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SHIRE OF DENMARK LOCAL LAWS 1997

LOCAL GOVERNMENT ACT 1995
**BEACHES AND RESERVES
MISCELLANEOUS
STANDING ORDERS**

AGRICULTURE AND RELATED RESOURCES
PROTECTION ACT 1976
PEST PLANTS

CEMETERIES ACT 1986
DENMARK CEMETERY (RESERVE 11655)

DOG ACT 1976
RELATING TO DOGS

LOCAL GOVERNMENT ACT 1995

*Shire of Denmark***SHIRE OF DENMARK (BEACHES AND RESERVES)
LOCAL LAWS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Denmark hereby records having resolved on the 25th day of March 1997, to make the following local laws:

DIVISION I—PRELIMINARY

1. REVOCATION

The following local laws are hereby revoked—

- Local laws to Control Use of Firearms on Reserves, published in the *Government Gazette* on 24 February 1950.
- Local laws Relating to Reserves and Foreshores, published in the *Government Gazette* on 19 April 1991.
- Draft Model local laws Relating to Safety, Decency, Convenience and Bathing, published in the *Government Gazette* on 4 June 1970, as amended.

2. DEFINITIONS

“Act” means the Local Government Act, 1995;

“Authorised Person” means in respect of a particular function to be performed under these local laws, an employee of the Shire of Denmark authorised by the Council to perform that function;

“bathing” includes entry into the sea and emerging therefrom and includes the use of bathing appliances;

“bathing appliances” means a float of any material, surf ski, surf board, kick board, malibu board, boat or any other device used or for use in bathing or surf riding;

“boat” means any structure or vessel whether propelled manually or by the wind or power, made or used to float upon or travel under water;

“cattle” includes horses, mares, fillies, foals, geldings, colts, camels, bulls, bullocks, cows, heifers, steers, calves, asses, mules, sheep, lambs, goats and swine;

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

“district” means the district of the Shire of Denmark;

“function” means and includes a carnival, show, fete, concert, exhibition, gymkhana, sporting event, a training or practice session in connection with a sport by a group or team of 5 or more persons, or a picnic for a gathering of more than 10 persons;

“nuisance” means—

- (a) any thing, condition, circumstance or state of affairs which is injurious or dangerous to the health of a person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of a person;
- (b) any thing a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; and
- (c) any thing a person does on public or private land which detracts from or interferes with the enjoyment or value of land owned by another person.

“public place” includes a thoroughfare and place which the public are allowed to use, whether the thoroughfare or place is or is not on private property. It shall also include parklands, squares, reserves, beaches and other lands set apart for the use and enjoyment of the inhabitants of the district and includes all lands vested in or under the care, control or management of the Shire of Denmark;

“vehicle” means a vehicle described in the First Schedule to the Road Traffic Act 1974;

“watercraft” means any bathing appliance, canoe, boat, hovercraft or jetski.

3. APPLICATION

These local laws shall apply—

- (a) to rivers, water courses, tidal and non-tidal waters, within the district;
- (b) in the sea adjoining the district for a distance of 183 metres seaward from the low water mark at ordinary spring tides;
- (c) to all the following reserves—

A17735	2010
A24510	A20928
13433	2008
17734	7707
10224	16974
7723	A24482
A24913	

- (d) to any other public place or public reserve adjoining any of the places mentioned in paragraphs (a) and (b) of this clause and which is within the district; and
- (e) to all property vested in or under the care control or management of the Shire of Denmark unless stated otherwise in the provision.

DIVISION 2—PROHIBITED AREAS AND ACTIVITIES

PROHIBITED AREAS

4. For the safety, decency, convenience or comfort of persons in respect of bathing and other recreational conduct, the Council may set aside specific localities wherein all or any of the following things are prohibited—

- (a) entry by persons;
- (b) bathing;
- (c) the use of any bathing appliances or any particular kind of bathing appliance;
- (d) the entry and use of vehicles;
- (e) the launching of boats and other watercraft;
- (f) the playing of games; and
- (g) the selling or displaying for sale or hiring of goods and merchandise.

5. The Council may set aside such specified locality for the purpose of clauses 4 or 9 for a particular period or until further notice by causing notices to that effect to be placed in the vicinity of the locality.

6. An Authorised Person may set aside specified localities in which bathing is prohibited by the placement of notices, flags or such other indicators as are from time to time provided or required by the Council.

PROHIBITED ACTIVITIES

7. A person shall not—

- (a) carry on any activity which contravenes any notice given pursuant to the provisions of clauses 5 or 6 hereof;
- (b) drive or take any watercraft into any place where persons are bathing in such a manner as to cause or be likely to cause annoyance or injury to any person bathing or about to bathe;
- (c) play games in such a way as to cause inconvenience or annoyance to persons bathing or using a beach;
- (d) fish for sharks by use of set or buoyed lines or use blood or any other lure for the purpose of attracting sharks;
- (e) clean fish or leave or deposit fish offal;
- (f) destroy, damage, injure, cause harm to, catch, snare or take any animal;
- (g) remove or otherwise interfere with any notice, flags or specified indicator of the kind referred to in clauses 5 and 6 of these local laws;
- (h) create commit or take part in any nuisance or disturbance, behave in a disorderly or offensive manner, or use indecent language or commit any act of indecency;
- (i) enter, look into or loiter outside any lavatory, dressing shed or building or portion of a building expressly reserved for the use of the opposite sex;
- (j) except to put on or remove a garment or garments worn over a bathing costume, dress or undress or remove or disarrange any part of a bathing costume, in any place open to public view or in any building other than such as is specifically set aside by the Council for that purpose;
- (k) climb upon any wall, building or tree guard, or over, under or through any fence or gate designed or installed for the purpose of prohibiting or restricting the entry of persons or vehicles;
- (l) enter any place that has been fenced off or otherwise closed to the public;
- (m) bathe, swim or wade in any sump, drain, fountain, pond or lake;
- (n) add any dye or chemical to the water of any sump, drain, fountain, pond or lake;
- (o) alter, cut, mutilate, deface or disfigure or damage any equipment building or structure of any kind;
- (p) damage, destroy, interfere with or remove any water pipe, tap, hose, hose fitting, sprinkler, irrigator, watering device, valve, pump, motor, controller or switchboard;
- (q) break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, bottle, can, tin, paper, broken glass, china or litter of any kind other than in receptacles provided for that purpose;
- (r) climb, injure, cut, break, deface, pull up, pick, remove or destroy any tree, tree guard, shrub, flowers, grass or plant of any kind or description or, without the written consent of the Council, plant any such thing or sow any seeds;
- (s) consume any intoxicating liquor except on premises licensed under the Liquor Licensing Act 1988 or except with the written permission of Council;
- (t) being obviously under the influence of alcohol or drugs, enter or remain in or fail to depart from any place upon being ordered to do so by any Authorised Person;
- (u) throw or release any stone, arrow or other missile, except in the course of a function being lawfully held;

- (v) except on a reserve set aside for the purpose, carry or discharge any firearm, airgun, or other missile discharging device, or throw or discharge any explosive device, firework, stone, spear or missile;
- (w) operate any musical instrument, radio, record or cassette player, radiogram, television, amplifying equipment or other sound producing, enhancing or amplifying electronic device at such volume as to cause a nuisance or annoyance to other persons in or near the locality;
- (x) use or operate any siren, starting gun or other device which causes a loud noise in such a manner as to cause a nuisance or annoyance to any person on or in the vicinity;
- (y) except on a reserve or portion of a reserve set aside for the purpose, fly any mechanically operated model aeroplane;
- (z) unlock or unfasten any gate or door unless authorised by the Council;
- (aa) without prejudice to any other provision of these local laws bring on or cause or allow or permit to be brought on or to remain on any land to which these local laws apply any vehicle, caravan, omnibus (whether in good order or derelict) or rubbish of any nature, except to park or deposit the same in a place on that land nominated by the Council for the parking of such vehicles or caravans or deposit such rubbish, without the written consent of the Council first had and obtained, complying with all other provisions of these local laws in all respects on each occasion and in the event of the Council being unable to find the owner of any such thing or article and/or of the person occupying the adjoining camping site or building denying the ownership thereof or refusing to supply the Council with the name and address of the owner thereof the Council shall be at liberty to remove such vehicle, caravan or omnibus from the land to a place where they can be impounded and to remove such rubbish from the land to the Council's rubbish tip;
- (ab) except on a reserve set aside for the purpose, play or practice the game of golf or any similar game;
- (ac) except on a reserve or portion of a reserve set aside for the purpose, practice or participate in archery of any kind;
- (ad) interfere with the conduct of any function for which a function licence has been issued.

The provisions of this clause shall not apply to an Authorised Person acting in the course of his or her duty.

ACTIVITIES REQUIRING PERMISSION

8. A person shall not without written permission granted by Council—

- (a) plant or sow any seeds for any tree, shrub, flowers, grass or plant of any kind or description;
- (b) cut, collect or remove any timber, firewood, stone, sand or material other than seaweed;
- (c) advertise anything by any means, or display or distribute any notice, pamphlet, document, advertisement or message;
- (d) except where permitted under the authority of any written law permit any cattle under that person's control to enter or remain in any place;
- (e) organise, conduct or address a gathering or meeting of persons or organise or take part in a procession or demonstration or carry a placard or notice;
- (f) in a public reserve, conduct or assist in the conduct of or take part in any function;
- (g) take onto a public reserve any spirituous or intoxicating liquor;
- (h) cause or allow to be ridden or driven any bicycle or other vehicle whether motorised or not (other than wheelchairs or other devices designed to assist the movement of disabled persons with disabilities) except upon a carriageway, thoroughfare, path or footpath designated for use by such vehicle;
- (i) carry on any trading activity; or
- (j) without limiting the generality of the foregoing paragraph, hire or offer for hire any vehicle, bicycle, watercraft, kite or other item or equipment for sport, entertainment or amusement;
- (k) charge any person for entry thereto or for entry to any function being held thereon.

CAMPING AND PICNICKING

9. A person shall not without written permission granted by the Council and then only in a place where Council has resolved to permit camping and has caused a notice specifying the localities where camping is permitted to be given pursuant to clause 5—

- (a) camp, lodge at night in or occupy as sleeping quarters or a dwelling any store, building, tent or structure of any kind;
- (b) erect any tent, camp, hut or other structure other than a beach umbrella or other sun protection device used during the hours of daylight;
- (c) light a fire except in a fireplace or a barbecue facility provided for that purpose.

10. Clause 9 shall not apply to a person who has been authorised in writing by the Council to occupy any reserve, nor shall clause 9 apply to that part of any reserve specified for a purpose of camping or caravan park.

DIVISION 3—SAFETY AND DECENCY

VEHICLES

11. A person shall not drive or ride a motorised vehicle (other than wheelchairs or other devices designed to assist the movement of disabled persons with disabilities) on any reserve, footpath or area set aside for use by pedestrians or bicycles otherwise than on those parts of the reserve or public place set aside as thoroughfares, driveways or vehicle parking areas.

12. A person shall not park or stand any vehicle except on areas set aside as parking areas.

13. (1) Council may in special circumstances grant permission to allow a motorised vehicle to enter upon a public reserve for a specific purpose and Council may apply such conditions as it thinks fit to such permission.

(2) A person shall not park, drive or stand any vehicle in breach of any such condition.

DECENCY

14. (1) Any person over the age of 5 years bathing in water exposed to the public view or using a beach for sunbathing or any other activity in public view shall, in order to secure the observance of decency, be properly and adequately clad.

(2) A parent or other adult person who is a person on or in the near vicinity of the beach and is responsible for the custody, care or control of a child between the age of 5 years and 15 years shall ensure that the child is properly and adequately clad in accordance with paragraph (1) of this clause.

15. Where an Authorised Person considers that the costume or other clothing of any person on land or water to which these local laws apply is not proper and adequate to secure decency, the Authorised Person may order that person to put on adequate clothing and that person shall comply with such order forthwith.

SAFETY

16. An Authorised Person may in or on any place where these local laws apply, seize any device used for surf riding including a surfski, jetski, surfboard, malibu board or boat where the device is being used contrary to the provisions of these local laws.

