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SHIRE OF GINGIN

LOCAL LAWS

DOGS AMENDMENT LOCAL LAW 2016

FENCING LOCAL LAW 2016

KEEPING AND CONTROL OF CATS LOCAL LAW 2016

WASTE LOCAL LAW 2016

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF GINGIN

DOGS AMENDMENT LOCAL LAW 2016

Under the powers conferred on it by the *Dog Act 1976*, the *Local Government Act 1995* and all other relevant powers enabling it, the Council of the Shire of Gingin resolved on 20 September 2016 to make this local law.

1. Title

This local law may be cited as the *Shire of Gingin Dogs Amendment Local Law 2016*.

2. Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

3. Principal local law

In this local law, the *Shire of Gingin Dogs Local Law 2004* published in the *Government Gazette* on 13 September 2004 is referred to as the principal local law. The principal local law is amended as follows—

4. Enabling legislation amended

Above the title of the local law at the top of the page, insert “*Local Government Act 1995*” immediately below “*Dog Act 1976*”.

5. Clause 1.3 amended

Clause 1.3 is amended as follows—

- (a) In the definition for “**authorized person**”, delete “authorized” and substitute “authorised” wherever it appears in the definition and throughout the local law;
- (b) Insert new definitions in alphabetical order as follows—
 - “**district**” means the district of the local government;
 - “**General Rural**” means any area zoned as General Rural under the local government’s Local Planning Scheme;
 - “**local planning scheme**” means a local planning scheme of the local government made under the *Planning and Development Act 2005*;
 - “**townsite**” means the townsites of Gingin, Guilderton, Lancelin, Ledge Point and Seabird 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 *Local Government Act 1995*; and
 - (c) Delete the definition for “**town planning scheme**”.

6. Clause 3.2 amended

Clause 3.2 is amended as follows—

- (a) In subclause (2)(a), after “townsite” insert “or any other area that is not zoned General Rural under the local planning scheme”; and
- (b) In subclause (2)(b) delete “situated outside a townsite” and substitute “zoned General Rural under the local planning scheme”.

7. Clause 4.1 amended

Clause 4.1 is amended by deleting “Schedule 2” and substituting “Schedule 1”.

8. Clause 4.2 amended

Clause 4.2 is amended as follows—

- (a) Delete “of that in Schedule 1” and substitute “as determined by the local government from time to time”;

- (b) Insert a new subclause 4.2(a) as follows—
 - (a) a copy of a determination on application for planning approval granting approval for an animal establishment (if required by the local government); and
- (c) Renumber the existing subclauses accordingly.

9. Clause 4.4 amended

Clause 4.4 is amended as follows—

- (a) delete “town” and substitute “local”;
- (b) delete “4.2(b)” and substitute “4.2(c)”; and
- (c) delete “4.5(a)” and substitute “4.5(b)”.

10. Clause 4.7 amended

Clause 4.7 is amended as follows—

- (a) In subclause (a)—
 - (i) delete “town” and substitute “local”; and
 - (ii) delete “or”.
- (b) In subclause (b) delete the full stop and substitute “; or”; and
- (c) Insert a new subclause (c) as follows—
 - (c) it does not comply with the conditions required on the application form.

11. Clause 4.8 amended

Clause 4.8 is amended as follows—

- (a) In subclause (1), delete “Schedule 2” and substitute “Schedule 1”; and
- (b) In subclause (2), delete “Schedule 2” and substitute “Schedule 1”.

12. Part 5 deleted

Delete Part 5 in its entirety and renumber the remaining Parts accordingly.

13. Clause 7.2 amended

Clause 7.2 is amended as follows—

- (a) In subclause (1) delete “Schedule 2” and substitute “Schedule 1”;
- (b) In subclause (2) delete “Schedule 2” and substitute “Schedule 1”; and
- (c) In subclause (3) delete “Schedule 2” and substitute “Schedule 1”.

14. Schedule 1 deleted

Delete Schedule 1 and renumber the remaining Schedules accordingly.

15. Schedule 3 amended

Schedule 3 is amended as follows—

- (a) delete “(Clause 7.2)” and substitute “(Clause 6.2)”;
- (b) delete in its entirety the offence against Clause 5.1(2); and
- (c) delete the offence reference “6.1(2)” and substitute “5.1(2)”.

Dated this 15th day of November 2016.

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

D. W. ROE, Shire President.
J. EDWARDS, Chief Executive Officer.

**DIVIDING FENCES ACT 1961
LOCAL GOVERNMENT ACT 1995**

SHIRE OF GINGIN

FENCING LOCAL LAW 2016

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**DIVIDING FENCES ACT 1961
LOCAL GOVERNMENT ACT 1995**

SHIRE OF GINGIN

FENCING LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Gingin resolved on 20 September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Gingin Fencing Local Law 2016*.

1.2 Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Repeal

The *Shire of Gingin By-laws Relating to Fencing* published in the *Government Gazette* on 12 September 1975 are repealed.

1.4 Application

This local law applies throughout the entire district.

