointed. 2. Issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire. 3. Appoint Fire Weather Officers, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). 4. Appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Bush Fires Act 1954</i> s.38 - Local government may appoint bush fire control officers.</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Bush Fires Act 1954</i> s.48 - Delegation by local governments</p>
Power Delegated to	Chief Executive Officer
Council Conditions	The appointment is subject to the CEO being satisfied that the person to be authorised as a bush fire control officer has the appropriate qualifications and experience to perform the functions under the <i>Bush Fires Act 1954</i> .
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<p><i>Bush Fire Brigades Local Law</i> Council Policy Fire Management – Roadside Burning Policy Bushfire Management Policy</p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - Sept 2015, Resolution # O0915-024	6. Amended – May 2020, Resolution #O0520-148

5.1 Appointment of Bush Fire Control Officers & Fire Weather Officers (s.38)

2. Reviewed – July 2016, Resolution # O0716-032	7. Amended – May 2021, Resolution #O0521-147
3. Reviewed – June 2017 Resolution # O0617-133	8. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – May 2018, Resolution # O0518-098	9. Amended – June 2023, Resolution #O0623-117
5. Amended – June 2019: Resolution # O0619-120	10. Amended – May 2024, Resolution #O0524-059

5.2 Fire break maintenance (s.33)	
Function Delegated	<p>Authority to</p> <ol style="list-style-type: none"> 1. Give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Shire: <ol style="list-style-type: none"> a. clearing of firebreaks as determined necessary and specified in the notice; and b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and c. as a separate or coordinated action with any other person carry out similar actions. 2. Direct a Bush Fire Control Officer or any other Officer to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with, with such servants, workmen, or contractors, and with such vehicles, machinery, appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice. 3. Recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Bush Fires Act 1954</i> s.33 – Local Government may require occupier of land to plough or clear fire-break</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Bush Fires Act 1954</i> s.48 - Delegation by local governments</p>
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> 1. Written direction is to be given to a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with. 2. The Bush Fire Control Officer or other Officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matter and things as may be necessary to carry out the requisitions of the notice.
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<p>Council Policy Fire Management – Roadside Burning Policy Bushfire Management Policy Annual Firebreaks Notice</p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference

5.2 Fire break maintenance (s.33)	
1. Adopted - Sept 2015, Resolution # O0915-024	7. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed – July 2016, Resolution # O0716-032	8. Amended – May 2020, Resolution #O0520-148
3. Reviewed – Sept 2016, Resolution #O0916-026	9. Reviewed – May 2021, Resolution #O0521-147
4. Reviewed – February 2017, Resolution #O0217-032	10. Reviewed – May 2022, Resolution #O0522-112
5. Reviewed – June 2017 Resolution # O0617-133	11. Amended – June 2023, Resolution #O0623-117
6. Reviewed – May 2018, Resolution # O0518-098	12. Amended – May 2024, Resolution #O0524-059

5.3 Offences and infringements (s.59 & s.59A)		
Function Delegated	Authority to	
	1. Institute and carry on proceedings against a person for an offence alleged to be committed against this Act. 2. Serve an infringement notice for an offence against this Act.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power being Delegated	Bush Fires Act 1954 s.59 - Prosecution of offences s.59A - Alternative procedure – infringement notices	
Power originally assigned to	Local Government	
Power to Delegate	Bush Fires Act 1954 s.48 - Delegation by local governments s.59 – Prosecution of offences	
Power Delegated to	Senior Shire Ranger <u>Ranger Coordinator</u> Shire Ranger Chief Executive Officer	Director External Services Manager Waste & Environmental Health Manager Ranger & Emergency Services Community Emergency Services Manager
Council Conditions	Nil	
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments	
Compliance Links	Bush Fires (Infringements) Regulations 1978 Council Policy Fire Management – Roadside Burning Policy Bushfire Management Policy	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1.	Adopted – June 2019: Resolution #O0619-120	5. Reviewed – June 2023, Resolution #O0623-117
2.	Amended – May 2020, Resolution #O0520-148	6. Amended – August 2023, Resolution #O0823-149
3.	Amended – May 2021, Resolution #O0521-147	7. Amended – November 2023, Resolution # O1123-190
4.	Reviewed – May 2022, Resolution #O0522-112	8. Amended – May 2024, Resolution #O0524-059