17. Any device of the kind referred to in clause 16 may be impounded after seizure, in which event the provisions of section 3.42 of the Act shall apply.

18. The provisions of subdivision 4 of Part 3 of the Act shall apply generally to goods impounded under clause 17.

DIVISION 4—PERMISSIONS

PERMISSIONS UNDER LOCAL LAWS

19. Every application for permission in these local laws shall be in writing and shall specify

- (a) the name and address of the applicant who seeks the issue of a licence;
- (b) the reserve and the place on the reserve at or from which the applicant proposes to conduct the activities;
- (c) details of the activities the applicant proposes to conduct;
- (d) the day or days on which and the times during which the applicant proposes to conduct the activities.

20. The Council may in its discretion grant permission or refuse to grant permission under this clause or grant permission subject to such conditions as it thinks fit.

21. Where permission has been granted by the Council under this clause subject to conditions the person to whom the permission has been granted shall ensure that those conditions are observed at all times. If any such condition is not observed that person commits an offence against these local laws and the Council may by written notice cancel the permission.

22. Every permission granted for a function pursuant to paragraph (f) of clause 8 shall include the condition whether expressed in the permission or not that the person to whom permission has been granted shall ensure that persons obviously under the influence of alcohol or acting in a disorderly manner are excluded from attendance at the function.

PERMISSIONS AFFECTING ACTIVITIES WITH ANIMALS

23. (1) In this local law reference to an "animal" does not include a dog.

(2) The Council may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive an animal, or onto which a person may bring an animal.

(3) A person shall not ride, drive or bring an animal onto any reserve or foreshore or any part thereof that has not been set aside for that purpose pursuant to paragraph (2) of this clause.

(4) A person shall not ride, drive, exercise, train or race any animal on any part of a reserve or foreshore set aside under paragraph (2) of this clause in a manner so as to create or become a nuisance.

DIVISION 5—INFRINGEMENT NOTICES

24. An infringement notice in respect of an offence prescribed in these local laws—

- (a) may be given under section 9.13 of the Act and shall be in or to the effect of Form 1 of Schedule 1;
- (b) may be given under section 9.16 of the Act and shall be in or to the effect of Form 2 of Schedule 1.

25. A notice sent under section 9.20 withdrawing an infringement notice shall be in or to the effect of Form 3 of Schedule 1.

DIVISION 6—GENERAL OFFENCE AND PENALTY PROVISIONS

26. If the penalty to which a person is liable for committing an offence against these local laws is not specified, the penalty is a fine not exceeding Five Thousand Dollars (\$5,000.00)

27. A modified penalty may be imposed by the issue of an infringement notice for the following offences under these local laws—

- (a) Contravening the direction of a notice under clause 7, paragraph (a);
- (b) causing or being likely to cause annoyance or injury in contravention of clause 7, paragraph (b);
- (c) breaking things or depositing litter in contravention of clause 7, paragraph (q);
- (d) parking or standing a vehicle in contravention of clause 12 or clause 13;
- (e) all other offences not specified.

28. A modified penalty payable on an infringement notice issued under; clause 27(b), is One Hundred Dollars (\$100.00); clause 27(a), (c), (d) and (e) is Fifty Dollars (\$50.00).

Schedule 1—Forms

Form 1

Local Government Act 1995

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

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

Shire of Denmark

To: (1)
of (2)

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

at (4) your vehicle (5)
was involved in the commission of the following offence—

.....
contrary to local law.....of the (6)

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

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

- (a) within 28 days after being served with this notice—
 - (i) you inform the Chief Executive Officer, or another authorised officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;
- or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorised person giving the notice.....

Signature.....

(1) Name of owner of "owner of (vehicle identification)"
 (2) Address of owner (not required if owner not named)
 (3) Time at which offence allegedly committed
 (4) Place at which offence allegedly committed
 (5) Vehicle identification
 (6) Name of the regulations

Form 2
Local Government Act 1995
INFRINGEMENT NOTICE

Serial No.

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

Shire of Denmark

To: (1)
(2)

It is alleged that on/...../..... at (3)
at (4)
you committed the following offence—

contrary to local law of the (5).....
The modified penalty for the offence is \$.....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid to an authorised person at (6)..... within a period of 28 days after the giving of this notice.

Name and title of authorised person giving the notice

Signature.....

(1) Name of alleged offender ["owner of (vehicle identification)" suffices if notice given with a notice under section 9.13 of the Act]

(2) Address of alleged offender (not required if notice given with a notice under section 9.13 of the Act)

(3) Time at which offence allegedly committed

(4) Place at which offence allegedly committed

(5) Name of the regulations

(6) Place where modified penalty may be paid

Form 3

Local Government Act 1995
NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No.

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

Shire of Denmark

To: (1)
of: (2)

Infringement Notice No.....dated/...../..... for the alleged offence
of
has been withdrawn.

The modified penalty of \$.....

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

Name and title of authorised person giving this notice

Signature.....

(1) Name of alleged offender to whom infringement notice was given

(2) Address of alleged offender

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

HENDRIK J. VERSLUIS, President.

Date: 6th June 1997.

PASCOE DURTANOVICH, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

*Shire of Denmark***SHIRE OF DENMARK (LOCAL GOVERNMENT ACT
MISCELLANEOUS) LOCAL LAWS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Denmark hereby records having resolved on the 25th day of March 1997, to make the following local laws:

PART I—REVOCATION AND CITATION AND APPLICATION OF LOCAL LAWS

1.1 REVOCATION

The following local laws are hereby revoked—

- regarding the keeping of Bees, published in the *Government Gazette* on 13 April 1923;
- relating to Fencings, published in the *Government Gazette* on 21 March 1941;
- Hall Local Laws, published in the *Government Gazette* on 3 October 1930;
- regarding Control of Jetty, published in the *Government Gazette* on 24 September 1926;
- relating to Old Refrigerators and Cabinets, published in the *Government Gazette* on 11 June 1963;
- relating to Removal and Disposal of Obstructing Animals or Vehicles, published in the *Government Gazette* on 11 June 1963;
- relating to the Control and Storage of Old and Disused Motor Vehicles and Machinery, published in the *Government Gazette* on 20 August 1976;
- relating to Storage of Inflammable Liquid, published in the *Government Gazette* on 30 December 1963;
- relating to (Holiday Cabins and Chalets) No.18, published in the *Government Gazette* on 13 January 1971, as amended;
- relating to Depositing and Removal of Refuse, Rubbish and Disused Materials, published in the *Government Gazette* on 23 November 1990;
- relating to the Construction, Establishment, Operation and Maintenance of Motels, published in the *Government Gazette* on 21 March 1962;
- relating to Parking Facilities, published in the *Government Gazette* on 30 October 1992;
- relating to the Care, Control and Management of Roads and Ways, published in the *Government Gazette* on 1 November 1991;
- relating to Extractive Industries, published in the *Government Gazette* on 14 June 1991;
- to Regulate Hawkers, published in the *Government Gazette* on 15 February 1961;
- relating to Street Lawns and Gardens, published in the *Government Gazette* on 10 March 1963.

1.2 CITATION

These local laws may be cited as “Shire of Denmark (Local Government Act Miscellaneous) Local Laws” or as “Shire of Denmark (Misc) Local Laws”.

1.3 GENERAL APPLICATION

These local laws shall apply to the whole of the district of the Shire of Denmark.

1.4 READ AS A WHOLE

These local laws shall be read as a whole and the treatment of a subject matter in one part does not exclude the treatment of the same subject matter in another part.

1.5 PARKING REGION

For the purposes of the provisions of Part VIII of these local laws, the whole of the district of the Shire of Denmark with the exception of:

- (a) approaches to bridges, subways and traffic lights;
and
- (b) any other thoroughfare that may from time to time come under the control of the Main Roads WA or the Commissioner of Police,

is constituted as a parking region.

PART II—GENERAL DEFINITIONS

2.1 In these local laws, unless the context otherwise requires—

2.1.1 “Act” means the Local Government Act 1995;

“Authorised Person” means in respect of a particular function to be performed under these local laws an employee of the Shire of Denmark authorised by the Council to perform that function;

“camp” when used as a noun includes any portable shed or hut, tent, tent fly, awning, blind or other thing used as, or capable of being used as, a habitation or for dwelling or sleeping purposes; and the verb “to camp” shall be construed accordingly;

“caravan” means a vehicle designed or fitted, or being capable of use as a habitation or for dwelling or sleeping purposes.

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being, of the Shire of Denmark;

“Council” means the council of the Shire of Denmark;

“district” means the district of the Shire of Denmark;

“licence” means a licence issued pursuant to these local laws;

“licensee” means the person named in the licence as the licensee;

“member of the police force” means a member of the police force of Western Australia;

“person” and words applying to any person or individual include a body corporate and in the plural a group of persons and a club, association or other body of persons;

“public place” includes a thoroughfare and place which the public are allowed to use, whether the thoroughfare or place is or is not on private property. It shall also include parklands, squares, reserves, beaches and other lands set apart for the use and enjoyment of inhabitants of the district and includes all land vested in or under the care, control or management of the Shire of Denmark;

“Shire” means the Shire of Denmark;

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

“vehicle” includes—

- (a) every conveyance, not being a train, boat, aircraft or wheelchair and every object capable of being propelled or drawn on wheels or tracks by any means;
- (b) where the context permits, an animal driven or ridden.

2.1.2 Unless otherwise defined herein the terms and expressions used in these local laws shall have the meaning given to them in the Act.

PART III—EXTRACTIVE INDUSTRIES

Division 1—Preliminary

DEFINITIONS

3.1 In this Part, unless the context otherwise requires—

“carry on an extractive industry” means quarrying and excavating for stone, gravel, sand and/or other material.

“excavation” includes quarry;

“secured sum” means the sum required to be paid or the amount of a bond, guarantee or other security under clause 3.11;

“site” means the land specified by the Council in a licence.

APPLICATION

3.2 The provisions of this Part

- (a) subject to paragraphs (b) and (c)—
 - (i) apply and have force and effect throughout the whole of the district; and
 - (ii) apply to every excavation whether commenced prior to or following the coming into operation of this local law;
- (b) do not apply to the extraction of minerals (as defined in the Mining Act 1978)—
 - (i) pursuant to the Mining Act 1978; or
 - (ii) from land alienated in fee simple from the Crown before 1 January 1899; and
- (c) do not apply to the carrying on of an extractive industry on Crown land.

Division 2—Licensing Requirements for an Extractive Industry

EXTRACTIVE INDUSTRIES PROHIBITED WITHOUT LICENCE

3.3 A person shall not carry on an extractive industry—

- (a) unless the person is the holder of a valid and current licence; and
- (b) otherwise than in accordance with any terms and conditions set out in, or applying in respect of, the licence.

APPLICANT TO ADVERTISE PROPOSAL

3.4 (1) Unless the Council approves otherwise, a person seeking the issue of a licence shall, before applying to the Council for a licence—

- (a) forward by certified mail a notice in the form set out in Schedule 1 to—
 - (i) the owners and occupiers of all land adjoining the land upon which it is proposed to excavate, or within an area determined by the Council as likely to be affected by the granting of a licence, advising of the application and specifying that they may, within twenty-one days from the date of service of the letter, object to or make representations in writing in respect of the issue of a licence by the Council.
 - (ii) every authority or person having control or jurisdiction over any of the things referred to in clause 3.5(1)(a)(vii) and (viii) within 500 metres from the boundaries of the land or within an area determined by the Council as likely to be affected by the granting of a licence; and
- (b) as soon as practicable after complying with the requirements of paragraph (a)—
 - (i) forward a copy of the notice to the CEO; and
 - (ii) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.

(2) The Council may, within 14 days after receiving a copy of a notice referred to in sub-clause (1), cause to be displayed, or require the proposed applicant to display, in a prominent position on the land one or more notices—

- (a) in the form set out in Schedule 2;
- (b) the content, size and construction of which have been approved by the CEO;
- (c) specifying particulars of the proposed excavation; and
- (d) inviting objections or comments within 21 days from the placement of the notice.