1.5 Terms used in this local law

In this local law, unless the contrary intention appears—

applicant means a person who makes an application for approval under this local law;

application means an application for approval under this local law;

application fee means the fee determined by the local government under section 6.16 of the *Local Government Act 1995* and payable upon lodgement of an application for a permit and which relates to the lodgement, assessment and determination of the application;

Building Code means the latest edition of the Building Code of Australia published annually by, or on behalf of, the Australian Building Codes Board;

Commercial Lot means a lot where a commercial use—

(a) is or may be permitted under the Local Planning Scheme; or

(b) is or will be the predominant use of the lot;

composite fence means a fence that is constructed using multiple dissimilar materials;

district means the district of the local government;

electrified fence means a fence carrying or designed to carry an electrical charge;

fence means any structure, including a retaining wall, used or functioning as a boundary and including any gate;

front setback area means the area between the front boundary and the front setback line as determined by the local planning scheme;

height in relation to a fence means any vertical distance between—

(a) the top of the fence at any point; and

(b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

Industrial Lot means a lot where an industrial use—

(a) is or may be permitted under the local planning scheme; or

(b) is or will be the predominant use of the lot;

licence means a licence under this local law;

licensee means a person who holds a licence;

local government means the Shire of Gingin;

local planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

lot has the meaning given under the *Planning and Development Act 2005*;

Residential Lot means a lot where a residential use—

- (a) is or may be permitted under the local planning scheme; or
- (b) is or will be the predominant use of the lot;

retaining wall means any structure which prevents the movement of soil or retains soil or structures in order to allow ground levels of different elevations to exist adjacent to one another;

Rural Lot means a lot where a rural use—

- (a) is or may be permitted under the planning scheme; or
- (b) is or will be the predominant use of the lot;

Rural Living Lot means a lot where a Rural Living use—

- (a) is or may be permitted under the planning scheme; or
- (b) is or will be the predominant use of the lot;

Schedule means a Schedule under this local law; and

sufficient fence means a fence as described in clause 2.1.

PART 2—SUFFICIENT FENCES

2.1 Sufficient fences

For the purpose of the definition of “sufficient fence” in the *Dividing Fences Act 1961*, for that part of the district described in Column 1 of Schedule 1, a fence described in Column 2 of Schedule 1 immediately opposite the description of that part, is a sufficient fence.

PART 3—FENCES REQUIRING A LICENCE

3.1 Fences requiring a licence

- (1) A person must not, without a licence, erect—
 - (a) a brick, masonry, stone, concrete, composite or similar fence;
 - (b) a fence that does not meet the requirements of a fence as listed in Schedule 1;
 - (c) a fence within the front setback area that is above 1200mm in height;
 - (d) a fence greater than 1800mm in height; or
 - (e) any fence not listed in Schedule 1.
- (2) A person who contravenes this clause commits an offence.

PART 4—PROHIBITED MATERIALS

4.1 Materials prohibited in fences

- (1) A person must not erect a fence which is comprised, in whole or in part of—
 - (a) broken glass with jagged or spiked projections;
 - (b) razor wire; or
 - (c) on a residential lot, barbed wire without approval of the local government.
- (2) A person who contravenes this clause commits an offence.

PART 5—LICENSING

5.1 Who may apply for licence

An application for a licence may only be made to the local government by an individual.

5.2 Application for licence

An application must be—

- (a) in writing in a form approved by the local government from time to time;
- (b) accompanied by any document or information that is required under this local law; and
- (c) accompanied by the application fee.

5.3 Information required for application

The following documents and information are required to accompany an application—

- (a) two copies of specifications describing the materials to be used in the construction of the new fence and where not indicated on the drawings, the sizes thereof together with all other information not shown on the drawings, which is necessary to show that the fence will, if constructed in accordance with the specifications, comply with the provisions of the Building Code;

- (b) a block and drainage plan (to a scale of not less than 1:500) showing—
 - (i) street names, lot number and title reference to the site with the north point clearly marked;
 - (ii) the size and shape of the site;
 - (iii) the dimensioned position of the proposed new fence and of any existing buildings on the site; and
 - (iv) the relative levels of the site with respect to the street or way adjoining; and
- (c) any other information the local government considers necessary in the circumstances of the case.

5.4 Further information relevant to application

- (1) The local government may ask an applicant for any additional document or information that the local government considers is or could be relevant to making a decision on the application.
- (2) If the local government makes a request under subclause (1) the local government does not have to consider the application, or consider it further, until the request is complied with.
- (3) Any costs incurred in complying with the request under subclause (1) are to be paid by the applicant unless the local government determines otherwise.

5.5 Power of local government to grant licence

Where an application is made to the local government, the local government may determine the application by—

- (a) granting a licence to the applicant to erect a fence referred to in clause 3.1; or
- (b) rejecting the application.

5.6 Considerations relevant to determination of application

In determining an application, the local government is to have regard to—

- (a) the suitability of the fence in the context of surrounding fences and in particular the amenity of the locality in general;
- (b) the comments of adjoining owners for fences greater than 1800mm in height; and
- (c) compliance with the Building Code.