5.4 Withdrawal of infringements (s.59A)	
Function Delegated	Authority to withdraw an infringement notice for an offence against this Act.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Bush Fires Act 1954</i> s.59A - Alternative procedure – infringement notices
Power originally assigned to	Local Government
Power to Delegate	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<i>Bush Fires (Infringements) Regulations 1978</i> <i>Bush Fires Act 1954 -</i> s.65 - Proof of certain matters s.66 - Proof of ownership or occupancy
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2019: Resolution #O0619-120	5. Reviewed – June 2023, Resolution #O0623-117
2. Amended – May 2020, Resolution #O0520-148	6. Reviewed – May 2024, Resolution #O0524-059
3. Reviewed – May 2021, Resolution #O0521-147	7.
4. Reviewed – May 2022, Resolution #O0522-112	8.

5.5 Varying prohibited burning times (s.17)	
Function Delegated	Joint authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer if forest land is situated in the district.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Bush Fires Act 1954:</i> s.17 - Prohibited burning times may be declared by Minister
Power originally assigned to	Local Government
Power to Delegate	<i>Bush Fires Act 1954</i> s.48 - Delegation by local governments s.17(10) – Prohibited burning times may be declared by Minister
Power Delegated to	Shire President and Chief Bush Fire Control Officer (jointly)
Council Conditions	1. Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8). 2. The Community Emergency Services Manager must be consulted before a decision is made.
Power to Sub-Delegate	Not applicable – Sub-delegation is prohibited by s.48 - Delegation by local governments
Compliance Links	<i>Bush Fire Regulations 1954</i> r.15 - Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C - Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B - Crop dusters etc., use of in restricted or prohibited burning times
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – February 2020: Resolution #O0220-049	5. Amended – June 2023, Resolution #O0623-117
2. Amended – May 2020, Resolution #O0520-148	6. Reviewed – May 2024, Resolution #O0524-059
3. Reviewed – May 2021, Resolution #O0521-147	7.
4. Amended – May 2022, Resolution #O0522-112	8.

PART 6 FOOD ACT 2008**6.1 Appoint Authorised Officers (s.122 & s.126)**

Function Delegated	<p>Authority to</p> <ol style="list-style-type: none"> 1. Appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i>. 2. Appoint an Authorised Officer under s.122(12) of this Act or s.24(1) of the <i>Public Health Act 2016</i> to be a Designated Officer for the purposes of issuing Infringement Notices under <i>Food Act 2008</i>. <p>and</p> <p>Appoint the Chief Executive Officer as an Authorised Officer to be a Designated Officer (who is prohibited by s.126(13) from also being a Designated Officer for the purpose of issuing infringements), for the purpose of extending the time for payment of modified penalties [s.126(6)] and determining withdrawal of an infringement notice [s.126(7).]</p>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Food Act 2008</i></p> <p>s.122 Appointment of Authorised Officers</p> <p>s.126 Infringement Notices</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Food Act 2008</i></p> <p>s.118 - Functions of enforcement agencies and delegation</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.
Compliance Links	<p><i>Food Act 2008</i></p> <p>s.122 - Appointment of authorised officers</p> <p>s.123 - Certificates of authority</p> <p>Department of Health Guidelines:</p> <p>Appointment of Authorised Officers as Meat Inspectors</p> <p>Appointment of Authorised Officers</p> <p>Appointment of Authorised Officers – Designated Officers only (section 126)</p> <p>Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an authorised officer.</p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference

6.1 Appoint Authorised Officers (s.122 & s.126)

1. Adopted - June 2013, Resolution # O0613-012	7. Amended – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Amended – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Amended – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution #O0619-120	12.

