


**SHIRE OF LEONORA**

**LOCAL LAW RELATING TO LEONORA AIRPORT**

**EXPLANATORY MEMORANDUM**

1. **ADMINISTERING AUTHORITY:**  
Shire of Leonora
2. **TITLE OF LOCAL LAW:**  
Leonora Airport Local Law
3. **SECTION OF ACT:**  
These Local Laws are made under Section 3.5 and 3.10 of the Local Government Act 1995.
4. **PURPOSE OF THE LOCAL LAW:**  
The purpose and objective of the local law is to provide for the proper management of the local government owned and operated airport and to replace an existing 1985 Local Law. The Local Law is to provide a general update and revision of Council's existing powers.
5. **IDENTIFICATION OF UNUSUAL OR CONTROVERSIAL PROVISIONS:**  
None.
6. **DETAILS OF CONSULTATIONS, SUBMISSIONS AND RESPONSES:**  
In accordance with Section 3.12(3) and (3a) of the Local Government Act 1995, statewide public notice summarising the purpose and effect of the Local Law was published in the West Australian on the 21<sup>st</sup> October, 2000 and a copy was forwarded to the Minister for Local Government and the Minister for Transport on the 19<sup>th</sup> October, 2000.  
  
No submission or responses were received to the proposed Local Law.
7. **REASONS FOR FEES, CHARGES AND PENALTIES:**
  - (i) Fees Not Applicable
  - (ii) Charges Not Applicable
  - (iii) Penalties The penalty provision contained within the local laws are considered a deterrent and as a consequence are adequate and appropriate for any person committing any such offence.
8. **DISCLAIMER:**  
The Explanatory Memorandum is produced only as an aid to understand the abovementioned Local Law and must not be substituted for the Local Laws as gazetted or made available to the public in any matter or circumstance.
9. **CONTACT REFERENCES:**  
The contact for any enquiries on this matter is Jim Epis, Chief Executive Officer, telephone 08 9037 6044.

  
**R. J. LOCKYER**  
**SHIRE PRESIDENT**  
**19.12.2000**

  
**J. G. EPIS**  
**CHIEF EXECUTIVE OFFICER**  
**19.12.2000**

# Shire of Leonora Local Law - Leonora Airport

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# Local Government Act 1995

## Shire of Leonora

### SHIRE OF LEONORA LOCAL LAW LEONORA AIRPORT

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Shire of Leonora hereby records having resolved on 17<sup>th</sup> October, 2000, to make the following local law:

#### PART 1 - PRELIMINARIES

##### 1.1 Citation

This local law may be cited as the "Shire of Leonora Local Law (Leonora Airport)".

##### 1.2 Application

This local law shall apply to and be in force within that portion of the district of the Shire of Leonora as is hereinafter described as the Airport

##### 1.3 Interpretation

In this local law, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say -

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

"aircraft" means any machine or craft that can derive support in the atmosphere from the reactions of the air;

"Airport" means all those pieces of land being currently designated, vested and described as Leonora Airport and shall include future designations, vestings and descriptions as the Leonora Airport;

"Airport Manager" means the person for the time being employed by the Council to control and manage the airport;

“Chief Executive Officer” means the Chief Executive Officer for the time being of the Shire of Leonora;

“Council” means the Council of the Shire of Leonora;

“half-fare passengers” means students who have received a discounted adult fare by reason of being engaged in full-time study at a secondary or tertiary education institution, females over the age of 60 years and males of the age of 65 years;

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

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

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

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

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

“Ranger” means any person appointed by or under the authority of the Council as a Ranger and whose duties include the control and supervision of the standing and parking of vehicles within the airport and the enforcement of this local law;

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

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

“taxi” means a vehicle which is used for the purpose of standing or applying for hire, or otherwise for the carrying of passengers for reward, but does not include an omnibus licensed under the Transport Co-ordination Act 1966 or a vehicle of a class declared by the Director General under sub-section (2) of the Taxi Act 1994 not to be a taxi.

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

Words and expressions used in this local law, unless the context otherwise requires, have the meanings given to them by the Local Government Act, the Act, or Regulations as the case may be.

#### **1.4 Repeal**

The Shire of Leonora local law relating to Aerodromes published in the Government Gazette on 30 August 1985 is hereby repealed.

### **PART 2 - USE OF AIRPORT BY AIRCRAFT**

**2.1** The owner of every aircraft shall be entitled upon and subject to compliance with this local law to use the Airport for the landing, servicing and departure of their aircraft and the embarkment and disembarkment of passengers and freight.