5.7 Other conditions

The local government may grant a licence subject to any conditions that the local government considers appropriate.

5.8 Contravention of conditions

A licensee who contravenes a condition of the licence commits an offence.

PART 6—OFFENCES AND PENALTIES

6.1 Offences

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (3) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

6.2 Infringement and infringement withdrawal notices

For the purpose of this local law—

- (a) the form of the infringement notice referred to in sections 9.16 and 9.17 of the *Local Government Act 1995* is the form as decided by the local government from time to time; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the *Local Government Act 1995* is the form as decided by the local government from time to time.

6.3 Modified Penalties

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (2) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule is the modified penalty for that offence.

6.4 Prosecution for offences

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in the Magistrates Court.

PART 7—OBJECTIONS AND REVIEW

7.1 Objections and review

When the local government makes a decision under clause 5.5, the provisions of Part 9 Division 1 of the *Local Government Act 1995* and Regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

SCHEDULE 1—SUFFICIENT FENCES

[clause 2.1]

COLUMN 1	COLUMN 2
Description of part of the district	Description of sufficient fence
Residential Lot	(1) A fully enclosed timber fence built to manufacturer's specifications or in accordance with established construction techniques, the height of the fence to be a maximum of 1800mm except with respect to a fence within the front setback area for which the height of the fence is to a maximum of 1200mm. (2) A fence constructed of corrugated fibre reinforced pressed cement sheeting erected to manufacturer's specifications or which otherwise satisfies the following specifications— (a) a minimum in-ground length of 25% of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600mm; (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet; (c) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and (d) the height of the fence to be a maximum of 1800mm except with respect to the front set back area for which the height of the fence is to be a maximum of 1200mm. (3) A fence constructed of brick, stone, concrete or a composite fence to 1800mm and with respect to a fence within the front set back area, is visually permeable above 1200mm, which— (a) has been designed in accordance with the Building Code; or (b) certified by a practicing structural engineer; and (c) has had building approval as a Class 10b structure in accordance with the <i>Building Act 2011</i> and its subsidiary legislation.
Commercial Lot or Industrial Lot	(4) A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications— (a) corner posts to be minimum 50mm nominal bore x 3.5mm and with footings of a 225mm diameter x 900mm depth; (b) intermediate posts to be minimum 32mm nominal bore x 3.15mm at maximum 4m centres and with footings 225mm x 600mm depth; (c) struts to be minimum 32mm nominal bore x 3.15mm fitted at each gate and 2 at each corner post and with footings 225mm x 600mm depth; (d) cables to be affixed to the top, centre and bottom of all posts and to consist of 2 or more 3.15mm wires twisted together or single 4mm wire; (e) rail-less link, chain or steel mesh is to be a height of 1800mm on top of which are to be 3 strands of barbed wire carrying the fence to a maximum height of 2400mm; and (f) galvanised link mesh wire to be a height of 1800mm and constructed of 50mm x 50mm x 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3600mm and shall be constructed of 25mm tubular framework with one horizontal and one vertical stay constructed of 20mm piping and shall be covered with 50mm x 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment. (5) A fence of fibre reinforced cement sheet or steel sheeting constructed to the minimum specifications referred to in Item 2 above. (6) Subject to the written approval of the local government, painted galvanised steel or aluminium sheeting may be used behind the building line to a maximum of 2400mm high when supported on posts and rails to the satisfaction of the local government.
Rural Lot	(7) Fences of timber, brick, stone or concrete constructed in accordance with the requirements referred to in Items 1 and 3 above. (8) In the case of non-electrified fence, a sufficient fence on a Rural Lot is a fence of posts and wire construction, the minimum specifications for which are— (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of 5 wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;

COLUMN 1	COLUMN 2
Description of part of the district	Description of sufficient fence
	(b) posts shall be of indigenous timber or other suitable material including— (i) timber impregnated with a termite and fungicidal preservative; (ii) standard iron star pickets; or (iii) concrete. (c) if timber posts are used, timber posts are to be cut not less than 1800mm long x 70mm diameter at small end if round or 125mm x 60mm if split or sawn. Timber posts to be placed at not more than 10m intervals, set a minimum 600mm in the ground and 1200mm above the ground; and (d) strainer posts if timber, shall be not less than 2250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200m apart. (9) An electrified fence having 4 wires only is a sufficient fence if constructed generally in accordance with Item 8 above.
Rural Living	(10) In the case of a non-electrified fence, unless otherwise stipulated by the Planning Scheme a sufficient fence on a Rural Living Lot is: a fence of posts and wire construction, the minimum specifications for which are— (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of 5 wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases; (b) posts shall be of indigenous timber or other suitable material including— (i) timber impregnated with a termite and fungicidal preservative; (ii) standard iron star pickets; or (iii) concrete. (c) if timber posts are used, posts are to be cut not less than 1800mm long x 70mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts are to be placed at not more than 10m intervals, set minimum 600mm in the ground and 1200mm above the ground; and (d) strainer posts, if timber shall be not less than 2250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed at a minimum of 1000mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200m apart.
Corner Lots	A fence constructed otherwise in accordance with the requirements for Residential, Commercial or Industrial, Rural or Rural Living, which does not exceed a height of 1200mm for a distance of nine metres from the intersection on either the frontage or side boundary of the lot.