6.2 Prohibition orders (s.65, s.66 & s.67)		
Function Delegated	Authority to <ol style="list-style-type: none">Serve a Prohibition order on the proprietor of a food business in accordance with s.65 of the <i>Food Act 2008</i>.Give a Certificate of clearance, where inspection demonstrates compliance with a Prohibition order and any Improvement Notices.Give written notice to proprietor of a food business on whom a Prohibition Order has been served of the decision not to give a certificate of clearance after an inspection.	
	<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Food Act 2008</i> s.65 - Prohibition order s.66 - Certificate of clearance to be given in certain circumstances s.67 - Request for re-inspection	
Power originally assigned to	Local Government	
Power to Delegate	<i>Food Act 2008</i> s.118 - Functions of enforcement agencies and delegation	
Power Delegated to	Chief Executive Officer Director External Services <i>Manager Waste & Environmental Health</i>	Coordinator Environmental Health Environmental Health Officer <i>Manager Ranger & Emergency Services</i>
Council Conditions	Nil	
Power to Sub-Delegate	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.	
Compliance Links	<i>Food Act 2008</i> s.62 - Grounds for serving improvement notice s.63 - Improvement notice may require certain action to be taken <i>Food Regulations 2009</i> Department of Health <i>Food Act 2008</i> Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1: WA Priority Classification System <i>Food Act 2008</i> Verification of Food Safety Program Guideline	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1.	Adopted - June 2013, Resolution # O0613-012	9. Reviewed – May 2020, Resolution #O0520-148
2.	Reviewed – May 2015, Resolution # O0515-026	10. Reviewed – May 2021, Resolution #O0521-147
3.	Amended – March 2016, Resolution # O0316-023	11. Amended – May 2022, Resolution #O0522-112

6.2 Prohibition orders (s.65, s.66 & s.67)	
4. Reviewed – July 2016, Resolution # O0716-032	12. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – Sept 2017, Resolution # O0916-026	13. Amended – August 2023, Resolution #O0823-149
6. Reviewed – June 2017 Resolution # O0617-133	14. Amended – November 2023, Resolution # O1123-190
7. Reviewed – May 2018, Resolution # O0518-098	15. Reviewed – May 2024, Resolution #O0524-059
8. Amended – June 2019: Resolution #O0619-120	16.

6.3 Registration of food business (s.110 & s.112)		
Function Delegated	Authority to	
	a. Consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration. b. Vary the conditions or cancel the registration of a food business.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power being Delegated	Food Act 2008 s.110 - Registration of food business s.112 - Variation of conditions or cancellation of registration of food businesses	
Power originally assigned to	Local Government	
Power to Delegate	Food Act 2008 s.118 - Functions of enforcement agencies and delegation	
Power Delegated to	Chief Executive Officer Director External Services Manager Waste & Environmental Health	Coordinator Environmental Health Environmental Health Officer Manager Ranger & Emergency Services
Council Conditions	Nil	
Power to Sub-Delegate	Nil - Food Regulations 2009 do not provide for sub-delegation.	
Compliance Links	Food Act 2008 Food Regulations 2009 Department of Health Food Act 2008 Regulatory Guideline No.1: Introduction of Regulatory Food Safety Auditing in WA Food Unit Fact Sheet 8: Guide to Regulatory Guideline No.1: WA Priority Classification System Food Act 2008 Verification of Food Safety Program Guideline	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1.	Adopted - June 2013, Resolution # O0613-012	9. Reviewed – May 2020, Resolution #O0520-148
2.	Reviewed – May 2015, Resolution # O0515-026	10. Reviewed – May 2021, Resolution #O0521-147
3.	Amended – March 2016 Resolution # O0316-023	11. Reviewed – May 2022, Resolution #O0522-112
4.	Reviewed – July 2016, Resolution # O0716-032	12. Reviewed – June 2023, Resolution #O0623-117
5.	Reviewed – Sept 2016, Resolution #O0916-026	13. Amended – August 2023, Resolution #O0823-149
6.	Reviewed – June 2017 Resolution # O0617-133	14. Amended – November 2023, Resolution # O1123-190
7.	Reviewed – May 2018, Resolution # O0518-098	15. Reviewed – May 2024, Resolution #O0524-059
8.	Amended – June 2019: Resolution #O0619-120	16.