APPLICATION FOR LICENCE

3.5 (1) A person seeking the issue of a licence in respect of any land shall apply in the form set out in Schedule 3 and shall forward the application duly completed and signed by both the applicant and the owner of the land to the CEO together with—

- (a) 3 copies of a plan of the excavation site to a scale of between 1:500 and 1:2000 showing—
 - (i) the existing and proposed land contours based on the Australian Height Datum and plotted at 1 metre contour intervals;
 - (ii) the land on which the excavation site is to be located;
 - (iii) the external surface dimensions of the land;
 - (iv) the location and depth of the existing and proposed excavation of the land;
 - (v) the location of existing and proposed thoroughfares or other means of vehicle access to and egress from the land and to public thoroughfares in the vicinity of the land;
 - (vi) the location of buildings, treatment plant, tanks and other improvements and developments existing on, approved for or proposed in respect of the land;
 - (vii) the location of existing power lines, telephone cables and any associated poles or pylons, sewers, pipelines, reserves, bridges, railway lines and registered grants of easement or other encumbrances over, on, under or adjacent to or in the vicinity of the land;
 - (viii) the location of all existing dams, watercourses, drains or sumps on or adjacent to the land;
 - (ix) the location and description of existing and proposed fences, gates and warning signs around the land; and
 - (x) the location of the areas proposed to be used for stockpiling excavated material, treated material, overburden and soil storage on the land and elsewhere;
- (b) 3 copies of a works and excavation programme containing—
 - (i) the nature and estimated duration of the proposed excavation;
 - (ii) the stages and the timing of the stages in which it is proposed to carry out the excavation;
 - (iii) details of the methods to be employed in the proposed excavation, and a description of any on-site processing works;
 - (iv) details of the depth and extent of the existing and proposed excavation of the site;
 - (v) an estimate of the depth of and description of the nature and quantity of the overburden to be removed;
 - (vi) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed or stockpiled;
 - (vii) a description of the means of access to the excavation site and the types of thoroughfares to be constructed;
 - (viii) details of the proposed number and size of trucks entering and leaving the site each day and the route or routes to be taken by those vehicles;
 - (ix) a description of any proposed buildings, treatment plant, tanks and other improvements;
 - (x) details of drainage conditions applicable to the land and methods by which the excavation site is to be kept drained;
 - (xi) a description of the measures to be taken to minimise noise and dust nuisance, erosion, watercourse siltation and dangers to the general public;

- (xii) a description of the existing site environment and a report on the anticipated effect that the proposed excavation will have on the environment in the vicinity of the land;
- (xiii) details of the nature of existing vegetation, shrubs and trees and a description of measures to be taken to minimise the destruction of existing vegetation; and
- (xiv) a description of the measures to be taken in screening the excavation site, or otherwise minimising adverse visual impacts, from nearby thoroughfares or other areas;
- (c) 3 copies of a rehabilitation and decommissioning programme indicating—
 - (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end-use of the excavation site;
 - (ii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
 - (iii) the method by which topsoil is to be replaced and revegetated;
 - (iv) the numbers and types of trees and shrubs to be planted and other landscaping features to be developed;
 - (v) how rehabilitation areas are to be maintained and irrigated; and
 - (vi) the programme for the removal of buildings, plant, waste and final site clean up;
- (d) evidence that a datum peg has been established on the land related to a point approved by the Council on the surface of a constructed public thoroughfare or such other land in the vicinity;
- (e) a certificate from a licensed surveyor certifying the correctness of—
 - (i) the plan referred to in paragraph (a); and
 - (ii) the datum peg and the related point referred to in paragraph (d);
- (f) evidence that the requirements of clause 3.4(1) and (2) have been carried out;
- (g) copies of all land use planning approvals required under any planning legislation;
- (h) the consent in writing to the application from the owner of the excavation site;
- (i) any other information that the Council may require; and
- (j) the licence application fee specified by the Council from time to time.

(2) All survey data supplied by an applicant for the purposes of sub-clause (1) must comply with Australian Height Datum and Australian Map Grid standards.

Division 3—Determination of Application

DETERMINATION OF APPLICATION

3.6 (1) The Council may refuse to consider an application for a licence that does not comply with the requirements of clause 3.5.

(2) The Council may, in respect of an application for a licence—

- (a) refuse the application; or
- (b) approve the application—
 - (i) over the whole or part of the land in respect of which the application is made; and
 - (ii) on such terms and conditions, if any, as it sees fit.

(3) Where the Council approves an application for a licence, it shall—

- (a) determine the licence period, not exceeding 21 years from the date of issue; and
- (b) approve the issue of a licence in the form set out in Schedule 4.

(4) Where the Council approves the issue of a licence, the CEO upon receipt by the Shire of—

- (a) payment of the annual licence fee, or the relevant proportion of the annual licence fee to 31 December next, as determined by the Council from time to time; and
- (b) payment of the secured sum, if any, imposed under clause 3.11; and
- (c) the documents, if any, executed to the satisfaction of the CEO, under clause 3.11,

shall issue the licence to the applicant.

(5) Without limiting subclause (2), the Council may impose conditions in respect of the following matters—

- (a) the orientation of the excavation to reduce visibility from other land;
- (b) the appropriate siting of access thoroughfares, buildings and plant;
- (c) the stockpiling of material;
- (d) the hours during which excavation work may be carried out;
- (e) the hours during which any processing plant associated with, or located on, the site may be operated;
- (f) the depth below which excavation shall not continue;
- (g) distances from adjoining land or thoroughfares within which excavation shall not continue;
- (h) the safety of persons employed at or visiting the excavation site;
- (i) the control of dust and wind-blown material;
- (j) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out, in order to effectively screen the area to be excavated and to provide for progressive rehabilitation;

- (k) the prevention of the spread of dieback disease;
- (l) the drainage of the excavation site and the disposal of water;
- (m) the restoration and reinstatement of the excavation site, the staging of such works, and the minimising of the destruction of vegetation;
- (n) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- (o) requiring the licensee to furnish to the Council a surveyor's certificate each year, prior to the renewal fee being payable, to certify the quantity of material extracted and that material has not been excavated below the final contour levels outlined within the approved excavation programme;
- (p) requiring the licensee to enter into an agreement with the Council in respect of any condition or conditions imposed under this local law; and
- (q) any other matter for properly regulating the carrying on of an extractive industry.

PAYMENT OF ANNUAL LICENCE FEE

3.7 On or before 31 December in each year, a licensee shall pay to the Shire the annual licence fee calculated in the manner determined by the Council from time to time.

Division 4—Transfer, Cancellation and Renewal of Licence

TRANSFER OF LICENCE

3.8 (1) An application for the transfer of a licence shall—

- (a) be made in writing;
- (b) be signed by the licensee and the proposed transferee of the licence;
- (c) be accompanied by the current licence;
- (d) contain the consent in writing from the owner of the excavation site;
- (e) include any information that the Council may reasonably require; and
- (f) be forwarded to the CEO together with the fee determined by the Council from time to time.

(2) Upon receipt of any application for the transfer of a licence, the Council may—

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

(3) Where the Council approves an application for the transfer of a licence, the Council shall transfer the licence by an endorsement on the licence to that effect signed by the CEO.

(4) Where the Council approves the transfer of a licence it shall not be required to refund any part of the fees paid by the former licensee in respect of the transferred licence.

CANCELLATION OF LICENCE

3.9 (1) The Council may cancel a licence where the licensee has—

- (a) been convicted of an offence against—
 - (i) this local law; or
 - (ii) any other law relating to carrying on an extractive industry; or
- (b) transferred or assigned or attempted to transfer or assign the licence without the consent of the Council;
- (c) permitted another person to carry on an extractive industry otherwise than in accordance with the terms and conditions of the licence and of the provisions of this local law; or
- (d) failed to pay the annual licence fee under clause 3.7.

(2) Where the Council cancels a licence under this clause—

- (a) the Council shall advise the licensee in writing of the cancellation;
- (b) the cancellation shall take effect on and from the day on which the licensee is served with the cancellation advice; and
- (c) the Council shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

RENEWAL OF LICENCE

3.10 (1) A licensee who wishes to renew a licence shall apply in writing to the Council at least 45 days before the date of expiry of the licence and shall submit with the application for renewal—

- (a) the fee prescribed by the Council from time to time;
- (b) a copy of the current licence;
- (c) a plan showing the contours of the excavation carried out to the date of that application;
- (d) details of the works, excavation and rehabilitation stages reached and of any changes or proposed changes with respect to any of the things referred to in clauses 3.5(1)(b) and (c); and
- (e) any other things referred to in clauses 3.5 and 3.6.

(2) The Council may waive any of the requirements specified in clause 3.10(1)(d) or (e).

(3) If—

- (a) an application to renew a licence is in relation to land in respect of which the current licence was issued less than 12 months prior to the date from which the new licence if granted would apply; and

- (b) the methods to be employed in the proposed land excavation are identical to those being employed at the date of the application,

then the applicant shall not be obliged, unless otherwise required by Council, to submit details of any of the things referred to in clauses 3.5 and 3.6.

- (4) Upon receipt of an application for the renewal of a licence, the Council may—
 - (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

Division 5—Secured Sum and Application Thereof

SECURITY FOR RESTORATION AND REINSTATEMENT

3.11 (1) For the purpose of ensuring that an excavation site is properly restored or reinstated, the Council may require that—

- (a) as a condition of a licence; or
- (b) before the issue of a licence,

the licensee shall give to the Shire a bond, bank guarantee or other security, of a kind and in a form acceptable to the Council, in or for a sum determined by the Council from time to time.

(2) A bond required under subclause (1) is to be paid into a fund established by the Shire for the purposes of this clause.

USE BY THE COUNCIL OF SECURED SUM

3.12 (1) If a licensee fails to carry out or complete the restoration and reinstatement works required by the licence conditions either—

- (a) within the time specified in those conditions; or
- (b) where no such time has been specified, within 60 days of the completion of the excavation or portion of the excavation specified in the licence conditions,

then—

- (c) the Shire may carry out the required restoration and reinstatement work or so much of that work as remains undone; and
- (d) the licensee shall pay to the Shire on demand all costs incurred by the Shire or which the Shire may be required to pay under this clause.

(2) The Shire may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 3.11 towards its costs under this clause.

(3) The liability of a licensee to pay the Shire's costs under this clause is not limited to the amount, if any, secured under clause 3.11.

Division 6—Limitations and Prohibitions

LIMITS ON EXCAVATION NEAR BOUNDARY

3.13 Subject to any licence conditions imposed by the Council, a person shall not, without the written approval of the Council, excavate within—

- (a) 20 metres of the boundary of any land on which the excavation site is located;
- (b) 20 metres of any land affected by a registered grant of easement;
- (c) 40 metres of any thoroughfare; or
- (d) 40 metres of any watercourse.

PROHIBITIONS

3.14 A licensee shall—

- (a) not remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the Council) of the boundary of any thoroughfare reserve on land in respect of which a licence has been granted, except for the purpose of constructing access thoroughfares, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the Council and subject to any conditions which the Council may impose in accordance with clause 3.6;
- (b) where the Council so requires, securely fence the excavation to a standard determined by Council and keep the gateways locked when not actually in use in order to prevent unauthorised entry;
- (c) erect and maintain warning signs along each of the boundaries of the site to which the licence applies so that each sign—
 - (i) is not more than 200 metres apart;
 - (ii) is not less than 1.8 metres high and not less than 1 metre wide; and
 - (iii) bears the words "DANGER EXCAVATIONS KEEP OUT";
- (d) except where the Council approves otherwise, drain and keep drained to the Council's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (e) not store, or permit to be stored, any explosives or explosive device on the site to which the licence applies;
- (f) not fill or excavate, other than in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the Council;

- (g) restore and reinstate the excavation site in accordance with the terms and conditions of the licence, the site plans and the works and excavation programme approved by the Council;
- (h) take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site; and
- (i) otherwise comply with the conditions imposed by the Council in accordance with clause 3.6.