SCHEDULE 2—MODIFIED PENALTIES

[clause 6.3(2)]

Clause	Description	Modified Penalty \$
3.1(a)	Erect a brick, masonry, stone, concrete, composite or similar fence without a licence	250
3.1(b)	Erect a fence that does not meet the requirements of a fence as listed in Schedule 1 without a licence	250
3.1(c)	Erect a fence within the front setback area that is above 1200mm in height without a licence	250
3.1(d)	Erect a fence greater than 1800mm in height without a licence	250
3.1(e)	Erect a fence not listed in Schedule 1 without a licence	250
4.1(1)(a)	Erect a fence using broken glass with jagged or spiked projections	250
4.1(1)(b)	Erect a fence using razor wire	250
4.1(1)(c)	Erect a fence using barbed wire on a residential lot	250
5.8	Failure to comply with conditions of licence	250

Dated this 15th day of November 2016.

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

D. W. ROE, Shire President.
J. EDWARDS, Chief Executive Officer.

**CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

SHIRE OF GINGIN

KEEPING AND CONTROL OF CATS LOCAL LAW 2016

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CAT ACT 2011
LOCAL GOVERNMENT ACT 1995

SHIRE OF GINGIN

KEEPING AND CONTROL OF CATS LOCAL LAW 2016

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and by all other powers enabling it, the Council of the Shire of Gingin resolved on 20 September 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Gingin Keeping and Control of Cats Local Law 2016*.

1.2 Commencement

This local law comes into operation on the 14th day after the date on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the entire district.

1.4 Definitions

In this local law unless the context otherwise requires—

Act means the *Cat Act 2011*;

applicant means the occupier of the premises who makes an application for a permit under this local law;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

cat means any member of species *Felis Catus* (domestic cat) or a hybrid of that species;

cat management facility has the meaning given to it in the Act;

cattery means any premises where more than 2 cats over the age of 6 months are kept, boarded, trained or bred temporarily, usually for profit and where the occupier of the premises is not the ordinary owner of the cats;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

effective control in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape;

grouped dwelling (commonly referred to as a duplex, villa or townhouse) means a dwelling that is 1 of a group of 2 or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

local government means the Shire of Gingin;

local planning scheme means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

multiple dwelling (often called flats, apartments or units) means a dwelling in a group of more than 1 dwelling on a lot where any part of a dwelling is vertically above part of any other but—

- (a) does not include a grouped dwelling; and
- (b) includes any dwellings above the ground floor in a mixed use development;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or to other property on the land affected by the interference;

owner has the meaning given to it in the Act;

permit means a permit issued by the local government under clause 2.6;

permit holder means a person who holds a valid permit under clause 2.6;

premises includes—

- (a) any land (whether or not vacant) and any improvements used for any purpose;
- (b) any part of any building in separate ownership or separate occupation, or any unit, flat, town house, duplex, apartment, grouped dwelling or multiple dwelling (whether of a permanent or temporary nature), industry or business; and
- (c) a vehicle;

Regulations means the *Cat Regulations 2012*;

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

Schedule means a schedule to this local law; and

Uniform Local Provisions means the *Cat (Uniform Local Provisions) Regulations 2013*.

PART 2—PERMITS FOR KEEPING CATS

2.1 Interpretation

In this Part, unless the context otherwise requires, **cat** does not include a cat less than 6 months old.

2.2 Cats for which permit is required

- (1) Subject to subclause (2) a person is required to have a permit—
 - (a) to keep more than 2 cats on any premises in accordance with a valid permit; or
 - (b) to use any premises as a cattery.
- (2) A permit is not required under subclause (1) if the premises concerned are—
 - (a) a refuge of the RSPCA or any other registered animal welfare organisation;
 - (b) a cat management facility which has been approved by the local government; or
 - (c) a veterinary surgery.

2.3 Application for permit

An application for a permit under clause 2.2 shall be—

- (a) made by an occupier of premises in relation to those premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
- (c) accompanied by the plans of the premises to which the application relates to the specification and satisfaction of the local government;
- (d) accompanied by the consent in writing of the owner of the premises, where the occupier is not the owner of the premises to which the application relates; and
- (e) accompanied by the application fee for the permit determined by the local government from time to time.

2.4 Refusal to determine application

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 2.3.

2.5 Factors relevant to determination of application

- (1) In determining an application for a permit the local government may have regard to—
 - (a) the physical suitability of the premises for the proposed use;
 - (b) the suitability of the zoning of the premises under any local planning scheme which applies to the premises for the proposed use;
 - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (d) the structural suitability of any enclosure in which any cat is to be kept;
 - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
 - (f) the likely effect of the proposed use on the amenity of the surrounding area;
 - (g) the likely effect of the proposed use on the local environment, including the likelihood of any pollution or other environmental damage;

- (h) any submissions received under subclause (2) within the time specified in subclause (2); and
 - (i) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to—
- (a) consult with adjoining landowners; and
 - (b) advise the adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit.