#### **2.2 Closure of Airport**

The Airport Manager may close the Airport to aircraft movements if the Airport Manager considers the surface of the Airport to be unsafe.

### **PART 3 - CONDUCT OF BUSINESS AT THE AIRPORT**

#### **3.1 Authority to conduct business at the Airport**

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

#### **3.2 Prohibition on conducting unauthorised business**

Except in accordance with an authority granted under sub-clause 5 (1) and the terms and conditions of that authority, a person shall not, within the Airport, either personally or by their servant or agent -

3.2.1 sell, for delivery within the airport, or supply any goods or services;

3.2.2 carry on, or solicit for, any business; or

3.2.3 erect, display or contribute or communicate by sound, any advertisement or public notice.

**3.3 Operation of Hire Vehicles at the Airport**

No person shall -

3.3.1 provide a service or carry on the business of hiring self drive rental vehicles within the boundaries of the Airport;

3.3.2 solicit for any business of hiring self drive rental vehicles within the boundaries of the Airport

without the prior consent in writing of the Council.

**3.4** Nothing in this clause contained or implied shall apply to taxis.

**PART 4 -RIGHT OF ENTRY TO AIRPORT**

**4.1** Notwithstanding the provisions of this clause and other provisions of this local law a person other than -

4.1.1 a person lawfully employed upon duties in or about the supervision and control of the Airport or of any business the conduct of which has been authorised pursuant to clause 5 or in respect of any self drive vehicle rental business consented to pursuant to clause 6 or in or about the arrival, departure or servicing of, or other attention upon aircraft lawfully using the Airport; or

4.1.2 a passenger or intending passengers by aircraft lawfully using the Airport; or

4.1.3 a person greeting or seeing off a passenger or intending passenger by aircraft lawfully using the Airport,

shall not enter or remain upon the Airport or any part thereof without the prior written approval of the Airport Manager.

**PART 5 - DESIGNATION OF SPECIFIED AREAS**

**5.1** The Council may from time to time designate or set apart any specified part or parts of the Airport -

- 5.1.1 to which only persons from time to time designated by the Council shall be admitted;
- 5.1.2 to which persons other than those mentioned in sub-clause 7 (1)(a) shall not be admitted;
- 5.1.3 to which the general public, or any limited classes of the general public, may be admitted, either at all times or at specified times, or for limited periods and generally upon such terms and conditions as the Council may determine;
- 5.1.4 to which no vehicle may be admitted or to which a limited class of vehicles may be admitted or to which vehicles may be admitted only on such terms and conditions as the Council may determine;
- 5.1.5 to which no aircraft may be admitted or to which a limited class of aircraft may be admitted or to which aircraft may be admitted only on such terms and conditions as the Council determine.

## **5.2 Signs**

Signs, markings or notices may be placed by the Council at the Airport indicating the limits of any part of the Airport set apart for any special or limited use under sub-clause 7(2).

## **5.3 Special Events**

The Council may on special occasions, for instance, an aerial pageant or other event of public interest, make such arrangements for the control of the Airport and charge such fees for participation and for admission as it may by resolution impose.

## **5.4 Containment of animals**

Subject to sub-clause 5.6 no person shall bring, or permit to stray, on to the Airport any dog, horse, cattle, sheep, goat or other animal without the prior written authority of the Council. Any such animal found trespassing without the Council's prior written authority of the Council may be removed from the Airport by any officer or employee of the Council or by any other authorised person and using all reasonable means to capture the animal including destroying it where in the opinion of the officer, employee



or other authorised person, a danger to persons or property might otherwise result.

### **5.5 Guide Dogs**

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

### **5.6 Containment of Chemicals**

No person shall bring or permit to be brought onto the Airport any one or more of the following chemicals namely Dieldrin, Aldrin, Chlordane, MCPA, 2,4-D, 2,4-DB, 2,4,5-T, Dicamba, Fenoprop (2,4,5-TP), 4 CPA, Picloram, D.D.T. (dichlorodiphenyltrichloroethane), without authority from the Council.

### **5.7 Testing for Chemicals**

The owner and pilot of any aircraft and the driver or person in charge of any vehicle within or entering onto the Airport and the lessees, licensee or occupier of any hangar or other area within the Airport shall upon request of any officer or employee of the Council made in order to determine whether sub-clause 7(7) has been breached, and under their supervision forthwith provide a sample of or allow a sample to be taken of any container on within or forming part of any such aircraft, vehicle or area.