BLASTING

3.15 (1) A person shall not carry out or permit to be carried out any blasting in the course of excavating unless—

- (a) the Council has otherwise given approval in respect of blasting generally or in the case of each blast;
- (b) subject to sub-clause (2), the blasting takes place only between the hours of 8.00am and 5.00pm, or as determined by the Council, on Mondays to Fridays inclusive;
- (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the Mines Regulation Act 1946 and all relevant local laws of the Council; and
- (d) in compliance with any other conditions imposed by the Council concerning—
 - (i) the time and duration of blasting;
 - (ii) the purposes for which the blasting may be used;
 - (iii) the methods of detonation and blasting;
 - (iv) the types of explosives to be used; and
 - (v) such other matters as the Council may reasonably require in the interests of the safety and protection of members of the public and property within the district.

(2) A person shall not carry out or permit to be carried out any blasting on a Saturday, Sunday or Public Holiday except with the prior approval of the Council.

Division 7—Miscellaneous Provisions

PUBLIC LIABILITY

3.16 A licensee shall have at all times a current public liability insurance policy taken out in the joint names of the licensee and the Shire indemnifying the licensee and the Shire for a sum of not less than \$5,000,000 in respect of any one claim relating to any of the excavation operations.

MINES REGULATION ACT

3.17 (1) In any case where the Mines Regulation Act 1946 applies to any excavation carried on or proposed to be carried on at a site, the licensee in respect of that site shall—

- (a) comply with all applicable provisions of that Act; and
- (b) provide to the Council within 14 days full particulars, of any inspection or report made under that Act.

(2) In this clause, the Mines Regulation Act 1946 includes all subsidiary legislation made under that Act.

NOTICE OF CESSATION OF OPERATIONS

3.18 (1) Where a licensee intends to cease carrying on an extractive industry—

- (a) temporarily for a period in excess of 12 months; or
- (b) permanently,

the licensee shall, as well as complying with clause 3.19, give the Council written notice of the cessation not later than 1 week after those operations have ceased.

(2) Where a licensee has given written notice to the Council of the intention to permanently cease carrying on an extractive industry on the site to which the licence applies the licence is deemed to have expired on the date such cessation is so notified.

(3) The temporary or permanent cessation of the carrying on of an extractive industry on a site or the deemed expiration or cancellation of a licence does not entitle the licensee to any refund of any licence fee.

WORKS TO BE CARRIED OUT ON CESSATION OF OPERATIONS

3.19 Where the carrying on of an extractive industry on the site permanently ceases or on the expiration or cancellation of the licence applicable to the site, whichever first occurs, the licensee shall, as well as complying with the provisions of clause 3.18—

- (a) restore and reinstate the excavated site in accordance with the proposals approved by the Council or in such other manner as the Council may subsequently agree in writing with the licensee;
- (b) ensure that any face permitted to remain upon the excavation site is left safe, with all loose materials removed and where the excavation site is—
 - (i) sand, the sides are sloped to a batter of not more than 1:3 (vertical : horizontal); and
 - (ii) limestone or material other than sand, the sides are sloped to a batter which, in the opinion of the Council, would enable the site to be left in a stable condition;
- (c) ensure that the agreed floor level of the excavation site is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the Council;

- (d) ensure that all stockpiles or dumps of stone, sand or other material are left so that no portion of that material can escape onto land not owned or occupied by the licensee nor into any stream, watercourse or drain that is not wholly situated within the land owned or occupied by the licensee;
- (e) erect retaining walls where necessary to prevent subsidence of land in the vicinity of any excavation;
- (f) remove from the site all buildings, plant and equipment erected, installed or used for or in relation to the carrying on of an extractive industry on the site and fill all holes remaining after such removal to the level of the surrounding ground and compact such filled holes sufficiently to prevent settling; and
- (g) break up, scarify, cover with topsoil and plant with grass, trees and shrubs all parts of the site where buildings, plant and equipment were erected or installed and all areas which were used for stockpiling unless otherwise specified under this local law.

PART IV—FENCING

Division 1—Preliminary

DEFINITIONS

4.1 In this Part unless the context otherwise requires—

- “Commercial Area” means an area classified as a commercial zone by the Town Planning Scheme.
- “Dangerous”, in relation to any fence, means a fence which is likely to collapse or fall, or part of which is likely to collapse or fall by reason of its faulty design, location of construction, deterioration or materials, damage by termites, decay, changes in ground levels or any other cause whatsoever.
- “Dividing Fence” has the meaning given to it in and for the purposes of the Dividing Fences Act, 1961.
- “Fence” includes a wall and any gate affixed to the fence.
- “Frontage” means the boundary line between a lot and the thoroughfare or thoroughfares upon which that lot abuts.
- “Height”, in relation to a fence, means the greatest distance between the top of the fence at any point and the ground immediately below that point but where—
 - (a) the natural level of the ground cannot be ascertained, the height of the fence shall be measured from a level fixed by a Surveyor.
 - (b) a fence is erected on or adjacent to the retaining wall, the retaining wall is deemed to be part of the fence for the purpose of measuring the height thereof, unless in any particular case the Council decides otherwise.
- “Industrial Area” means an area classified as an industry zone by the Town Planning Scheme.
- “Residential Area” means an area classified as a residential zone by the Town Planning Scheme.
- “Rural Area” means an area classified as a rural zone by the Town Planning Scheme.
- “Special Residential Area” means an area classified as a special residential zone by the Town Planning Scheme.
- “Special Rural Area” means an area classified as a special rural zone by the Town Planning Scheme.
- “Surveyor” means a Building Surveyor of the Shire of Denmark.
- “Tourist Area” means an area classified as a tourist zone by the Town Planning Scheme.
- “Town Planning Scheme” means Shire of Denmark Town Planning Scheme No.3 published in the *Government Gazette* on 25 March 1994 and amended from time to time or other Town Planning Schemes or local laws for the time being in force whereby the district of the Shire of Denmark or any part thereof is classified or zoned.

APPLICATION

4.2 The provisions of this Part apply to the general control of fences in areas zoned Residential, Industrial, Commercial, Rural, Special Rural or Special Residential.

Division 2—Council Approvals Needed

FEES PAYABLE

4.3 An application for an approval under these local laws shall not be considered until such time as any fees determined by the Council from time to time have been paid.

FRONT FENCES EXCEEDING 900MM

4.4 Subject to clause 4.5, no person shall erect a fence in a Commercial Area, Industrial Area, or Residential Area as defined in clause 4.1, exceeding 900mm in height to the frontage of a lot or the front 7.5 metres of the side boundaries unless and until that person has lodged with the Council two (2) copies of the plans and specifications of the proposed fence, such specifications to stipulate the type of material to be used and the Council has approved of the plans and specifications subject to such conditions as the Council considers necessary.

4.5 Notwithstanding clause 4.4, a person shall not erect a fence in a Commercial Area, Industrial Area or Residential Area as defined in clause 4.1, exceeding 750mm in height on any frontage of a lot which is situated at the intersection of two (2) or more thoroughfares within a distance of 8.0 metres from the point of intersection of the lines obtained by producing the thoroughfare alignments fronting the lot

provided however, that on a lot being lawfully used for industrial purposes, the Council may permit a link mesh fence to be erected to a greater height than 750mm if the Council is satisfied that any such fence would not materially affect the visibility of drivers of vehicles approaching the intersection.

4.6 Where approval is given to erect a fence in excess of 900mm in height along the frontage of a lot;

- (a) played lines of sight with dimensions of 2000mm along the frontage and 3000mm deep shall be provided on both sides of every driveway.

4.7 A person shall not commence to erect or proceed with the erection or with any amendment, alteration, extension or enlargement of any hood, pergola or ornamental head to a gateway if it is or will be situated within 7.5 metres of a thoroughfare alignment unless or until that person has lodged with the Council and the Council has approved two (2) copies of a plan and specifications provided that in no case may any part of such hood, pergola or ornamental head project more than 300mm beyond the allotment on which it is situated nor may any part of such projection be less than 2750mm vertically above ground level.

FENCES ON OTHER BOUNDARIES BEHIND FRONT SETBACK

4.8 A person shall not commence to erect, proceed with the erection, rebuild, reconstruct, or alter any fence exceeding 1800mm in height on an allotment unless and until that person has lodged with the Council two (2) copies of the plan and specifications of the proposed fence or the proposed rebuilding, reconstruction or alteration, and the Council has approved a copy of the plan and specifications.

SPIKED OR JAGGED PROJECTIONS

4.9 Except with the proper written consent of the Council, a person shall not erect or allow to remain erected on any boundary fence of an allotment owned or occupied by that person in either a Commercial Area, Industrial Area or Residential Area as defined in clause 4.1, any barbed or other wire with spiked or jagged projections, other than in a Commercial or Industrial area where the barbed or other wire with spiked or jagged projections is not less than 1800mm vertically above the level of the ground immediately thereunder.

ELECTRIFIED FENCES

4.10 No person shall erect an electrified fence on or near the boundary of any Tourist, Commercial, Residential, Special Rural, Special Residential or Industrial zoned land abutting a thoroughfare within the boundaries of the Shire of Denmark or electrify any such existing fence without the prior written consent of the Council and such consent shall only be given where—

- (a) a separate front boundary fence exists or is to be erected, or the electrified wire or wires attached to the boundary fence project a minimum of 230mm inside the fence alignment;
- (b) an electrified fence which is to be separate from a boundary fence is to be located a minimum of 230mm inside of the boundary fence;
- (c) the wire to be used shall be plain wire free from spikes or jagged projections;
- (d) the electrified section of a fence shall for a distance of 100mm from any metering device required to be periodically read, be insulated for personal protection;
- (e) electrified fences shall be identified by suitable signs approved by a Surveyor, such signs to be fastened to all front, side or rear boundary fences and shall be at intervals not exceeding 90 metres together with a sign being located within 1500mm of the metering device.

4.11 No person shall erect or install an electrified fence pursuant to these local laws in any Tourist Area, Commercial Area, Residential Area, Special Rural Area, Special Residential Area or Industrial Area as defined in clause 4.1 unless that fence is controlled by an electric fence control device manufactured in accordance with AS 3129-1989 and provided that such electrified wire is installed a minimum of 230mm inside a boundary fence and that such electrified wire is also rendered inoperable during the hours of business operations of the premises so fenced, or at such times that would permit the legal entry onto the premises by the general public.

CONSTRUCTION OF FENCES

4.12 A person shall not construct a fence in any Commercial Area, Residential Area or Industrial Area as defined in clause 4.1 from other than brick, stone, concrete, wrought iron, tubular steel, link mesh, timber, plastic coated link mesh, corrugated fibre reinforced cement sheeting, colour bonded metal, or such other materials as Council may approve.

4.13 Fences of wire mesh construction shall be supported by either sawn or split timber, treated pine, steel, fibreglass or concrete posts or other such material as approved by Council.

4.14 Fences constructed from brick, stone, concrete, wrought iron, tubular steel, link mesh, timber, plastic coated link mesh, corrugated fibre reinforced cement sheeting, colour bonded metal or such other material as Council may approve shall be constructed in accordance with the minimum specifications contained in Schedules 5, 6 and 7 hereof for the area appropriate to the zoning of the property.

PREVIOUSLY USED MATERIAL

4.15 Except with the prior written consent of the Council, no person shall construct any fence in a Tourist Area, Commercial Area, Industrial Area or Residential Area as defined in clause 4.1, with previously used material and in the event of such consent being given, the person to whom that consent has been given shall paint or treat the previously used material as directed by a Surveyor.

Division 3—Miscellaneous Provisions

MAINTENANCE

4.16 The owner of land on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated, unsightly or prejudicial to the amenity of the neighbourhood.

4.17 The Council may give notice in writing to the owner or occupier of land upon which is erected a fence that has not been maintained in accordance with the provisions of these local laws requiring him to repair, paint or maintain the fence within the time stipulated in the notice, not being less than fourteen (14) days from the date of service of the notice.

4.18 A person who fails to comply with the notice given to that person pursuant to clause 4.17 hereof commits an offence.

4.19 If a person to whom a notice has been given pursuant to clause 4.17 fails to comply with the requirements of the notice, the Council may enter upon the land and repair, paint or maintain the fence and recover the amount of the expense of so doing from the owner in a court of competent jurisdiction.