2.6 Decision on application

- (1) The local government may—
- (a) approve an application for a permit in which case it shall approve it subject to the conditions in clause 2.7 and may approve it subject to any other conditions it considers fit; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue to the applicant a permit in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

2.7 Conditions

- (1) Every permit is issued subject to the following conditions—
- (a) each cat kept on the premises to which the permit relates shall be registered under the Act;
 - (b) each cat shall be contained on the premises unless under the effective control of a person;
 - (c) the permit holder will provide adequate space for the exercise of the cats;
 - (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
 - (e) those conditions contained in Schedule 1.
- (2) In addition to the conditions subject to which a permit is to be issued under this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

2.8 Compliance with conditions of permit

A permit holder shall comply with each condition of a permit.

2.9 Duration of permit

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until—

- (a) it is revoked; or
- (b) the permit holder ceases to reside at the premises to which the permit relates.

2.10 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

2.11 Permit not transferable

A permit is not transferable either in relation to the permit holder or the premises.

2.12 Permit to be kept at the premises and available for view

A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand. In the case of a registered cattery, the permit shall be displayed in a prominent place within the premises.

PART 3—MISCELLANEOUS

3.1 Giving of a notice

A notice given under this local law may be given to a person—

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

PART 4—OBJECTION AND REVIEW

4.1 Objection and review rights

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 5—OFFENCES, DEFENCE AND PENALTIES

5.1 Offences

- (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 a person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

5.2 Prescribed offences

An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of this local law.

5.3 Forms

(1) The issue of infringement notices, their withdrawal, objections, warrants and payment of modified penalties is dealt with under the *Cat Regulations 2012*.

(2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.

(3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

5.4 Defence

It is a defence to a charge of an offence under 5.1(1) if the person charged satisfies the court—

- (a) in the case of any person, that they took all reasonable precautions and exercised all due diligence to avoid the contravention; or
- (b) in the case of the occupier of premises where the cat is ordinarily kept or ordinarily permitted to live, that—
 - (i) they fulfilled the requirements of subclause (a); or
 - (ii) at the material time the cat was in fact owned by some other person (whom they shall identify) over the age of 18 years; or
- (c) in the case of the owner or the registered owner, that—
 - (i) they fulfilled the requirements of subclause (a); or
 - (ii) at the material time the cat was in the possession or effective control of some other person without his or her consent, express or implied.

SCHEDULE 1—ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

[Clause 2.7]

1. Permit to keep 3 or more cats—*Additional conditions*

- (a) The written consent to the application for a permit of the adjoining multiple dwellings has been obtained.
- (b) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
 - (i) dies; or
 - (ii) is permanently removed from the premises.

2. Permit to use premises as a cattery—*Additional conditions*

- (a) All building enclosures must be structurally sound, have impervious flooring and be well lit and ventilated and otherwise comply with all legislative requirements.
- (b) There are to be a feed room, wash area, isolation cages and maternity section.
- (c) Materials used in structures are to be approved by the local government.
- (d) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (e) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (f) Wash basin with a minimum of cold water to be available.
- (g) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
- (h) An entry book is to be kept recording in respect of each cat the—
 - (i) date of admission;
 - (ii) date of departure;
 - (iii) breed, age, colour and sex; and
 - (iv) name and residential address of the owner;
- (i) The entry book is to be made available for inspection on the request of an authorised person.
- (j) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (k) No sick or ailing cat to be kept on the premises.
- (l) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

SCHEDULE 2—OFFENCES IN RESPECT OF WHICH A MODIFIED PENALTY APPLIES

[Clause 5.2]

Item Number	Clause Number	Nature of Offence	Modified Penalty
1.	2.2(1)(a)	Keeping of more than two cats on premises without a permit	\$250
2.	2.2(1)(b)	Use of a premises as a cattery without a permit	\$250
3.	2.8	Failure to comply with a condition of a permit	\$250
4.	2.12	Failure to keep permit at the premises and/or displayed as required	\$250

Dated this 15th day of November 2016.

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

D. W. ROE, Shire President.
J. EDWARDS, Chief Executive Officer.

**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

SHIRE OF GINGIN

WASTE LOCAL LAW 2016

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**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007
LOCAL GOVERNMENT ACT 1995**

SHIRE OF GINGIN

WASTE LOCAL LAW 2016

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Gingin resolved on 15 November 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Short title

This local law may be cited as the *Shire of Gingin Waste Local Law 2016*.

1.2 Commencement

This local law commences on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the entire district.

1.4 Repeal

Part 4, Division 2 [Disposal of Refuse] of the Shire of Gingin Health Local Laws 2004 published in the *Government Gazette* on 28 June 2004 is repealed.