6.4 Prosecutions (s.125)		
Function Delegated	Authority to institute proceedings for an offence under the <i>Food Act 2008</i> .	
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>		
Power being Delegated	<i>Food Act 2008</i> s.125 - Institution of proceedings	
Power originally assigned to	Local Government	
Power to Delegate	<i>Food Act 2008</i> s.118 - Functions of enforcement agencies and delegation	
Power Delegated to	Chief Executive Officer	
Council Conditions	Nil	
Power to Sub-Delegate	Nil - <i>Food Regulations 2009</i> do not provide for sub-delegation.	
Compliance Links	<i>Food Act 2008</i> <i>Food Regulations 2009</i> Department of Health Compliance and Enforcement Policy Department of Health CEO guidelines	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1.	Adopted - June 2013, Resolution # O0613-012	7. Reviewed – May 2020, Resolution #O0520-148
2.	Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3.	Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4.	Reviewed – June 2017 Resolution # O0617-133	10. Amended – June 2023, Resolution #O0623-117
5.	Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6.	Amended – June 2019: Resolution #O0619-120	12.

PART 7 DOG ACT 1976

7.1 Appoint Registration Officers (s.3)	
Function Delegated	Authority to Appoint Registration Officers to exercise the powers and duties conferred on a Registration Officer by this Act.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Dog Act 1976</i> s.3 - Terms Used
Power originally assigned to	Local Government
Power to Delegate	<i>Dog Act 1976</i> s.10AA - Delegation of local government powers and duties
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Dog Act 1976</i> s.10AA - Delegation of local government powers and duties CEO has elected to not sub-delegate this role
Compliance Links	<i>Dog Act 1976</i> s.3 - Terms used
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2019: Resolution #O0619-120	5. Reviewed – June 2023, Resolution #O0623-117
2. Reviewed – May 2020, Resolution #O0520-148	6. Reviewed – May 2024, Resolution #O0524-059
3. Amended – May 2021, Resolution #O0521-147	7.
4. Reviewed – May 2022, Resolution #O0522-112	8.

7.2 Keeping of dogs (number of) (s.26)	
Function Delegated	Authority to grant exemptions to the number of dogs that may be kept in or on premises.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Dog Act 1976</i> s.26(3) – Limitation as to numbers
Power originally assigned to	Local Government
Power to Delegate	<i>Dog Act 1976</i> s.10AA – Delegation of local government powers and duties
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Dog Act 1976</i> s.10AA – Delegation of local government powers and duties
Compliance Links	Dog Local Law
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - November 2014, Resolution # O1114-015	6. Amended – May 2020, Resolution #O0520-148
2. Reviewed – July 2016, Resolution # O0716-032	7. Amended – May 2021, Resolution #O0521-147
3. Reviewed – June 2017 Resolution # O0617-133	8. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – May 2018, Resolution # O0518-098	9. Amended – June 2023, Resolution #O0623-117
5. Amended – June 2019: Resolution #O0619-120	10. Amended – May 2024, Resolution #O0524-059

PART 8 CAT ACT 2011

8.1 Cat Registrations	
Function Delegated	<p>Authority to</p> <ol style="list-style-type: none"> grant, or refuse to grant, a cat registration or renewal of a cat registration [s.9(1)]. refuse to consider an application for registration or renewal where an applicant does not comply with a requirement to give any document or information required to determine the application [s.9(6)]. cancel a cat registration [s.10]. give the cat owner a new registration certificate or tag, if satisfied that the original has been stolen, lost, damaged or destroyed [s.11(2)]. reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Esperance's District [Regs. Sch. 3 cl.1(4)].
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p>Cat Act 2011</p> <p>s.9 Registration</p> <p>s.10 Cancellation of registration</p> <p>s.11 Registration numbers, certificates and tags</p> <p>Cat Regulations 2012</p> <p>Scheduled 3, cl.1(4) Fees Payable</p>
Power originally assigned to	Local Government
Power to Delegate	<p>Cat Act 2011</p> <p>s.44 Delegation by local government</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p>Cat Act 2011</p> <p>s.45 Delegation by CEO of local government</p>
Compliance Links	<p>Cat Regulations 2012</p> <p>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</p> <p>r.12 Period of registration (s.9(7))</p> <p>r.13 Changes in registration</p> <p>r.14 Registration certificate (s.11(1)(b))</p> <p>r.15 Registration tags (s.76(2))</p> <p>Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the Cat Act 2011.</p> <p>Cat Local Law</p>

8.1 Cat Registrations	
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2. Amended – May 2024, Resolution #O0524-059	6.
3.	7.
4.	8.