SUFFICIENT FENCE

4.20 A fence constructed in accordance with specifications for a sufficient fence as contained in the item 1 of Schedules 5, 6 and 7 hereof is prescribed as a sufficient fence for the purposes of the Dividing Fences Act, 1961 within the area set opposite the number of the Schedule hereunder.

Schedule No.	Area
5	Residential Area
6	Commercial and Industrial Areas
7	Rural, Special Rural and Special Residential Areas

4.21 Where adjoining lots are in different zones—

- (a) and one of those lots is in a Residential Zone, a sufficient fence is a dividing fence between those lots constructed in accordance with the specifications and requirements set out in the First Schedule hereto whether or not that fence is constructed on the lot within the Residential Zone;
- (b) and neither of those lots is in a Residential Zone, a sufficient fence is a dividing fence between those lots constructed in accordance with the requirements and specifications set out in Schedules 5, 6 and 7 hereto, or as the Council may in each case determine.

PART V—DANGEROUS AND OFFENSIVE THINGS

OLD REFRIGERATORS

5.1 A person shall not place in, or about any rubbish depot, tip, sanitary depot, dump, public reserve, public place, or unfenced vacant land, any refrigerator, ice chest, ice box, furniture, trunk or other thing, that has in it a compartment of a capacity of 0.04 cubic metres or more, unless, before so placing it, that person removes from the compartment every door, lid, lock and hinge thereof or otherwise renders such door or lid incapable of being fastened.

OLD VEHICLES AND MACHINERY

5.2 A person shall not within the townsite of Denmark—

- (a) store a disused motor vehicle, an old motor vehicle body or any old machinery or boat; or
- (b) dismantle or break up a disused motor vehicle, an old motor vehicle, or any old machinery or boat, unless—
 - (i) inside a building; or
 - (ii) within an area enclosed by a fence or wall not less than two metres in height and of such a nature as to screen all disused motor vehicles, old motor bodies, old machinery, boats and the parts thereof from the thoroughfare and from adjoining properties.

PART VI—HALLS, EQUIPMENT AND PROPERTY (MANAGEMENT AND CONTROL)

Division 1—Preliminary

DEFINITION

6.1 In this Part, unless the context otherwise requires—

“building” includes any hall, room or corridor, or stairway, or annexe of any such hall or room under the care, control or management of the Council.

Division 2—Permissions

6.2 A person shall not, without permission to hire granted by Council, use any building or use or borrow the furniture, plant, fittings, effects, cutlery, crockery, glassware or other utensils or property of any kind within or on any building.

6.3 Every application for permission to hire under clause 6.2 shall be made to the CEO in writing at least 24 hours before the time that such building, furniture or other property are required and shall specify—

- (a) the name and place of abode of the applicant who seeks to hire a building, furniture or other property specified in clause 6.2;
- (b) the purpose for which the building, furniture or other property is required.

6.4 The fees to be charged for an application for permission to hire, for the hiring of any building furniture or other property shall be those set by the Council from time to time under section 6.16 of the Act. No permission to hire is valid until the fees have been paid.

6.5 The holder of permission to hire any building, furniture or other property shall—

- (a) maintain and keep such building, furniture or other property in good order;
- (b) be solely and entirely responsible for the carrying out of the provisions of this Part;

- (c) be solely responsible for any damage done to the building, furniture or other property;
- (d) pay such damages as shall be assessed by the Council, and furniture or other property damaged or not accounted for shall be paid for at current replacement cost or the actual cost of repair as the case may be;
- (e) leave the building, furniture, or other property in a clean and tidy condition and remove decorations by 10am on the day following the hire;
- (f) pay such cleaning costs and costs of removing decorations as shall be assessed by the Council where the CEO is of the opinion that the building, furniture, or other property have not been left in a satisfactory condition under paragraph (e) above in addition to any penalty which may be imposed under clause 10.11 of these local laws.

6.6 The Council may at any time demand that the hirer shall, prior to the term of engagement, deposit an amount estimated to cover—

- (a) any damage that might occur during the term of engagement; and/or
- (b) the costs of cleaning and removal of decorations after the engagement.

6.7 Any deposit demanded under clause 6.6 shall be repaid to the hirer after the term of engagement to the extent that damage or costs were not incurred.

Division 3—Conduct in Hired Building

6.8 No person shall smoke in any area where signs indicate that smoking is not permitted.

PART VII—THOROUGHFARES AND PUBLIC PLACES

Division 1—Preliminary

DEFINITIONS

7.1 In this Part, unless the context otherwise requires—

- “carriageway” means every part of a thoroughfare used or intended for use by vehicles and includes footpath or kerb;
- “commercial vehicle” means a motor vehicle constructed, fitted, adapted or used for the conveyance therein or thereon of any goods or merchandise or any materials used in any trade, business or industry;
- “footpath” means a path used by, or set aside or intended for use by both pedestrians and cyclists, but not vehicles of any other kind;
- “garden” means any part of a thoroughfare planted developed or treated, otherwise than as a lawn, with any tree, plant or shrub;
- “intersection” means that part of a thoroughfare comprised within imaginary straight lines joining the points of transection of the thoroughfare alignments of two or more thoroughfares that meet each other. If the thoroughfare alignments are curved where the thoroughfares meet then the point of transection is the point on the curve nearest to the point at which those thoroughfare alignments would meet if straight;
- “junction” means that part of a thoroughfare comprised within imaginary straight lines at right angles to the thoroughfare commencing from the points of transection of the thoroughfare alignments of the thoroughfare with the thoroughfare alignments of the land which abuts thereon. If the thoroughfare alignments are curved at any corner then the point of transection is the point at which those thoroughfare alignments would meet if straight;
- “kerb” means and includes the kerb or edge of the portion of a thoroughfare paved for the use of vehicular traffic where any kerb exists at the edge of the paved thoroughfare, whether any footpath has been constructed or not;
- “lawn” means any part of thoroughfare which is planted with grass and with any tree or shrub planted by the Council;
- “motor vehicle” in this part means a self-propelled vehicle of any kind that is not operated on rails;
- “omnibus” means a motor vehicle equipped to carry more than 8 adult passengers;
- “park” means to permit a vehicle, whether attended to or not, to remain stationary, except for the purpose of avoiding conflict with other traffic, of complying with provisions of any law or of immediately taking up or setting down persons or goods; and “parking” has a correlative meaning;
- “stand” in relation to a vehicle means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law; and “standing” has a correlative meaning;
- “thoroughfare verge” means every part of a thoroughfare other than the carriageway thereof.

APPLICATION

7.2 Nothing in this Part shall be construed so as to inhibit or preclude an employee, contractor or agent of the Council carrying out that person’s normal and lawful duties.

Division 2—Activities on Thoroughfares and Public Places

7.3 A person shall not—

- (a) stand a vehicle or permit a vehicle to stand so that any part of the vehicle is on the verge of any part of the thoroughfare, that is to say, between the edge of the carriageway of that part of the thoroughfare and the boundary of the thoroughfare nearest to that edge, provided that the prohibition in this paragraph shall not apply to the occupier of premises adjacent to the verge or any part of a thoroughfare or to a person authorised by the occupier of those premises to stand a vehicle on that verge unless by a sign adjacent or referable to that verge the standing of vehicles on that verge is prohibited but nothing in this paragraph shall authorise an occupier of premises adjacent to the verge of any part of a thoroughfare or a person authorised by the occupier of those premises to stand any portion of a vehicle on or over a footpath;
- (b) park a commercial vehicle or a caravan, omnibus or trailer on a thoroughfare verge for more than 24 hours consecutively; and
- (c) on a thoroughfare verge repair, service or clean any vehicle;
- (d) plant a lawn or garden or permit a garden or lawn to grow on or over any footpath or carriageway;
- (e) grow or maintain any tree, shrub or plant which is thorny or which is, or may be injurious to health, on any part of a thoroughfare;
- (f) water a lawn or garden in a manner or at any time as will or may occasion inconvenience or obstruction to any person using a carriageway or footpath;
- (g) plant any tree, shrub or plant, exceeding 0.75 metres in height or of a variety likely to exceed 0.75 metres in height in any part of a thoroughfare situated within 6 metres of a junction or intersection;
- (h) except as otherwise authorised in this Part damage a lawn or garden or any part thereof or, if other than the owner or occupier or a person authorised by the owner or occupier of land abutting on part of a thoroughfare in which a garden is planted, remove any flower, plant or shrub from that garden;
- (i) plant anything other than grass on any part of a thoroughfare within 2 metres of the carriageway;
- (j) drive or stand a vehicle or animal on any lawn or garden unless with the consent of the owner or occupier of the land abutting that part of the thoroughfare;
- (k) place any household rubbish or garden waste of any kind in a "litter" bin provided by the Council for the use of the public.

For the purposes of this clause, the verge of any part of a thoroughfare in relation to an occupier of premises adjacent to that verge means that part of the thoroughfare which lies between a boundary of those premises and the edge of the carriageway of that thoroughfare.

ACTIVITIES NEEDING PERMISSION

7.4 A person shall not, without the permission of Council—

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) drive any vehicle over or across a kerb or footpath except at a specially constructed crossing place;
- (c) drive a vehicle or permit a vehicle to be driven across a kerb or footpath if such vehicle is so heavy or is of such a nature that it causes or is likely to cause damage to the kerb or paving of the footpath;
- (d) commit any of the following acts—
 - (i) leave an animal or vehicle or any part of a vehicle in a public place so as to obstruct any portion of that place except that an animal secured in any public place wherein animals may lawfully be secured and a vehicle parked in a public place wherein vehicles may lawfully be parked is not obstructing for the purposes of this clause unless, in the case of an animal it is secured for any period exceeding 1 hour unless the consent in writing of an Authorised Person has first been obtained and, in the case of a vehicle (notwithstanding paragraphs (a) and (b) of clause 7.3), it is so parked for any period exceeding 24 hours;
 - (ii) throw, place or deposit any obstruction, box, case, crate, bottle, coal, timber, brick, or other material on or in any public place;
 - (iii) cause any obstruction to or prevent vehicles or persons having the free unhindered use of any thoroughfare or footpath;
 - (iv) break up, damage, or destroy any thoroughfare, footpath or other public place;
 - (v) throw, place or deposit any rubbish, vegetable substance, garden clippings or any offensive noxious or dangerous substance or utensils or glass or litter on any public place;
 - (vi) light any fire or burn any rubbish or material on any public place;
 - (vii) fell any tree on or across any public place.
- (e) cause or permit any water from a hose or sprinkler to interfere with the use of any thoroughfare or footpath by pedestrians.
- (f) in a thoroughfare, plant or maintain a lawn or a garden or plant a tree, except that the owner or occupier of land abutting any part of a thoroughfare may plant a lawn in that part of the thoroughfare if such lawn does not form part of a garden;

- (g) lay pipes under or provide taps in any thoroughfare verge for watering a garden or lawn;
- (h) deposit, place or install any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark, sawdust or any other thing, whether of the same kind as, or, a different kind from those here specified, on any part of a thoroughfare.

APPLICATION

7.5 Every application for the permission of Council under clause 7.4 shall be in writing in the form provided in Schedule 8 and shall—

- (a) in the case of paragraph (f) of clause 7.4 be made in the name of the owner or occupier of the land abutting the garden and shall be accompanied by a plan depicting the proposed lawn and garden or tree and in the case of a garden, setting out details of all trees, shrubs and plants, and the positions thereof in relation to the thoroughfare alignment and the carriageway and to any footpath;
- (b) in the case of paragraph (h) of clause 7.4 be made by the owner or occupier of the land abutting that part of the thoroughfare upon which the thing referred to in paragraph (h) of clause 7.4 is proposed to be deposited, placed or installed and shall be accompanied by a plan depicting the location and details of any thing proposed to be deposited, placed or installed on a thoroughfare;
- (c) in the case of paragraphs (b) and (c) of clause 7.4 specify the place at which such crossing is to be made and with his application pay to the Council such deposit as may be determined by the Council from time to time;
- (d) specify the name of the owner or occupier and such other information as is relevant and as the Council may request and any deposit requested to be lodged with the Council.

