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SHIRE OF TRAYNING

LOCAL GOVERNMENT ACT 1995

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

EXTRACTIVE INDUSTRIES LOCAL LAW

PARKING AND PARKING FACILITIES
LOCAL LAW

LOCAL GOVERNMENT PROPERTY LOCAL LAW

LOCAL LAWS RELATING TO THE REPEAL OF DEFUNCT AND OBSOLETE LOCAL LAWS MADE UNDER THE LOCAL GOVERNMENT ACT 1960 AND EARLIER LEGISLATION

DOG ACT 1976

DOGS LOCAL LAW

CEMETERIES ACT 1986

LOCAL LAW RELATING TO THE TRAYNING, KUNUNOPPIN AND YELBENI PUBLIC CEMETERIES

SHIRE OF TRAYNING

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

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Trayning resolved on 21st March 2001 to make the following local law.

The Shire of West Arthur Activities On Thoroughfares And Trading In Thoroughfares and Public Places Local Law as published in the *Government Gazette* of 19 April 2000, is adopted as a local law of the Shire of Trayning, with the modifications which follow:

1. Preliminary

- 1.1 In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.
- 1.2 Wherever the "Shire of West Arthur" is mentioned in the local law substitute "Shire of Trayning".

2. Clause 1.2 Definitions

Delete the definition of townsite and substitute—

"townsite" means each of the townsites of Kununoppin, Trayning and Yelbeni which are—

- (a) constituted under section 26(2) of the Land Administration Act 1997; or
- (b) referred to in clause 37 of Schedule 9.3 of the Act;".

3. Clause 1.4—Repeal

Delete subclause (1) and substitute—

"(1) The following local laws are repealed—

Relating to—

Hawkers, published in the Government Gazette of 30 June 1960;

Prevention of Damage to Streets, published in the Government Gazette of 2 April 1968;

Removal and Disposal of Obstructing Animals or Vehicles, published in the *Government Gazette* of 4 October 1972.".

4. New Division inserted in Part 2

In Part 2 (a) renumber Division 2 to Division 3 and renumber clause 2.4 to clause 2.5 (b) insert the following new Division—

"Division 2—signs erected by the local government

2.4 Signs

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall comply with a sign erected under subclause (1)
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law."

5. Parts and clauses renumbered

Renumber Parts 3 to 9 to 4 to 10 respectively, and renumber the clauses within each part accordingly, with the first integer in each clause number corresponding with the part number.

6. Clause cross-references renumbered

The following consequential amendments are made to clause references within the clauses in the Table.

TABLE

| CLAUSE NO | CHANGE REQUIRED | CLAUSE NO | CHANGE REQUIRED |
|------------------------------------|------------------|-----------|-----------------|
| 1.2 (in the definition of premises | "5.1" to "6.1" | | |
| 2.2(1)(c) | "4.13" to "5.13" | | |

| CLAUSE NO | CHANGE REQUIRED | CLAUSE NO | CHANGE REQUIRED |
|-----------|----------------------|-----------|----------------------------|
| 5.1 | "4.7" to "5.7" | 5.16 | "4.13" to "5.13" |
| 5.10 | "4.9" to "5.9" | 5.18 | "4.17" to "5.17" |
| 5.12 | "6.1(2)" to "7.1(2)" | 5.19 | "4.20" to "5.20" |
| | "4.11" to "5.11" | 7.4(1) | "6.2(1)(a)" to "7.2(1)(a)" |
| | | 7.4(2) | "6.2(1)(a)" to "7.2(1)(a)" |
| 5.14 | "6.1(2)" to "7.1(2)" | 7.4(3) | "6.2(2)" to "7.2(2)" |
| | "4.13" to "5.13" | 7.6 | "6.10" to "7.10" |
| 5.15 | "4.13" to "5.13" | 7.10 | "7.1" to "8.1" |
| | | 8.1 | "6.2(1)" to "7.2(1)" |
| | | 10.2 | "9.1" to "10.1" |

7. New Part 3 inserted

Insert the following new Part-

"PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

3.1 Interpretation

In this Part, unless the context otherwise requires—

- "advertising sign" means a sign used for the purpose of advertisement and includes an "election sign";
- "direction sign" means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;
- "election sign" means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election;
- "portable direction sign" means a portable free standing direction sign; and
- "portable sign" means a portable free standing advertising sign.