8.2 Cat Control Notices (s.26)	
Function Delegated	Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Esperance District
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Cat Act 2011</i> s.26 Cat control notice may be given to cat owner
Power originally assigned to	Local Government
Power to Delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Compliance Links	<i>Cat Regulations 2012</i> r.20 Cat control notice (s.23(3)), prescribes the form of the notice Cat Local Law
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2. Amended – May 2024, Resolution #O0524-059	6.
3.	7.
4.	8.

8.3 Recovery of Costs – Destruction of Cats (s.49)	
Function Delegated	Authority to recover the amount of the costs associated with the destruction and the disposal of a cat.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Cat Act 2011</i> s.49(3) Authorised person may cause cat to be destroyed
Power originally assigned to	Local Government
Power to Delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Compliance Links	Cat Local Law
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2. Reviewed – May 2024, Resolution #O0524-059	6.
3.	7.
4.	8.

8.4 Prosecutions (s.73)	
Function Delegated	Authority to commence a prosecution for an offence against the <i>Cat Act 2011</i> or a local law
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Cat Act 2011</i> s.73(1)(b) & (2)(b) Prosecutions
Power originally assigned to	Local Government
Power to Delegate	<i>Cat Act 2011</i> s.44 Delegation by local government
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Cat Act 2011</i> s.45 Delegation by CEO of local government
Compliance Links	Cat Local Law
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – June 2023, Resolution #O0623-117	5.
2. Reviewed – May 2024, Resolution #O0524-059	6.
3.	7.
4.	8.

**PART 9 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1960**

9.1 Establishing pounds and appointing poundkeepers and Rangers(s.449)	
Function Delegated	Authority to a. Establish pounds b. Appoint fit and proper persons to be pound keepers and Rangers
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 - Pounds, establishing; poundkeepers and rangers, appointing
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 - CEO may delegate powers and duties to other employees
Compliance Links	<i>Local Government Act 1995</i> <i>Local Government (Miscellaneous Provisions) Act 1960 s.450</i>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	7. Amended – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Reviewed – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution #O0619-120	12.

**PART 10 LOCAL GOVERNMENT (FINANCIAL MANAGEMENT)
REGULATIONS 1996**

10.1 Payment of accounts (r.12)	
Function Delegated	Authority to make payments from the municipal or trust funds.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Financial Management) Regulations 1996</i> r.12 Payments from municipal fund or trust fund, restrictions on making
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	<i>Local Government (Financial Management) Regulations 1996</i> r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc. <i>Local Government Act 1995</i> s.6.5 – Accounts and records
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Amended – June 2019: Resolution #O0619-120
2. Reviewed - February 2010, Resolution # O0210-1400	9. Reviewed – May 2020, Resolution #O0520-148
3. Reviewed - June 2013, Resolution # O0613-012	10. Reviewed – May 2021, Resolution #O0521-147
4. Reviewed – May 2015, Resolution # O0515-026	11. Reviewed – May 2022, Resolution #O0522-112
5. Reviewed – July 2016, Resolution # O0716-032	12. Amended – June 2023, Resolution #O0623-117
6. Reviewed – June 2017 Resolution # O0617-133	13. Reviewed – May 2024, Resolution #O0524-059
7. Reviewed – May 2018, Resolution # O0518-098	14.