DISCRETION

7.6 The Council may under this Part in its discretion give or refuse to give any permission or give any permission subject to such conditions as it thinks fit.

7.7 Where permission has been granted by the Council under this Part subject to conditions, the person to whom the permission has been granted shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against these local laws and the Council may by written notice cancel the permission.

CONDITIONS FOR PIPE

7.8 Any permission to lay pipes pursuant to paragraph (g) of clause 7.4 is subject to the following conditions, whether expressed in the permission or not, that the pipe—

- (a) is laid beneath the surface of the thoroughfare to a depth of not more than 0.3 metres or less than 0.15 metres and so that any fitting connected to the pipe or pipes does not project above the surface of the thoroughfare and any lawn;
- (b) if connected to a public water supply, is laid to comply with the requirements of the body constituted for and having the control of that supply;
- (c) if connected to a private supply, is constructed of galvanised iron, cast iron, PVC, copper or other material approved by the Council.

CONDITIONS FOR FOOTPATHS ETC

7.9 Any permission for the purpose of paragraphs (b) and (c) of clause 7.4 is subject to the following conditions whether expressed in the permission or not to be performed by the applicant—

- (a) if the paved portion of the footpath is constructed of concrete slabs the applicant shall carefully remove them from the footpath for a width of 4.8 metres at the proposed crossing and neatly stack them on the adjoining land;
- (b) if the kerbing at the edge of the paved thoroughfare is constructed of concrete kerbing blocks the applicant shall carefully remove them from the kerb for a width of 4.8 metres at the proposed crossing and neatly stack them on the adjoining land so as not to cause an obstruction;
- (c) the applicant shall place in the position from which the slabs have been removed a temporary crossing of 4.8 metres in width and of a length equal to the width of the paved portion of the footpath. The temporary crossing shall be constructed of hardwood planks at least 200 millimetres wide and 50 millimetres thick of which the ends shall be chamfered downwards securely nailed together with hoop iron straps at 1.2 metre centres. The planking shall be firmly bedded and laid true to the level of the original footpath;
- (d) the applicant shall place in the position from which concrete kerbing has been removed a temporary crossing of 4.8 metres wide and at least one metre in length. The temporary crossing shall be constructed of hardwood planks at least 200 millimetres long and 50 millimetres thick of which the ends shall be chamfered down-ward securely nailed together with hoop iron straps at 1.2 metre centres. The said planking shall be firmly bedded and laid true to the level of the edge of the paved thoroughfare and shall be held in position by pegs inserted sufficiently far into the soil as to prevent movement of the temporary crossing away from the abutting edge of the paved thoroughfare;
- (e) when the necessity no longer exists for the temporary crossing referred to in paragraphs (c) and (d) of this clause or when called upon to do so by notice in writing from the Council, the applicant shall remove the planking, replace the slabs or kerbing in a proper workmanlike manner to Council's satisfaction and shall replace with new slabs or kerbing of equal quality and size any slabs which have been lost, damaged or broken;

- (f) in the case of a footpath constructed in total or part of bitumen surfaced gravel, gravel, limestone, concrete or crushed metal the applicant shall place in position where the crossing is to be made a temporary crossing 4.8 metres wide and of a length equal to the width of the paved portion of the footpath. The temporary crossing shall be constructed of hardwood planks at least 200 millimetres long and 50 millimetres thick of which the ends shall be chamfered downwards to the existing footpath surface and securely nailed together with hoop iron straps at 1.2 metre centres. The said planking shall be firmly bedded and laid true;
- (g) when the necessity no longer exists for the temporary crossing referred to in paragraph (f) or when called upon to do so by notice in writing from the Council the applicant shall remove the planking and clean off the footpath;
- (h) the applicant shall make good all damage caused to the footpath and the kerbing, guttering and paved thoroughfare during the whole of the time the works are in progress and in the event that damage shall have occurred and shall not have been made good, the Council may make good such damage and deduct the cost from the deposit;
- (i) if the cost of making good the damage referred to in paragraph (h) of this clause exceeds the amount of the deposit the applicant shall pay to the Council on demand the amount by which the cost exceeds the amount of the deposit held and in default of payment the Council may recover the excess in a Court of competent jurisdiction;
- (j) if no damage has been caused or if the damage has been made good to the satisfaction of the Council, the Council shall repay the deposit or the portion remaining after the costs incurred by the Council have been paid.

Division 3—Removal of Animals, Vehicles & Other Things

IN PUBLIC PLACES

7.10 (1) The provisions of this clause shall not affect the operation of Part XX of the Local Government (Miscellaneous Provisions) Act.

(2) Where an Authorised Person or a member of the Police Force finds an animal or vehicle left in a public place contrary to the provisions of this Part that person may remove the animal or vehicle therefrom and shall thereupon—

- (a) in the case of an animal, place it in a public pound and deal with it according to law;
- (b) in the case of a vehicle, place it in a place appointed by the CEO for that purpose.

OBSTRUCTIONS

7.11 Where any tree, rubbish, bottle, clippings, or other material of any kind has been deposited on, or any excavation has been made in or on, or any injury has been caused to the surface of, or any obstruction has been caused to prevent vehicles or persons having the free or unhindered use of any thoroughfare, footpath, or other public place in contravention of this Part the Council may remove such deposit or obstruction and/or may reinstate such thoroughfare, footpath or other public place at the expense of the person or persons responsible for such deposit, excavation or injury and may recover the amount of the expense from such person or persons in a Court of competent jurisdiction in addition to any penalty for which such person or persons may be liable under this Part.

Division 4—Infringement Notices

INFRINGEMENT NOTICE MAY BE GIVEN

7.12 An infringement notice in respect of an offence under paragraphs (a), (b), (c) or (j) or clause 7.3 may be given under section 8.16 in accordance with Part XI of these local laws.

PART VIII—PARKING

Division 1—Preliminary

DEFINITIONS

8.1 In this Part, unless the context otherwise requires—

- “bus” means an omnibus within the meaning of the Road Traffic Act 1974;
- “carriageway” has the same meaning as is given in clause 7.1, Part VII of these local laws;
- “commercial vehicle” has the same meaning as is given in clause 7.1, Part VII of these local laws;
- “driver” means any person driving or in control of a vehicle;
- “footpath” has the same meaning as is given in clause 7.1, Part VII of these local laws;
- “footway” includes every footpath, path, land or other place used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;
- “intersection” has the same meaning as is given in clause 7.1, Part VII of these local laws;
- “junction” has the same meaning as is given in clause 7.1, Part VII of these local laws;
- “kerb” has the same meaning as is given in clause 7.1, Part VII of these local laws;
- “motor cycle” means a motor vehicle that has two wheels or, where a sidecar is attached thereto, has three wheels;
- “no parking area” means a portion of a carriageway that lies—
 - (a) between two consecutive signs inscribed with the words “No Parking”, or a symbol or symbols to that effect, and each with an arrow pointing generally towards the other of them; or

- (b) between a sign, inscribed with the words "No Parking", or a symbol or symbols to that effect, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

"no standing area" means a portion of a carriageway—

- (a) between two consecutive signs inscribed with the words "No Standing", or a symbol or symbols to that effect, and each with an arrow pointing generally towards the other of them; or
- (b) between a sign inscribed with the words "No Standing", or a symbol or symbols to that effect, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign.

"occupier" has the meaning given to it by the Act;

"owner" in relation to a vehicle means the person who holds the licence for that vehicle that is required under the Road Traffic Act 1974, or if the vehicle is not licensed under the Act, the person who owns the vehicle or is entitled to its possession.

"park" has the same meaning as is given in clause 7.1, Part VII of these local laws;

"parking area" means a portion of a carriageway—

- (a) between two consecutive signs, inscribed with the word "Parking" or a symbol or symbols to that effect, each with an arrow pointing generally toward the other of them; or
- (b) extending from a sign inscribed with the word "Parking" or a symbol or symbols to that effect in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words "No Parking" or "No Standing", or symbols to the same effect, or to a dead end or an area in which the parking or standing of vehicles is prohibited and is that half of the carriageway of the thoroughfare nearest to the sign;

"parking facility" includes land, buildings, shelters, metered zones, metered spaces, signs, notices and other facilities open to the public, generally, for the parking of vehicles with or without charge;

"parking region" includes all thoroughfares and reserves and any private land in respect of which the owner or occupier from time to time requests the Council to control parking under these local laws within the district of the Shire of Denmark;

"parking stall" means a section or part of a thoroughfare which is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may stand or be parked, whether on payment of a fee or charge or otherwise, but does not include a metered space;

"sign" means a traffic sign, mark, marking, symbol, structure or device on or over any thoroughfare for the purpose of regulating, guiding or directing traffic;

"specified place" means a yard, depot, pound or other piece of land or building set aside by the Council as a place to which impounded vehicles or animals may be removed;

"symbol" means a letter, figure, or other character or mark, or a combination of letters or the like, used to represent something, and without limiting the generality of the foregoing includes any symbol issued or specified by Australian Standard 1742.11—1989 for use in the regulation of parking, and any reference to the wording of any sign in these local laws shall be also deemed to include a reference to the corresponding symbol;

"stand" in relation to a vehicle, means to stop the vehicle and permit it to remain stationary, except for the purpose of avoiding conflict with other traffic or of complying with the provisions of any law; and "standing" has a correlative meaning;

"thoroughfare verge" means that portion of a thoroughfare which lies between the portion of a thoroughfare that is improved, paved, designed or ordinarily used for vehicular traffic and the nearest property line.

APPLICATION OF THIS PART

8.2 (1) The provisions of this Part of these local laws apply to the parking region.

(2) The provisions in respect of parking on verges and obstruction of thoroughfares in Part VII of these local laws shall be read with and apply *mutatis mutandis* to the Part.

(3) In this Part a reference to a word or words in a sign shall be taken to include a reference to a symbol or symbols to the same effect and a reference to a symbol shall be taken to include a reference to a word or words to the same effect.

Division 2—Parking on Private Land

PROHIBITION OF PARKING ON PRIVATE LAND

8.3 A person shall not park or stand a vehicle on land that is not a thoroughfare or a parking facility, unless with the consent of the owner or occupier of the land on which the vehicle is parked.

REMOVAL

8.4 Where an Authorised Person or a member of the Police Force finds a vehicle which such person reasonably suspects is on private land without the consent of the owner or occupier, that person may—

- (a) remove the vehicle therefrom and place the vehicle in a specified place;
- (b) use such force as is necessary to enter the vehicle for the purpose of removing it.

Division 3—Standing and Parking Generally

ERECTION OF SIGNS TO REGULATE PARKING

8.5 A discretionary authority is conferred on the Council by resolution to constitute, determine and vary, and also indicate by signs, from time to time—

- (a) prohibitions;
- (b) regulations and restrictions of parking and standing of vehicles of a specified class or of specified classes in all thoroughfares or specified thoroughfares or in specified parts of thoroughfares or reserves at all times or specified times;

but that discretionary authority shall not be exercised in a manner inconsistent with the provisions of these local laws.

PARKING CONDUCT

8.6 (1) A person shall not stand or park a vehicle in a thoroughfare or part of a thoroughfare—

- (a) which is by a sign thereon or adjacent or referable thereto set apart for the standing or parking of vehicles of a different class; or
- (b) if by such a sign the standing or parking of vehicles is prohibited or restricted during a period or periods, during that period or periods; or
- (c) if by such a sign the standing of vehicles is permitted for a specified time, for longer than that time.

(2) A person shall not stand a vehicle—

- (a) in a no standing area;
- (b) in a parking area, except in a manner indicated by the inscription on the sign or signs associated with the parking area and parking stalls except as provided in these local laws with reference to the parking stalls;
- (c) in a parking area contrary to any limitation in respect of days, periods of the day, classes of persons or classes of vehicles indicated by the inscription on the sign or signs associated with the area; or
- (d) in a defined area marked "M/C", unless it is a motor cycle without a sidecar or a bicycle.

(3) A person shall not park a vehicle in a no parking area.