Division 2—Permit

3.2 Advertising signs and portable direction signs

- (1) A person shall not, without a permit—
 - (a) erect or place an advertising sign on a thoroughfare; or
 - (b) post any bill or paint, place or affix any advertisement on a thoroughfare.
- (2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m 2 in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.
- (3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—
 - (a) on a footpath;
 - (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;
 - (c) on or within 3m of a carriageway;
 - (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
 - (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit

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

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

Division 3—Conditions on permit

3.4 Conditions on portable sign

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

- (a) the portable sign shall—
 - (i) not exceed 1m in height;
 - (ii) not exceed an area of 1m² on any side;
 - (iii) relate only to the business activity described on the permit;
 - (iv) contain letters not less than 200mm in height;
 - (v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
 - (vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
 - (vii) shall be secured in position in accordance with any requirements of the local government;
 - (viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
 - (ix) be maintained in good condition; and
- (b) no more than one portable sign shall be erected in relation to the one building or business.

3.5 Conditions on election sign

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

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

8. Schedule 1—Prescribed Offences

8.1 In Schedule 1, under the column headed "Clause", amend the following numbers as indicated in the Table.

TABLE

| "3.1(1)" to "4.1(1)" | "4.20(1)" to "5.20(1)" |
|----------------------------|-----------------------------|
| "3.2(2)(a) to "4.2(2)(a)" | "5.2(1)" to "6.2(1)" |
| "3.2(2)(b)" to 4.2 (2)(b)" | "5.3(1)" to "6.3 (1)" |
| "3.2(2)(c) to "4.2 (2)(c)" | "5.8(1)(a)" to "6.8 (1)(a)" |
| "3.2(3)" to "4.2(3)" | "5.8(1)(b)" to "6.8 (1)(b)" |
| "4.6(1)" to "5.6(1)" | "5.8(1)(c)" to "6.8 (1)(c)" |
| "4.9" to "5.9" | "5.8(2)" to "6.8(2)" |
| "4.11" to "5.11" | "6.5" to "7.5" |
| "4.13" to "5.13" | "6.9" to "7.9" |
| "4.17" to "5.17" | "9.1" to "10.1" |
| "4.19" to "5.19" | |

8.2 In Schedule 1, under the columns headed "Clause", "Description", "Modified Penalty \$", insert the following in the appropriate numerical position.

"2.4(2) Failure to comply with sign on public place

100

3.2 (1) Placing advertising sign or affixing any advertisement on a thoroughfare without a permit

100

3.2 (3) Erecting or placing of advertising sign in a prohibited area

100".

Dated this 21st day of March 2001.

The Common Seal of the Shire of Trayning was affixed by authority of a resolution of the Council in the presence of— $\,$

SHIRE OF TRAYNING

EXTRACTIVE INDUSTRIES LOCAL LAW

Under the power conferred by the *Local Government Act 1995* and under all other powers, the Council of the Shire of Trayning resolved on 21st March, 2001 to make the following local law.

The Shire of Donnybrook/Balingup Extractive Industries Local Law published in the *Government Gazette* on 9 June 1998 is adopted as a local law of the Shire of Trayning, with the alterations which follow:

1. Clause 1.1—Definitions

1.1 In clause 1.1, in the definition of "local government", delete "[1]" and substitute "Shire of Trayning".

2. Clause 1.2—Application

- 2.1 After the clause designation "1.2" the subclause designation "(1)" is inserted.
- 2.2 In clause 1.2(1)—
 - (a) In paragraph (a) delete "and (d)" and substitute ", (d) and (e)";
 - (b) in paragraph (c) delete "and";
 - (c) renumber paragraph (d) to paragraph (e);
 - (d) insert the following paragraph—
 - "(d) do not apply to the carrying on of an extractive industry on land by the owner or occupier of that land for use on that land; and"
- 2.3 After clause 1.2(1) insert the following subclause—
 - "(2) In subclause (1)(d) land includes adjoining lots or locations in the same occupation or ownership of the owner or occupier referred to in subclause (1)(d)."