**PART 11 LOCAL GOVERNMENT (UNIFORM LOCAL PROVISIONS)
REGULATIONS 1996**

11.1 Permission to have gate across public thoroughfare (r.9)	
Function Delegated	Authority to assess and approve applications to construct a gate or other device across a public thoroughfare managed by the Local Government, that enables motor traffic to pass across the public thoroughfare and prevents livestock from straying.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.9 - Permission to have gate across public thoroughfare — Sch. 9.1 cl. 5(1)
Power originally assigned to	Local Government
Power to Delegate	<i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate powers and duties to other employees
Compliance Links	<i>Local Government Act 1995</i> s.9.60 & Sch.9.1 cl.5(1)
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - June 2013, Resolution # O0613-012	7. Reviewed – May 2020, Resolution #O0520-148
2. Reviewed – May 2015, Resolution # O0515-026	8. Reviewed – May 2021, Resolution #O0521-147
3. Reviewed – July 2016, Resolution # O0716-032	9. Reviewed – May 2022, Resolution #O0522-112
4. Reviewed – June 2017 Resolution # O0617-133	10. Amended – June 2023, Resolution #O0623-117
5. Reviewed – May 2018, Resolution # O0518-098	11. Reviewed – May 2024, Resolution #O0524-059
6. Amended – June 2019: Resolution #O0619-120	12.

11.2 Private works on, over, or under public places (r.17)		
Function Delegated	Authority to grant permission to construct anything on, over or under a public thoroughfare or other public place that is local government property.	
This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.		
Power being Delegated	Local Government (Uniform Local Provisions) Regulations 1996 r.17 - Private works on, over, or under public places — Sch. 9.1 cl.8	
Power originally assigned to	Local Government	
Power to Delegate	Local Government Act 1995 s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO	
Power Delegated to	Chief Executive Officer	
Council Conditions	Nil	
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate some powers and duties to other employees	
Compliance Links	Local Government Act 1995 s.9.60 - Regulations that operate as local laws Sch 9.1 Ccl .8 Private works on, over, or under public places	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1.	Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2.	Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution #O0619-120
3.	Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4.	Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5.	Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6.	Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7.	Reviewed – June 2017 Resolution # O0617-133	14. Reviewed – May 2024, Resolution #O0524-059

11.3 Requirement to construct and repair crossing (r.13)	
Function Delegated	<p>Authority to</p> <ol style="list-style-type: none"> Give notice to an owner or occupier of land requiring the person to construct or repair a crossing. Construct or repair the crossing if the person fails to comply with the notice, and recover 50% of the cost as a debt due from the person.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i> r.13 - Requirement to construct or repair crossing — Sch. 9.1 cl. 7(3)</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i> s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	<p><i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees</p>
Compliance Links	<p><i>Local Government Act 1995</i> s.9.60(4) – Regulations that operate as local laws Schedule 9.1 cl 7 Council Policy Crossover Construction Policy</p>
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted - February 2004, Resolution # O0204-0769	8. Reviewed – May 2018, Resolution # O0518-098
2. Reviewed - February 2011, Resolution # O0211-1575	9. Amended – June 2019: Resolution #O0619-120
3. Reviewed - April 2012, Resolution # AP0412-005	10. Reviewed – May 2020, Resolution #O0520-148
4. Reviewed - June 2013, Resolution # O0613-012	11. Reviewed – May 2021, Resolution #O0521-147
5. Reviewed – May 2015, Resolution # O0515-026	12. Reviewed – May 2022, Resolution #O0522-112
6. Reviewed – July 2016, Resolution # O0716-032	13. Amended – June 2023, Resolution #O0623-117
7. Reviewed – June 2017 Resolution # O0617-133	14. Amended – May 2024, Resolution #O0524-059

11.4 Dangerous excavation in or near public thoroughfare (r.11)	
Function Delegated	<ol style="list-style-type: none"> 1. Authority to determine if an excavation in or on land adjoining a public thoroughfare is dangerous and take action to fill it in or fence it or request the owner / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)]. 2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)]. 3. Authority to impose conditions on granting permission [ULP r.11(6)]. 4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	Local Government (Uniform Local Provisions) Regulations 1996 r.11 – Dangerous excavation in or near public thoroughfare Sch. 9.1 cl. 6
Power originally assigned to	Local Government
Power to Delegate	Local Government Act 1995 s.5.42 - Delegation of some powers or duties to the CEO s.5.43 - Limitations on delegations to the CEO
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> a. Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996. b. Permission may only be granted where, the proponent has - <ol style="list-style-type: none"> i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works. ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works. iii. Provided evidence of sufficient Public Liability Insurance. iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity
Power to Sub-Delegate	Local Government Act 1995 s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	Local Government (Uniform Local Provisions) Regulations 1996 r.11 – Dangerous excavation in or near public thoroughfare Sch. 9.1 cl. 6
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – May 2021, Resolution #O0521-147	4. Reviewed – May 2024, Resolution #O0524-059
2. Amended – May 2022, Resolution #O0522-112	5.
3. Amended – June 2023, Resolution #O0623-117	6.