(4) A person shall not park a vehicle in any portion of a thoroughfare—

- (a) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare; or
- (b) if the vehicle is exposed for sale.

(5) A person shall not stand a motor cycle without a sidecar or a bicycle in a parking stall unless the traffic sign "M/C" is marked on that stall.

(6) A person shall not, without the permission of the Council, CEO or an authorised person, stand a vehicle in an area designated by signs "Authorised Vehicles Only".

8.7 Subject to the provisions of clause 7.8 a person shall not stand or park a vehicle or permit a vehicle to stand or park on a carriageway otherwise than—

- (a) on a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is standing;
- (b) on a one-way carriageway, so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic;
- (c) so that at least 3 metres of the width of the carriageway between the vehicle and the farther boundary of the carriageway or between it and a vehicle standing on the far side of the carriageway, is available for the passage of other vehicles;
- (d) so that it is not less than 1.2 metres from any other vehicle, except a motor cycle or a bicycle parked in accordance with this Part of these local laws;
- (e) so that it does not cause undue obstruction on the carriageway;
- (f) so that it is entirely within the confines of any parking stall marked on the carriageway.

8.8 (1) A person shall not stand or park a vehicle partly within and partly outside a parking area.

(2) Where the traffic sign or signs associated with a parking area are not inscribed with "Angle Parking", then where the parking area is adjacent to the boundary of a carriageway a person standing the vehicle in the parking area shall stand it as near as practicable to and parallel with that boundary.

(3) Where a traffic sign associated with a parking area is inscribed with the words "Angle Parking", a person standing a vehicle in the parking area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway surface.

(4) In paragraph (3) of this clause "vehicle" means a car or motor wagon (utility type up to 3 tonne gross).

(5) Paragraph (3) of this clause does not apply to a person standing a motor cycle or bicycle in a parking area.

8.9 (1) A person shall not stand or park a vehicle so that any portion of the vehicle is—

- (a) between any other standing vehicles and the centre of the carriageway;
- (b) adjacent to or on a median strip;

- (c) obstructing a right of way, passage or private drive or carriageway or a cross-over or so close thereto as to deny vehicles reasonable access to or egress from the right of way, passage or private drive, carriageway, or cross-over;
 - (d) alongside, or opposite, any excavation in, or obstruction on, the carriageway, if the vehicle would thereby obstruct traffic;
 - (e) on, or within 9 metres of, any portion of a carriageway bounded on one or both sides by a traffic island;
 - (f) on or over any footway or pedestrian crossing;
 - (g) on a bridge or other elevated structure;
 - (h) between the boundaries of a carriageway, and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of the carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.
- (2) A person shall not stand or park a vehicle so that any portion of the vehicle is—
- (a) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
 - (b) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purpose of collecting postal articles from the pillar box.
- (3) A person shall not stand or park a vehicle so that any portion of the vehicle is—
- (a) within 6 metres of the nearest property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is standing or parked;
 - (b) alongside any hoarding, scaffolding, obstacle or impediment to traffic.
- (4) A person shall not stand a vehicle so that any portion of the vehicle is within 9 metres of the departure side of—
- (a) a sign inscribed with the words “Bus Stop”, or “Hail Bus Here”, unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a pedestrian and children’s crossing established on any thoroughfare.
- (5) A person shall not stand a vehicle on a thoroughfare so that any portion of the vehicle is within 18 metres of —
- (a) the approach side of a sign inscribed with the words “Bus Stop” or “Hail Bus Here”, unless the vehicle is a bus stopped to take up or set down passengers;
 - (b) the approach side of a pedestrian crossing or children’s crossing; or
 - (c) the approach and departure sides of a railway crossing.
- (6) A person shall not stand or park a vehicle so that any portion of that vehicle is on a thoroughfare verge if a sign on, adjacent or referable thereto, indicates otherwise.
- 8.10 A person shall not permit a vehicle to stand in any part of a thoroughfare if an Authorised Person or member of the Police Force directs the driver of the vehicle to move it.

INSPECTION OF PARKING

8.11 (1) An Authorised Person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for a purpose connected with or arising out of that person’s duties and powers.

(2) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such mark is defeated or likely to be defeated.

8.12 A person shall not—

- (a) park a commercial vehicle or trailer or allow a commercial vehicle or trailer to remain stationary on a thoroughfare verge for more than 4 hours consecutively or for more than 4 hours in a day unless in between each period that the commercial vehicle or trailer is parked or allowed to remain stationary in the thoroughfare it has been removed from the thoroughfare for at least 2 hours; or
- (b) on a thoroughfare verge repair, service or clean a commercial vehicle.

8.13 (1) A person shall not park or stand a vehicle within the parking region on land that is not a thoroughfare or a parking facility without the consent of the owner or occupier of the land.

(2) For the purposes of these local laws where the owner or occupier of the land has erected signs on portion of the land set aside for the parking of vehicles displaying restrictions concerning the classes of persons who may stand or park vehicles or the time within which vehicles may be stood or parked on that portion of land a person who stands or parks a vehicle otherwise than in compliance with the sign shall be deemed not to have the consent of the owner or occupier of the land so to stand or park the vehicle.

8.14 (1) A person except an employee of the Council in the course of that person’s duties shall not drive or park a vehicle upon or over any portion of a reserve other than a paved area specifically set aside for that purpose.

(2) A person shall not park a vehicle on any part of a reserve, including any paved areas, for the purposes of conducting a business.

8.15 The Council, CEO, or an Authorised Person may permit a person who requires a space in an area where by a sign the standing of vehicles is permitted for a limited time in order to carry out urgent, essential or official duties to occupy such space with a vehicle for a longer time than the maximum period prescribed by the sign or from time to time provided such permission does not contravene the Road Traffic Code and may prohibit the use of such space by any other vehicle during such time.

Division 4—Removal of Vehicles

8.16 A person shall not stand or park a vehicle so as to cause obstruction to traffic in a thoroughfare or public place. A vehicle shall be regarded as causing obstruction if it interferes with the lawful movement of traffic on any thoroughfare or other public place or has been unlawfully parked or left standing on any thoroughfare or other public place for more than 24 hours whether or not it interferes with the lawful movement of traffic.

8.17 For the purposes of this Part of these local laws a vehicle that is stood or parked in a portion of a thoroughfare or public place wherein vehicles may lawfully be stood or parked is not obstructing if it is so stood or parked in contravention of the limits as to time imposed by the Council with respect to that portion of the thoroughfare or public place.

8.18 Where an Authorised Person or a member of the Police Force finds a vehicle stood or parked contrary to the provisions of clauses 8.6, 8.7, 8.8 or 8.9 of these local laws so as, in the opinion of that person, to cause an obstruction, the Authorised Person or a member of the Police Force may remove the vehicle to a specified place and may use such force as is necessary to enter the vehicle for the purpose of so removing it.

8.19 The provisions of Division 2 of Part X shall apply to any vehicle removed under this Part.

Division 5—Miscellaneous

8.20 An Authorised Person shall be furnished with a certificate of appointment in a form determined by the Council from time to time.

8.21 A person who is not an Authorised Person shall not in any way assume the duties of an Authorised Person.

8.22 A person shall not in any way obstruct or hinder an Authorised Person in the execution of that person's duty.

DEMANDING NAME AND ADDRESS

8.23 (1) An Authorised Person or member of the Police Force who finds a person committing or, on reasonable grounds, suspects a person of having committed a breach of the provisions of this Part of these local laws, may demand from the person that person's name and place of abode.

(2) A person who refuses to state his or her name and place of abode, or who states a false name or place of abode, on demand being so made, commits an offence.

8.24 An infringement notice may be given in accordance with the provisions of Division 3 of Part X in respect of an offence under this Part in respect of which the use, driving, parking, standing or leaving of a vehicle is an element.

8.25 A person, other than the driver of the vehicle, shall not remove from the vehicle any notice thereto or left therein or thereon by an Authorised Person or a member of the Police Force.

8.26 A person shall not—

- (a) without the authority of the Council mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of this Part of these local laws;
- (b) remove, deface or misuse a sign or property erected or provided under this Part or any part thereof, or attempt to do any such act;
- (c) without the permission of the Council affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign erected under this Part.

8.27 An inscription on a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under these local laws.

FURTHER PROVISIONS IN RELATION TO SIGNS

8.28 (1) A sign marked, erected, established or displayed on or near a thoroughfare and purporting to be a parking control sign is, in the absence of evidence to the contrary, presumed to be a sign marked, erected, established or displayed under the authority of these local laws.

(2) The first three letters of any day of the week when used on a sign indicate that day of the week.

(3) A sign associated with a no parking area, no standing area, parking area or a sign of a kind referred to in these local laws is limited in its operation and effect in respect of days, periods of the day, classes of persons, classes of vehicle, or circumstances to the extent, if any, shown on the sign.

PART IX—OBJECTIONS & APPEALS

9.1 When the Council makes a decision under these local laws as to whether it will—

- (a) grant a person an authorisation; or
- (b) renew, vary, or cancel an authorisation that a person has under these local laws;

the provisions of Part 9 Division 1 of the Act shall apply.

PART X—ENFORCEMENT OF LOCAL LAWS

Division 1—Authorised Persons

10.1 The Council may appoint a person as an Authorised Person for the purposes of performing particular functions under these local laws and a person shall not hinder or interfere with an Authorised Person in the course of that person’s duties.

10.2 An Authorised Person shall on demand show an identification of that person’s authorisation.

Division 2—Impounding

10.3 Where an Authorised Person places a vehicle or animal in a municipal depot, public pound or other place set aside for that purpose, details of the time and date, a description of the vehicle or animal, and of the place from which it was removed, shall be entered in a register provided by the Council for that purpose, and the CEO shall be notified.

10.4 The procedural provisions of Part 3, Division 3, Subdivision 4 of the Act shall apply generally when a vehicle or animal is impounded.

10.5 The CEO shall exhibit on the notice board of the Council notification that a vehicle or animal therein described has been taken into custody and shall, unless the vehicle or animal is sooner recovered, keep that notification exhibited for a period of not less than 7 days.

10.6 A person who removes a vehicle or animal from an appointed place without the authority of the CEO commits an offence.

Division 3—Infringement Notices

10.7 An infringement notice in respect of an offence prescribed in these local laws—

- (a) may be given under section 9.13 of the Act and shall be in or to the effect of Form 1 of Schedule 9;
(b) may be given under section 9.16 of the Act and shall be in or to the effect of Form 2 in Schedule 9.

10.8 A notice sent under section 9.20 withdrawing an infringement notice shall be in or to the effect of Form 3 of Schedule 9.

Division 4—General Offence and Penalty Provisions

10.9 Any person failing to do any act directed to be done, or doing any act forbidden to be done by these local laws, or any notice or order under these local laws commits an offence.

10.10 The maximum penalty for a parking or standing offence under Part VII or Part VIII of these local laws shall be \$750.00.

10.11 Subject to clause 10.10, any person who commits an offence against these local laws shall be liable to a penalty not exceeding a fine of \$5,000.00, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

10.12 The offences and modified penalties prescribed, with respect to offences against these local laws, shall be as specified in Schedule 10.

Schedule 1

(Form of Newspaper Notice)

Clause 3.4(1)(a)

NOTICE OF APPLICATION FOR AN EXTRACTIVE INDUSTRY LICENCE

Take notice that (1)
intends to apply to the Shire of Denmark for an extractive industry licence to excavate (2)
on land situated at (3)
being (4)

Any person who wishes to object or otherwise comment upon this proposal, should do so in writing to the Chief Executive Officer, Shire of Denmark, Strickland Street, Denmark 6333, not later than (5)

- (1) Insert the name of applicant.
(2) Insert the material(s) proposed to be excavated.
(3) Insert the postal address of the land subject of the application.
(4) Insert the title description of the land subject of the application.
(5) Insert the date which should not be less than 3 weeks after the date when the advertisement first appears in the newspaper.