3. Clause 1.3—Repeal

3.1 Delete clause 1.3 and substitute—

"The Shire of Trayning Extractive Industries Local Law published in the Government Gazette on 2 October 1992 is repealed."

4. Clause 2.3(1)—Application for license

- 4.1 After the clause designation "2.3(1)" delete "A" and substitute "Subject to subclause (3), a ".
- 4.2 In clause 2.3(1)(a)(v), delete "roads" and substitute "thoroughfares" in both places where it appears.
- 4.3 In clause 2.3(1)(b), in subparagraphs (vii) and (xv), delete "roads" and substitute "thoroughfares".
- 4.4 In clause 2.3(1)(c)—
 - (a) renumber subparagraphs (iii), (iv), (v) and (vi) to (iv), (v), (vi) and (vii) respectively;
 - (b) insert the following subparagraph—
 - "(iii) how each face is to be made safe and batters sloped;"; and
 - (c) in renumbered subparagraph (vi) delete "and irrigated".
- 4.5 In clause 2.3(1)(d), delete "road" and substitute "thoroughfare".
- 4.6 In clause 2.3(1)—
 - (a) renumber paragraphs (i) and (j) to (j) and (k) respectively;
 - (b) insert the following as paragraph (i)—
 - "evidence that a notice of clearing has been given to the Commissioner of Soil and Land Conservation if that is required under regulation 4 of the Soil and Land Conservation Regulations 1992;"; and
 - (c) in renumbered paragraph (j), insert "reasonably" after "may".
- 4.7 After clause 2.3(2) insert the following subclause—
 - "(3) The local government may exempt a person making application for a licence under subclause (1) from providing any of the data otherwise required under subclause (1), if, in the opinion of the local government, the location and size of the proposed excavation are such that no significant adverse environmental affects will result therefrom."

5. Clause 3.1(5)—Determination of application

5.1 In clause 3.1(5)(b), delete "roads" and substitute "thoroughfares".

- 5.2 In clause 3.1(5)—
 - (a) renumber paragraphs (q) and (r) to (r) and (s) respectively; and
 - (b) insert the following as paragraph (q)—

"requiring the licensee to enter into an agreement with the local government by which it agrees to pay any extraordinary expenses incurred by the local government in repairing damage caused to thoroughfares in the district by heavy or extraordinary traffic conducted by or on behalf of the licensee under the license;".

6. Clause 5.2—Use by the Local Government of secured sum

- 6.1 In clause 5.2, delete "Local Government" in the heading and substitute "local government".
- 6.2 In clause 5.2(1) in paragraph (c), after "may carry out" insert "or cause to be carried out".

7. Clause 6.1—Limits on excavation near boundary

7.1 In clause 6.1(c), delete "road" and substitute "thoroughfare".

8. Clause 6.2—Prohibitions

- 8.1 In clause 6.2(a), delete "road reserve" and substitute "thoroughfare" and delete "roads" and and substitute "thoroughfares".
- 8.2 In clause 6.2(c), delete "site to which the licence applies" and substitute "area excavated under the licence".

9. Clause 6.3(1)—Blasting

- 9.1 In clause 6.3(1)(c), delete "Environment" and substitute "Environmental".
- 9.2 In clause 6.3(1)(d)—
 - (a) insert "and" after subparagraph (ii);
 - (b) delete subparagraphs (iii) and (iv); and
 - (c) renumber subparagraph (v) to (iii).

10. Forms 3, 4 and 5

10.1 In Forms 3, 4 and 5, delete "Shire of Donnybrook/Balingup" wherever it occurs and substitute "Shire of Trayning".

Dated this 21st day of March 2001.

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

SHIRE OF TRAYNING

PARKING AND PARKING FACILITIES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the Shire of Trayning resolved on $21^{\rm st}$ March, 2001 to make the following local law—

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

1. Preliminary

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

2. Clause 1.2—Repeal

Delete clause 1.2 and substitute—

"The Shire of Trayning local laws relating to Parking Facilities published in the Government Gazette on 13 November 1992, are repealed.".