11.5 Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7)	
Function Delegated	<ol style="list-style-type: none"> Authority to determine, by written notice served on a person who is carrying out plastering, painting or decorating operations (the work) over or near a footpath on land that is local government property, to require the person to cover the footpath during the period specified in the notice so as to - <ol style="list-style-type: none"> prevent damage to the footpath; or prevent inconvenience to the public or danger from falling materials [ULP r.5(2)]. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)]. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)]. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A]. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government (Uniform Local Provisions) Regulations 1996</i></p> <p>r.5(2) Interfering with, or taking from, local government land</p> <p>r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</p> <p>r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b)</p> <p>r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.42 - Delegation of some powers or duties to the CEO</p> <p>s.5.43 - Limitations on delegations to the CEO</p>
Power Delegated to	Chief Executive Officer
Council Conditions	<ol style="list-style-type: none"> Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>. Permission may only be granted where, the proponent has - <ol style="list-style-type: none"> Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works. Provided evidence of sufficient Public Liability Insurance. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.

11.5 Obstruction of footpaths and thoroughfares (r.5, r.6, r.7A & r.7)	
Power to Sub-Delegate	<i>Local Government Act 1995</i> s.5.44 – CEO may delegate some powers and duties to other employees
Compliance Links	<i>Local Government Act 1995</i> Sch.9.1(3) Determination of Bond Value and Conditions are specified in Delegation 112.6 of the Delegated Authority Manual: Obstruction of public thoroughfare by things placed and left. Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i> .
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – May 2021, Resolution #O0521-147	5.
2. Amended – May 2022, Resolution #O0522-112	6.
3. Amended – June 2023, Resolution #O0623-117	7.
4. Reviewed – May 2024, Resolution #O0524-059	8.

PART 12 HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911**12.1 Appointment of Deputies (s.24)**

Function Delegated	Officers are appointed as Deputies to carry out the powers and functions of the Local Government under the <i>Health (Miscellaneous Provisions) Act 1911</i> and the regulations, local laws and orders made thereunder.	
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>		
Power being Delegated	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 - Powers of local government	
Power originally assigned to	Local Government	
Power to Delegate	<i>Health (Miscellaneous Provisions) Act 1911</i> s.26 - Powers of local government	
Power Delegated to	Chief Executive Officer Director External Services	Manager Waste & Environmental Health Coordinator Environmental Health Environmental Health Officer
Council Conditions	Nil	
Power to Sub-Delegate	N/A	
Compliance Links	Nil	
DELEGATION ADMINISTRATION		
Decision Reference		Decision Reference
1. Adopted – August 2019, Resolution #O0819-170		5. Amended – June 2023, Resolution #O0623-117
2. Amended – May 2020, Resolution #O0520-148		6. Amended – August 2023, Resolution #O0823-149
3. Reviewed – May 2021, Resolution #O0521-147		7. Amended – November 2023, Resolution # O1123-190
4. Reviewed – May 2022, Resolution #O0522-112		8. Amended – May 2024, Resolution #O0524-059

PART 13 HEALTH (ASBESTOS) REGULATIONS 1992**13.1 Appoint Authorised and Approved Officers (r.15D)**

Function Appointed	Authority to: <ol style="list-style-type: none"> Appoint Officers as Authorised Officers for the purpose of the <i>Criminal Procedure Act 2004</i> to issue infringements under the <i>Health (Asbestos) Regulations 1992</i>. Manage infringements issued under the <i>Health (Asbestos) Regulations 1992</i> as an Approved Officer for the purpose of the <i>Criminal Procedure Act 2004</i>.
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Health (Asbestos) Regulations 1992</i> r.15D – Infringement Notices
Power originally assigned to	Local Government
Power to Delegate	<i>Health (Asbestos) Regulations 1992</i> r.15D – Infringement Notices
Power Delegated to	Chief Executive Officer
Council Conditions	Nil
Power to Sub-Delegate	Nil
Compliance Links	<i>Criminal Procedure Act 2004</i> Part 2 - Dealing with alleged offenders without prosecuting them
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – August 2019, Resolution #O0819-170	5. Amended – June 2023, Resolution #O0623-117
2. Reviewed – May 2020, Resolution #O0520-148	6. Reviewed – May 2024, Resolution #O0524-059
3. Reviewed – May 2021, Resolution #O0521-147	7.
4. Reviewed – May 2022, Resolution #O0522-112	8.