1.5 Meaning of terms used in this local law

(1) In this local law—

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

collectable waste means local government waste that is not—

- (a) liquid refuse;
- (b) liquid waste; or
- (c) non-collectable waste;

collectable waste receptacle means a receptacle for the deposit and collection of collectable waste that is—

- (a) a recycling waste receptacle;
- (b) a general waste receptacle; or
- (c) an organic waste receptacle;

collection, when used in relation to a receptacle, means the collection and removal of collectable waste from the receptacle by the local government or its contractor;

collection day means the day determined by the local government for the collection of collectable waste in the district or a part of the district;

collection time means the time on the collection day determined by the local government for the collection of collectable waste in the district or a part of the district;

commencement date means the date on which this local law commences operation under clause 1.2;

costs of the local government include administrative costs;

Council means the council of the local government;

district means the district of the local government;

general waste receptacle means a receptacle for the deposit and collection of collectable waste that is not recycling waste;

LG Act means the *Local Government Act 1995*;

LG Regulations means the *Local Government (Functions and General) Regulations 1996*;

local government means the Shire of Gingin;

local government waste has the same meaning as in the WARR Act;

non-collectable waste has the meaning set out in Schedule 1;

occupier in relation to premises, means any or all of the following—

- (a) a person by whom or on whose behalf the premises are actually occupied; or
- (b) a person having the management or control of the premises;

organic waste means waste that decomposes readily, such as garden waste or food waste;

organic waste receptacle means a receptacle for the deposit and collection of organic waste;

owner has the same meaning as in the LG Act;

premises has the same meaning as in the *Health Act 1911*;

public place includes a place to which the public ordinarily have access, whether or not by payment of a fee;

receptacle means a receptacle—

- (a) that has been supplied for the use of the premises by the local government or its contractor, or which has otherwise been approved by the local government; and
- (b) the waste from which is collected and removed from the premises by the local government or its contractor;

recycling waste receptacle means a receptacle for the deposit and collection of recycling waste;

recycling waste means—

- (a) paper and cardboard;
- (b) plastic containers comprised of polyethylene terephthalate or high density polyethylene;
- (c) glass containers;
- (d) steel containers;
- (e) aluminium containers;
- (f) liquid paper board; and
- (g) any other waste determined by the local government to be recycling waste;

rural living means any area zoned as rural living under the local government's local planning scheme;

specified means specified by the local government or an authorised person, as the case may be;

street alignment means the boundary between the land comprising a street and the land that abuts the street;

townsite means the townsites of Gingin, Lancelin, Guilderton, Seabird and Ledge Point;

WARR Act means the *Waste Avoidance and Resource Recovery Act 2007*;

WARR Regulations means the *Waste Avoidance and Resource Recovery Regulations 2008*;

waste has the same meaning as in the WARR Act;

waste facility means a waste facility, as defined in the WARR Act, that is operated by the local government; and

waste service has the same meaning as in the WARR Act.

(2) Where, in this local law, a duty or liability is imposed on an owner or occupier, or on an owner and occupier, the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

1.6 Local public notice of determinations

Where, under this local law, the local government has a power to determine a matter—

- (a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
- (b) the determination becomes effective only after local public notice has been given;
- (c) the determination remains in force for the period of 1 year after the date that local public notice has been given under subclause (a);
- (d) after the period referred to in subclause (c), the determination continues in force only if, and for so long as, it is the subject of local public notice, given annually, under section 1.7 of the LG Act; and
- (e) the determination must be recorded in a publicly accessible register of determinations that must be maintained by the local government.

1.7 Rates, fees and charges

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the WARR Act and sections 6.16 and 6.17 of the LG Act.

1.8 Power to provide waste services

The local government's power to provide, or enter into a contract for the provision of, waste services is dealt with in section 50 of the WARR Act.

PART 2—LOCAL GOVERNMENT WASTE**2.1 Supply of receptacles**

(1) The local government is to supply or otherwise approve, for the use of each townsite, rural living zone, industrial zone or tourism zone premises that is, or is capable of being, occupied or used for residential purposes, 1 or more receptacles for the collection and removal, from those premises, of collectable waste.

(2) The owner of premises to which subclause (1) applies must—

- (a) ensure that the fee or charge (if any) imposed by the local government in relation to each receptacle is paid to the local government; and
- (b) ensure that each receptacle is used, in respect of those premises, in accordance with this local law.

2.2 Deposit of waste in receptacles

(1) An owner or occupier of premises must not deposit or permit to be deposited in a receptacle any non-collectable waste.

(2) A person must not deposit waste in a receptacle that has been provided for the use of other premises without the consent of the owner or occupier of those premises.

2.3 General waste receptacles

(1) An owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle—

- (a) where the receptacle has a capacity of 240 litres—more than 70 kilograms of collectable waste; or
- (b) where the receptacle has any other capacity—more than the weight determined by the local government.

(2) Where the local government supplies recycling waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any recycling waste.

(3) Where the local government supplies organic waste receptacles, an owner or occupier of premises must not deposit or permit to be deposited in a general waste receptacle any organic waste.

2.4 Recycling waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in a recycling waste receptacle—

- (a) anything other than the particular type of recycling waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of recycling waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.5 Organic waste receptacles

An owner or occupier of premises must not deposit or permit to be deposited in an organic waste receptacle—

- (a) anything other than the particular type of organic waste for which that receptacle was provided by the local government for those premises;
- (b) where the receptacle has a capacity of 240 litres—more than 70 kilograms of organic waste; or
- (c) where the receptacle has any other capacity—more than the weight determined by the local government.