3. Clause 3.7—General prohibitions on parking

In subclause (2)(b), after "median strip" insert "other than in a parking stall".

4. Clause 3.8—Parking on verges

Delete clause 3.8 and substitute the following—

"3.8—Parking on verges

- (1) A person shall not park a vehicle so that any portion of it is on a verge.
- (2) Unless in contravention of a sign adjacent and referable to that verge, which prohibits the parking of vehicles on that verge, subclause (1) does not apply in the following circumstances—
 - (a) if the person is the occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to park the vehicle so that any portion of it is on the verge, or
 - (b) 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 footpath."

5. Clauses 3.9 and 3.10—Limitations on parking.

Delete clauses 3.9 and 3.10

6. Second Schedule, Prescribed Offences

6.1 In item 28, delete "3.8 (2) (a)" and substitute "3.8 (1)" and after "Parking" delete "commercial" and after "vehicle" delete ",bus or caravan".

6.2 In item 29, delete "3.8 (2) (b)" and substitute "3.8 (2) (a) or (b)".

6.3 Delete items 30 and 31.

Dated this 21st day of March 2001.

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

SHIRE OF TRAYNING

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Trayning resolved on $21^{\rm st}$ March 2001 to make the following local law—

The Shire of Moora Local Government Property Local Law, as published in the Government Gazette of 29 November 1999, is adopted as a local law of the Shire of Trayning with the modifications which follow:

1. Preliminary

Wherever "Shire of Moora" is mentioned in the local law substitute "Shire of Trayning".

2. Clause 1.2—Definitions

2.1 In the appropriate alphabetical position insert—

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

2.2 In the definition of "vehicle", add a new paragraph—

"(e) a boat."

3. Clause 1.5—Repeal

Delete clause 1.5(1) and substitute—

"1.5 (1) The following local laws are repealed—

Management and Use of Public Halls, published in the Government Gazette of 9 January 1931; and Management and Control of the Shire of Trayning Aquatic Centre, published in the Government Gazettes of 2 April 1968 and 29 March 1996.".

4. Clause 2.7—Activities which may be pursued on specified local government property

- 4.1 In clause 2.7(1) renumber paragraphs (e) to (h) inclusive to (g) to (j) respectively and insert the following two paragraphs—
 - "(e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;".
- 4.2 In clause 2.7(2)(d), insert "boats," after "vehicles" in both places where this occurs.

5. Clause 2.8—Activities which may be prohibited on specified local government property

- 5.1 In clause 2.8(1)—
 - (a) delete paragraph (g);
 - (b) renumber paragraphs (e) and (f) to (f) and (g) respectively; and
 - (c) insert the following paragraph—
 - "(e) taking or using a boat, or a particular class of boat;".
- 5.2 In clause 2.8(2)(c), insert "boats," after "vehicles," in both places where this occurs.

Dated this 21st day of March 2001.

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

SHIRE OF TRAYNING

LOCAL LAWS RELATING TO THE REPEAL OF DEFUNCT AND OBSOLETE LOCAL LAWS MADE UNDER THE LOCAL GOVERNMENT ACT 1960 AND EARLIER LEGISLATION

Under the powers conferred by the Local Government Act 1995 and by all other powers, the local government of the Shire of Trayning resolved to make the following local laws on the 21st day of March 2001.

Interpretation

Local Laws repealed by this local law include by-laws made by and in the name of Kununoppin—Trayning Road Board and the Ninghan Road Board.