PART 14 BUILDING REGULATIONS 2012

14.1 Appoint Approved and Authorised Officers (r.70)	
Function Delegated	Authority: <ol style="list-style-type: none"> To appoint Authorised Officers for the purpose of the <i>Criminal Procedure Act 2004</i> to issue infringements under the <i>Building Regulations 2012</i> As an Approved Officer for the purpose of the <i>Criminal Procedure Act 2004</i> to withdraw infringements under the <i>Building Regulations 2012</i>
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<i>Building Regulations 2012</i> r.70 – Approved Officers and Authorised Officers
Power originally assigned to	Local Government
Power to Delegate	<i>Building Regulations 2012</i> r.70 – Approved Officers and Authorised Officers
Power Delegated to	Chief Executive Officer
Council Conditions	Officers authorised for this purpose must first be authorised under s.9.16 of the <i>Local Government Act 1995</i> .
Power to Sub-Delegate	N/A
Compliance Links	<i>Criminal Procedure Act 2004</i> Part 2 - Dealing with alleged offenders without prosecuting them s.6(a) s.6(b) <i>Local Government Act 1995</i> 9.10 - Appointment of authorised persons 9.16 - Notice, giving of to alleged offender 9.19 – Extension of time 9.20 – Withdrawal of notice
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – May 2020, Resolution #O0520-148	4. Amended – August 2022, Resolution #O0822-186
2. Amended – May 2021, Resolution #O0521-147	5. Amended – June 2023, Resolution #O0623-117
3. Amended – May 2022, Resolution #O0522-112	6. Reviewed – May 2024, Resolution #O0524-059

**PART 15 LOCAL GOVERNMENT (MODEL CODE OF CONDUCT)
REGULATIONS 2021**

15.1 Behaviour Complaints Management (r.12 & r.13)	
Function Delegated	<ol style="list-style-type: none"> Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur [Code of Conduct cl.2.6(1) and (3)]. In making any finding the Committee must also determine reasons for the finding [Code of Conduct cl.2.6(7)]. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> take no further action [Code of Conduct cl.2.6(4)(a)]; or prepare and implement a plan to address the behaviour of the person to whom the complaint relates [Code of Conduct cl.2.6(4)(b), (5) and (6)]. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [Code of Conduct cl.2.7(1) and (2)].
<i>This text is provided as a reference only. Delegates shall only act in full understanding of the delegated statutory power, inclusive of conditions.</i>	
Power being Delegated	<p><i>Local Government (Model Code of Conduct) Regulations 2021:</i></p> <p>Clause 12 Dealing with a complaint</p> <p>Clause 13 Dismissal of complaint</p>
Power originally assigned to	Local Government
Power to Delegate	<p><i>Local Government Act 1995</i></p> <p>s.5.16 Delegation of some powers and duties to certain committees</p>
Power Delegated to	Behaviour Complaints Committee
Council Conditions	<ol style="list-style-type: none"> The Committee will make decisions in accordance with the principles and specified requirements established in the Shire's Code of Conduct Behaviour Complaints Management Policy. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent and a Deputy Committee Member is in attendance. <p>NOTE TO CONDITIONS (C) AND (D): The purpose of this Condition is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Chair of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>

15.1 Behaviour Complaints Management (r.12 & r.13)	
Power to Sub-Delegate	Nil
Compliance Links	Behaviour Complaints Committee Terms of Reference Code of Conduct Behaviour Complaints Management Policy Code of Conduct for Council Members, Committee Members and Candidates
DELEGATION ADMINISTRATION	
Decision Reference	Decision Reference
1. Adopted – May 2024, Resolution O0524-058	5.
2.	6.
3.	7.
4.	8.