2.6 Direction to place or remove a receptacle

(1) The local government or an authorised person may give a written direction to an owner or occupier of specified premises—

- (a) to place a receptacle in respect of those premises for collection; or
- (b) to remove a receptacle in respect of those premises after collection.

(2) The direction under subclause (1) may specify when the placement or removal is to occur, or where the receptacle is to be placed, or both.

(3) An owner or occupier of premises must comply with a direction given under this clause.

2.7 Duties of owner or occupier

An owner or occupier of premises must—

- (a) except for a reasonable period before and after collection time, keep each receptacle in a storage space or area that is behind the street alignment;
- (b) take reasonable steps, if placing a receptacle for collection on the verge adjoining the premises, or other area as determined by the local government, ensure that, within a reasonable period before collection time, each receptacle is—
 - (i) within 1 metre of the carriageway;
 - (ii) placed so that it does not unduly obstruct any footpath, cycle way, right-of-way or carriageway; and

- (iii) facing squarely to the edge of and opening towards the carriageway, or in such other position as is approved in writing by the local government or an authorised person;
- (c) take reasonable steps to ensure that the premises are provided with an adequate number of receptacles; and
- (d) if the receptacle is lost, stolen, damaged or defective, notify the local government, as soon as practicable, after the event.

2.8 Exemption

- (1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of clause 2.7(a) or (b).
- (2) The local government or an authorised person may grant, with or without conditions, or refuse an application for exemption from compliance under this clause.
- (3) An exemption granted under this clause must state—
 - (a) the premises to which the exemption applies;
 - (b) the period during which the exemption applies; and
 - (c) any conditions imposed by the local government or the authorised person.
- (4) An exemption granted under this clause ceases to apply—
 - (a) if the local government decides, on reasonable grounds, that there has been a failure to comply with a condition of the exemption; and
 - (b) from the date that the local government informs the owner or occupier of its decision under clause 2.8(4)(a).

2.9 Damaging or removing receptacles

A person, other than the local government or its contractor, must not—

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this local law or as authorised by the local government or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

2.10 Verge collections

- (1) Where the local government has advertised a verge waste collection (such as a green waste, or a bulk waste, verge collection) a person, unless with and in accordance with the approval of the local government or an authorised person—
 - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions, as advertised by the local government in relation to that verge waste collection; and
 - (b) must otherwise comply with those terms and conditions.
- (2) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (3) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (4) Clause 2.10(2) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

PART 3—GENERAL DUTIES

3.1 Duties of an owner or occupier

An owner or occupier of premises must—

- (a) take reasonable steps to ensure that a sufficient number of receptacles are provided to contain all waste which accumulates or may accumulate in or from the premises;
- (b) ensure that each receptacle is kept in good condition and repair;
- (c) take all reasonable steps to—
 - (i) prevent fly breeding and keep each receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease;
 - (ii) prevent the emission of offensive or noxious odours from each receptacle; and
 - (iii) ensure that each receptacle does not cause a nuisance to an occupier of adjoining premises; and
- (d) whenever directed to do so by the local government or an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each receptacle.

3.2 Removal of waste from premises

- (1) A person must not remove any waste from premises unless that person is—
 - (a) the owner or occupier of the premises;
 - (b) authorised to do so by the owner or occupier of the premises; or
 - (c) authorised in writing to do so by the local government or an authorised person.

- (2) A person must not remove any waste from a receptacle without the approval of—
- (a) the local government or an authorised person; or
 - (b) the owner or occupier of the premises at which the receptacle is ordinarily kept.

3.3 Receptacles and containers for public use

A person must not, without the approval of the local government or an authorised person—

- (a) deposit household, commercial or other waste from any premises on or into; or
 - (b) remove any waste from,
- a receptacle provided for the use of the general public in a public place.

PART 4—OPERATION OF WASTE FACILITIES

4.1 Operation of this Part

This Part applies to a person who enters a waste facility.

4.2 Hours of operation

The local government may from time to time determine the hours of operation of a waste facility.

4.3 Signs and directions

- (1) The local government or an authorised person may regulate the use of a waste facility—
- (a) by means of a sign; or
 - (b) by giving a direction to a person within a waste facility.
- (2) A person within a waste facility must comply with a sign or direction under subclause (1).
- (3) The local government or an authorised person may direct a person who commits, or is reasonably suspected by the local government or the authorised person of having committed, an offence under this clause to leave the waste facility immediately.
- (4) A person must comply with a direction under subclause (3).

4.4 Fees and charges

- (1) Unless subclause (3) applies, a person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
- (2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
- (3) Subclause (1) does not apply—
- (a) to a person who disposes of waste in accordance with the terms of—
 - (i) a credit arrangement with the local government; or
 - (ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
 - (b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.