## **PART 6 - CONDUCT OF PERSONS ON THE AIRPORT**

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

6.2 Any person, whether or not a passenger or intending passenger on an aircraft, who the Airport Manager or Ranger may consider to be intoxicated or under the influence of liquor so as to make their presence on the Airport dangerous to themselves or others, or offensive to others, or otherwise undesirable, may be refused admission to the Airport, or if upon the



Airport may be removed by the Airport Manger, Ranger or any person acting under the direction of the Airport Manager, Ranger or the Council.

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

#### **PART 7 - FEES, CHARGE, ETC.**

- 7.1 The Council may require the owner of every aircraft using the Airport to pay fees levied in accordance with the Local Government Act 1995. Any fee payable shall constitute a debt due by the owner of the aircraft concerned and may be recovered by the Council in any court of competent jurisdiction.

#### **PART 8 - PARKING AND STANDING OF VEHICLES ON THE AIRPORT**

Notwithstanding the provisions of the Shire of Leonora Local Laws relating to parking-

- 8.1 The Council may designate and mark out any car park or parking space on any part of the Airport as it shall think fit and such designation or marking out shall be in such a form as the Council thinks fit.
- 8.2 No person shall park or stand a vehicle in any part of the Airport other than in a car park or parking space designated or set apart by the Council for that purpose.
- 8.3 The Council may affix such conditions to the parking or standing of vehicles as it thinks fit including conditions as to length of time for which a vehicle may park or stand or the class of vehicle which may do so.
- 8.4 Where a parking space, whether in a road or car park, or any car park is reserved for the parking of vehicles of a particular class or designated for a particular use, no person space stand or park in any part of that parking space or car park, any vehicle other than those of the class for which the car park or parking space is reserved or use the parking space or car park other than in accordance with the particular use to which the car park or parking space may be put.

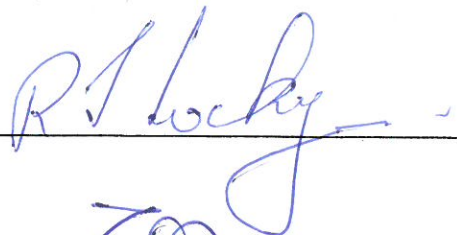
- 8.5 Unless otherwise directed by the Airport Manager or Ranger or any person acting under their control, no person shall park a vehicle in a parking stall otherwise than wholly within the boundaries, if any are designated of that parking space.
- 8.6 No person shall -
- 8.6.1 park or stand a vehicle so as to obstruct an entry to, an exit from or a carriageway, passage or roadway within a car park or the Airport or beyond the limits of any defined roads within the Airport unless the Airport Manager or Ranger shall so direct;
  - 8.6.2 permit a vehicle to park or stand on any part of a car park or parking space whether or not such parking or standing would otherwise be allowed when the Airport Manager or Ranger directs the driver of such vehicle to move it;
  - 8.6.3 park or stand or attempt to park or stand a vehicle in a parking space in which another vehicle is standing provided that this clause shall not prevent the parking or standing of more than one motor cycle or bicycle in an area designated for the parking of motor cycles and/or bicycles.;
  - 8.6.4 park or stand a vehicle or permit a vehicle to stand on any road so as to cause an obstruction;
  - 8.6.5 park or stand a vehicle or permit a vehicle to park or stand on any road abreast or alongside a standing or parked vehicle unless the Airport Manager or Ranger shall so direct;
  - 8.6.6 park or stand a vehicle or permit a vehicle to park or stand on a road or elsewhere within a distance of one metre of a fire hydrant;
  - 8.6.7 park or stand a vehicle or permit a vehicle to park or stand on any part of a pedestrian crossing provided that it shall not be an offence against this paragraph -
    - (i) if the driver of such vehicle is prevented from proceeding by circumstances beyond the driver's control; or
    - (ii) if it is necessary for a driver to stop on such a crossing in order to avoid an accident.

## PART 9 - OFFENCES

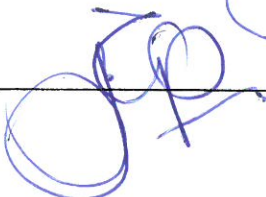
- 9.1. A person who contravenes or fails to comply with any provisions of this local law commits an offence and is liable on conviction to a maximum penalty of \$1000 and when the offence is of a continuing nature, to a maximum daily penalty of \$100.00, in respect of each day or part of a day during which the offence continues.
- 9.2. The Council in its absolute discretion may either generally or for specific use waive all or any of the requirements of this local law.

Dated this 19<sup>th</sup> day of DECEMBER 2000.

The Common Seal of the SHIRE OF LEONORA was affixed in the presence of:

  
\_\_\_\_\_

PRESIDENT

  
\_\_\_\_\_

CHIEF EXECUTIVE OFFICER