Repeal

The following local laws are repealed—

- General, published in the Government Gazette of 4 August, 1916;
- Buildings, published in the Government Gazette of 10 November, 1922;
- · Poundage Fees, published in the Government Gazette of 20 April, 1923;
- Discount on Rates, published in the Government Gazettes of 7 September, 1923 and 27 September, 1935
- · Dogs, published in the Government Gazette of 24 January, 1930;
- · Minutes of Meetings, published in the Government Gazette of 12 January, 1934;
- Appointment of Employees, published in the Government Gazette of 7 November, 1941;
- Long Service Leave, published in the Government Gazette of 29 April, 1949, as amended in the Government Gazette of 11 May, 1973;
- · Old Refrigerators and Cabinets, published in the Government Gazette of 2 April, 1968;
- · Deposit of Refuse and Litter, published in the Government Gazette 2 April, 1968;
- Clearing of Land and Removal of Refuse, Rubbish and Disused Material, published in the Government Gazette of 3 October, 1969;
- Nuisances Smoke, Fumes, Dust, Sawdust, Noise, published in the Government Gazette of 24 March, 1972;
- · Petrol Pumps, published in the Government Gazette of 4 October, 1972;
- · Vehicle Wrecking, published in the Government Gazette of 4 October, 1972
- Fencing, published in the Government Gazette of 21 December, 1979, as amended by publication in the Government Gazette of 10 April, 1981:
- Pest plants, published in the Government Gazette of 15 February 1980.

Dated this 21st day of March, 2001.

The Common Seal of the Shire of Trayning was affixed in the presence of—

DOG ACT 1976

SHIRE OF TRAYNING

DOGS LOCAL LAW

Under the powers conferred by the Dog Act 1976 and under all other powers enabling it, the Council of the Shire of Trayning resolved on $21^{\rm st}$ March 2001 to make the following local law—

The Shire of Moora Dogs Local Law as published in the Government Gazette of 29 November 1999, is adopted as a local law of the Shire of Trayning with the modifications which follow—

1. Preliminary

Wherever the Shire of Moora is mentioned in the local law substitute "Shire of Trayning".

2. Clause 1.2—Repeal

Delete Clause 1.2 and substitute—

 $\lq\lq1.2$ The Local Laws Relating to Keeping of Dogs, and Dogs, published in the Government Gazettes of 27 March 1981 and 22 July 1988 respectively, are repealed.

3. Clause 5.1—Places where dogs are prohibited absolutely

In Clause 5.1(1)—

- (a) renumber paragraphs (b) and (c) to (c) and (d) respectively;
- (b) insert the following paragraph—"(b) a theatre or picture gardens;".

4. Clause 5.2—Places which are dog exercise areas

In Clause 5.2(1) delete paragraphs (a), (b) and (c) and substitute—

Yelbini Townsite—Reserve 15739—Lot 68

Kununoppin townsite—Reserve 13252—Lot 125

Trayning Townsite—Reserve 15291—Trayning Recreation Ground within the Trotting Track

Dated this 21st day of March, 2001.

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

CEMETERIES ACT 1986

SHIRE OF TRAYNING

LOCAL LAW RELATING TO THE TRAYNING, KUNUNOPPIN AND YELBENI PUBLIC CEMETERIES

Under the powers conferred by the Cemeteries Act 1986, the Council of the Shire of Trayning resolved on the $21^{\rm st}$ day of March, 2001 to adopt the Model Local Law (Cemeteries) 1998 published in the Government Gazette on 12 May, 1998, in relation to each of the Trayning, Kununoppin and Yelbeni Public Cemeteries, with such modifications as are here set out.

Clause 1.3

Insert after "The following Local Law is repealed: -" – "The Shire of Trayning Cemetery By-laws published in the Government Gazette of 22 May, 1972, as amended."

clause 3.2

Delete

clause 3.4(1)

Delete "or crematorium within the cemetery,"

clause 4.2

Delete ", or crematorium"

clause 4.3

Delete "or crematorium,"

clause 5.1, para (a)

Delete "or cremation"

clause 5.2

Delete "or cremation" and "or clause 3.2"

clause 5.6, para (d)

Delete

Part 5, Division 2

Delete

clause 5.12

In subclause (1), delete

"Memorial Wall

Garden of Remembrance

Ground Niche

Memorial Rose, Tree or Shrub

Family Shrub

Memorial Desk

Granite Seat

Book of Remembrance

Memorial Gardens"

clause 5.13

Delete

clause 5.14

Delete

clause 7.12

Delete and substitute—

"7.12 A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40 (2) of the Act."

Part 7, Division 2

Delete

Part 7, Division 3

Delete

Dated this 21st day of March, 2001.

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