4.5 Depositing waste

- (1) A person must not deposit waste at a waste facility other than—
- (a) at a location determined by a sign and in accordance with the sign; and
 - (b) in accordance with the direction of an authorised person.
- (2) The local government may determine the classification of any waste that may be deposited at a waste facility.

4.6 Prohibited activities

- (1) Unless authorised by the local government, a person must not—
- (a) remove any waste or any other thing from a waste facility;
 - (b) deposit at a waste facility that is a landfill site any waste that is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any written law;
 - (c) light a fire in a waste facility;
 - (d) remove, damage or otherwise interfere with any flora in a waste facility;
 - (e) remove, injure or otherwise interfere with any fauna in a waste facility; or
 - (f) damage, deface or destroy any building, equipment, plant or property within a waste facility.
- (2) A person must not act in an abusive or threatening manner towards any person using, or engaged in the management or operation of, a waste facility.

PART 5—ENFORCEMENT

5.1 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law a person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding \$500 in respect of each day or part of a day during which the offence has continued.

5.2 Other costs and expenses

(1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 5.1, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as—

- (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
- (b) making good any damage caused to a waste facility.

(2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent civil jurisdiction.

5.3 Prescribed offences

(1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the LG Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2.

5.4 Form of notices

(1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.

(2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.

(3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

SCHEDULE 1—MEANING OF ‘NON-COLLECTABLE WASTE’

[Clause 1.5(1)]

non-collectable waste means—

- (a) hot or burning material;
- (b) household hazardous waste, including paint, acids, alkalis, fire extinguishers, solvents, pesticides, oils, gas cylinders, batteries, chemicals and heavy metals;
- (c) any other hazardous material, such as radioactive waste;
- (d) any explosive material, such as flares or ammunition;
- (e) electrical and electronic equipment;
- (f) hospital, medical, veterinary, laboratory or pathological substances;
- (g) construction or demolition waste;
- (h) sewage;
- (i) ‘controlled waste’ for the purposes of the *Environmental Protection (Controlled Waste) Regulations 2004*;
- (j) any object that is greater in length, width, or breadth than the corresponding dimension of the receptacle or that will not allow the lid of the receptacle to be tightly closed;
- (k) waste that is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious and leak-proof container; and
- (l) any other waste determined by the local government to be non-collectable waste.

SCHEDULE 2—PRESCRIBED OFFENCES

[Clause 5.3]

Item No.	Clause No.	Description	Modified Penalty
1	2.1(2)(a)	Failing to pay fee or charge	\$350
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	\$350
3	2.2(1)	Depositing non-collectable waste in a receptacle	\$350
4	2.2(2)	Depositing waste in another receptacle without consent	\$350
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	\$350
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$350

Item No.	Clause No.	Description	Modified Penalty
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	\$350
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250
9	2.5(a)	Depositing unauthorised waste in an organic waste receptacle	\$350
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$350
11	2.6(3)	Failing to comply with a direction concerning placement or removal or a receptacle	\$250
12	2.7(a)	Failing to keep a receptacle in the required location	\$250
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250
14	2.7(c)	Failing to provide a sufficient number of receptacles	\$250
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$50
16	2.9(a)	Damaging, destroying or interfering with a receptacle	\$400
17	2.9(b)	Removing a receptacle from premises	\$400
18	2.10(1)	Failing to comply with a term or condition of verge waste collection	\$400
19	2.10(2)	Removing waste for commercial purposes	\$350
20	2.10(3)	Disassembling or leaving in disarray waste deposited for collection	\$250
21	3.1(a)	Failing to provide a sufficient number of receptacles	\$250
22	3.1(b)	Failing to keep a receptacle clean and in a good condition and repair	\$250
23	3.1(c)(i)	Failing to prevent fly breeding and vectors of disease in a receptacle	\$350
24	3.1(c)(ii)	Failing to prevent the emission of offensive odours from a receptacle	\$350
25	3.1(c)(iii)	Allowing a receptacle to cause a nuisance	\$350
26	3.1(d)	Failing to comply with a direction to clean, disinfect or deodorise receptacle	\$300
27	3.2(1)	Unauthorised removal of waste from premises	\$250
28	3.2(2)	Removing waste from a receptacle without approval	\$250
29	4.3(2)	Failing to comply with a sign or direction	\$500
30	4.3(4)	Failing to comply with a direction to leave	\$500
31	4.4(1)	Disposing waste without payment of fee or charge	\$500
32	4.5(1)	Depositing waste contrary to sign or direction	\$500
33	4.6(1)(a)	Removing waste without authority	\$250
34	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste without authority	\$500
35	4.6(1)(c)	Lighting a fire without authority	\$300
36	4.6(1)(d)	Removing or interfering with any flora without authority	\$300
37	4.6(1)(e)	Removing or interfering with any fauna without authority	\$300
38	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility without authority	\$500
39	4.6(2)	Acting in an abusive or threatening manner	\$300

Dated this 15th day of November 2016.

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

D. W. ROE, Shire President.
J. EDWARDS, Chief Executive Officer.

Consented to—

SHAUN HODGES, A/Director General,
Department of Environment Regulation.

Dated this 17th day of October 2016.