Schedule 2
(Form of Site Notice)

Clause 3.4(2)

NOTICE OF APPLICATION
FOR AN EXTRACTIVE INDUSTRY LICENCE

Take notice that (1)
intends to apply to the Shire of Denmark for an extractive industry licence to excavate (2)
on land situated at (3)
being (4)

Any person who wishes to object or otherwise comment upon this proposal, should do so in writing to the Chief Executive Officer, Shire of Denmark, Strickland Street, Denmark 6333, not later than (5)

- (1) Insert the name of applicant.
(2) Insert the material(s) to be excavated.
(3) Insert the postal address of the land subject of the application.
(4) Insert the title description of the land subject of the application.
(5) Insert the date which is to be 21 days after the date on which the notice is placed on the land.

Schedule 3
SHIRE OF DENMARK
APPLICATION
FOR AN EXTRACTIVE INDUSTRY LICENCE

Clause 3.5

- 1. Name
2. Address
3. Telephone Fax
4. Address and locality of proposed excavation site
5. Lot No.
6. Location No.
7. Plan or Diagram No.
8. Certificate of Title Volume Folio
9. Owner of the land
10. Address of owner of the land
11. Material to be excavated
12. If the application covers land that is the subject of an existing licence—
Date of issue of that licence
Date of expiration of that licence
Conditions applicable to that licence
13. Term of licence sought
14. Submitted with this application are—
(a) 3 copies of excavation site plans (cl.3.5(1)(a))
(b) 3 copies of works and excavation programme (cl.3.5(1)(b))
(c) 3 copies of rehabilitation and decommissioning programme (cl.3.5(1)(c))
(d) datum peg evidence (cl.3.5(1)(d))
(e) licensed surveyor's certificate (cl.3.5(1)(e))
(f) evidence of compliance with cl.3.4(1) and (2)(cl.3.5(1)(f))
(g) copies of all land use planning approvals (cl.3.5(1)(g))
(h) written consent of the owner of the excavation site (cl.3.5(1)(h))
(i) any other information that the Council has required (cl.3.5(1)(i))
(j) licence application fee of \$ (cl.3.5(1)(j)).

The applicant applies for a licence in respect of the proposed excavation site in accordance with and subject to the Shire of Denmark (Misc) Local Laws.

Dated thisday of19.....

Signature of Applicant

Signature of Owner of the land

Signature of existing licensee
(if applicable)

Schedule 4
SHIRE OF DENMARK

Clause 3.6(3)(b)

EXTRACTIVE INDUSTRY LICENCE

Licensee.....

Address.....

Land Description.....

Material to be Excavated.....

Term of Licence.....

Date of Expiry.....

This licence is issued in accordance with the Shire of Denmark (Misc) Local Laws subject to the following conditions:

Dated thisday of19.....

Chief Executive Officer

TRANSFER ENDORSEMENT

Clause 3.8(3)

This licence is transferred to.....

of.....

from the date of the endorsement until.....

subject to each of the above conditions and the following additional conditions—

Dated thisday of19.....

Chief Executive Officer

Shire of Denmark

Schedule 5

Clause 4.14, 4.20

FENCES IN RESIDENTIAL AREAS

(1) The minimum required construction constituting a “sufficient fence” shall be self supporting corrugated fibre reinforced cement sheets erected to a height of 1800mm above natural ground level with a minimum in-ground depth of 600mm and which shall be lapped one corrugation and fitted with an extruded “snap-fit” type metal capping.

(2) Brick, concrete, stone or masonry fences shall have a concrete footing of a minimum of 230mm wide and 200mm deep made of 15mpa concrete with one layer of 8T/M mesh, and shall comply with AUSTRALIAN STANDARDS CODE 3700.

(3) Fences constructed out of self supporting corrugated fibre reinforced cement sheeting shall be erected as follows—

- (a) sheets up to 1800mm in length shall have a minimum in ground depth of 25% of the total length of the sheet, but in any case shall be a minimum of 450mm, shall be lapped one corrugation and shall be fitted with an extruded “snap-fit” type metal capping.

- (b) sheets exceeding 1800mm in length but not more than 2400mm in length shall have a minimum in ground depth of 25% of the total length of the sheet, but in any case shall be a minimum of 600mm, shall be lapped not less than one corrugation and be fitted with an extruded "snap-fit" type metal capping.
 - (c) no self supporting corrugated fibre reinforced cement sheet fence may exceed 2100mm above natural ground level unless certified by a structural engineer and approved by Council.
 - (d) corrugated fibre reinforced cement sheets shall have a continuous "in ground and above ground" length.
- (4) Fences other than of brick, concrete, stone, masonry or self supporting corrugated fibre reinforced cement sheeting shall be erected as follows—

4.1 Timber posts and railings—

- (a) first posts and rear corner posts shall be a minimum of 125mm x 125mm for posts up to 2400mm in total length.
- (b) intermediate posts shall be a minimum of 125mm x 75mm for posts up to 2400mm in total length.
- (c) posts shall be spaced at not more than 2750mm centres.
- (d) all posts shall be sunk a minimum of 450mm into the ground.
- (e) corner posts shall be strutted two (2) ways with 100mm x 50mm struts for fences clad with materials other than pickets or sheeting.
- (f) fences shall have a minimum of two (2) rows of rails attached to the posts.
- (g) rails shall be a minimum of 75mm x 50mm double nailed or bolted to each post and shall span two (2) bays with the joints staggered where possible.
- (h) the fence may be covered with timber pickets or other materials approved by Council but shall not exceed 1800mm in height above natural ground level.
- (i) pickets or palings shall be placed a maximum of 75mm apart and shall be double nailed to each rail.

4.2 Steel posts and railings—

- (a) steel posts shall be set in concrete blocks a minimum of 450mm deep and 230mm in diameter and shall be of a configuration and size as approved by Council.
- (b) steel railings shall be of a configuration and size as approved by Council.

Schedule 6

Clause 4.14, 4.20

TOURIST, COMMERCIAL AND INDUSTRIAL AREAS

- (1) The minimum required construction constituting a "sufficient fence" shall be a fence of link mesh construction having specifications as follows—
- (a) corner posts shall be placed at all changes in direction and are to be minimum 50mm nominal bore x 3.5mm; footings 225mm diameter x 900mm.
 - (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm spaced maximum 3.5m apart; footings 225mm diameter x 600mm.
 - (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and two at each corner post.
 - (d) cables shall be affixed to the top, centre and bottom of all posts and shall consist of two or more 3.15mm wires twisted.
 - (e) galvanised steel link mesh wire shall be not less than 1.8m in height and constructed of 50mm mesh 2.5mm galvanised steel wire and shall be strained, neatly secured and laced to the posts and affixed to cables.
 - (f) overall height to be a maximum 2.1m.
 - (g) any barbed wire to be installed in accordance with Clause 4.8.
- (2) Fences constructed of corrugated fibre reinforced cement sheeting shall have standards as specified in Schedule 5, clause (3).
- (3) Subject to the written approval of the Building Surveyor, painted, galvanised steel or aluminium sheeting may be used behind the building line to maximum 2.1m high when supported on posts and rails to the satisfaction of the Building Surveyor.
- (4) A fence constructed of timber, masonry or concrete, ranch-style fencing or vegetation, shall have minimum specifications as those set out in Schedule 5 for that type of construction.

Schedule 7

Clause 4.14, 4.20

RURAL, SPECIAL RURAL AND SPECIAL RESIDENTIAL AREAS

(1) The minimum required construction constituting a "sufficient fence" shall be a fence of post and wire construction having specifications as follows—

- (a) wire shall be high tensile steel wire not less than 1.8mm diameter. A minimum of five wires shall be used.
- (b) strainer posts shall be of timber not less than 2.4m long and 150mm diameter at small end. These shall be set minimum 900mm in the ground and spaced according to manufacturer's specifications for the type of wire used.
- (c) intermediate posts of timber shall be not less than 1.8m long x 100mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be set minimum 600mm in the ground and 1.2m above ground and spaced maximum six metres apart.
- (d) intermediate posts of other materials must be erected in accordance with manufacturer's specifications.
- (e) struts to be minimum 100mm diameter at small end if round or 125mm x 60mm if split or sawn, fitted at each gate and two at each strainer post.

(2) Subject to the written approval of the Building Surveyor, painted, galvanised steel or aluminium sheeting may be used behind the building line to a maximum 1.8m high when supported on posts and rails to the satisfaction of the Building Surveyor.

(3) A fence constructed of corrugated fibre reinforced cement sheeting, timber, masonry or concrete, ranch-style or link mesh constructed shall have specifications as set out in Schedule 5 for that type of construction.

Schedule 8

SHIRE OF DENMARK

Clause 8.5

APPLICATION TO CONDUCT ACTIVITIES IN THOROUGHFARES OR PUBLIC PLACES—LICENCE

Name of Applicant.....
 Address of Applicant.....
 Telephone.....

LAND DESCRIPTION

Lot No..... Location No..... Plan or Diagram No.....
 Certificate of Title Volume..... Folio.....
 Purpose of Application.....

SUBMITTED WITH APPLICATION

- 1. A plan showing details of the thoroughfare lawn and/or garden.
- 2. A schedule of materials to be used as well as the type of plants or shrubs to be planted.

Applicant's Signature.....
 Date.....

OFFICE USE ONLY

Received by..... Date.....

AUTHORISED OFFICER

LICENCE: APPROVED/NOT APPROVED

If applicable conditions—

CEO.....
 Date.....

Schedule 9—Forms

Form 1

Local Government Act 1995

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

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

Shire of Denmark

To: (1) of (2)

It is alleged that on...../...../..... at (3) at (4).....your vehicle (5) was involved in the committing of the following offence—

..... contrary to local law.....of the (6)

You are required under section 9.13 of the Local Government Act 1995 to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed. If you do not prove otherwise, you will be deemed to have committed the offence unless—

- (a) within 28 days after being served with this notice (i) you inform the Chief Executive Officer, or another authorised officer, of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

Name and title of authorised person giving the notice.....

Signature.....

- (1) Name of owner or "owner of (vehicle identification)" (2) Address of owner (not required if owner not named) (3) Time at which offence allegedly committed (4) Place at which offence allegedly committed (5) Vehicle identification (6) Name of the regulations

Form 2

Local Government Act 1995 INFRINGEMENT NOTICE

Serial No.

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

Shire of Denmark

To: (1) of: (2)

It is alleged that on/...../..... at (3) at (4)..... You committed the following offence—

..... contrary to local law.....of the (5)

The modified penalty for the offence is \$.....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid to an authorised person at

(6)within a period of 28 days after the giving of this notice.

Signature.....

(1) Name of alleged offender ["owner of (*vehicle identification*)" suffices if notice given with a notice under section 9.13 of the Act]

(2) Address of alleged offender (not required if notice given with a notice under section 9.13 of the Act)

(3) Time at which offence allegedly committed

(4) Place at which offence allegedly committed

(5) Name of the regulations

(6) Place where modified penalty may be paid

Form 3

Local Government Act 1995
NOTICE OF WITHDRAWAL
OF INFRINGEMENT NOTICE

Serial No.

Date.....

Shire of Denmark

To: (1)

of: (2)

Infringement Notice No.dated/...../..... for the alleged offence of
has been withdrawn.

The modified penalty of \$.....

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

Name and title of authorised person giving this notice

Signature.....

(1) Name of alleged offender to whom infringement notice was given.

(2) Address of alleged offender.

Schedule 10

Item No.	Local Law	Offence	Modified Penalty \$
1	7.3(j)	Drive or stand a vehicle or animal on any lawn or garden without consent	50.00
2	8.3	Parked on private property	75.00
3	8.6(1)(a)	Parked in an area reserved for vehicles of a different class	50.00
4	8.6(1)(b)	Restricted parking	50.00
5	8.6(1)(c)	Parked longer than permitted	50.00
6	8.6(2)(a)	No standing area	75.00
7	8.6(2)(b)	Vehicle other than a motor cycle parked in an area marked for motor cycles	50.00
8	8.6(3)	No parking area	75.00
9	8.7(a)	Not close and parallel facing wrong way two-way carriageway	50.00
10	8.7(b)	Not close and parallel facing wrong way one-way carriageway	50.00
11	8.7(e)	Obstruction of carriageway	75.00
12	8.9(1)(a)	Double parked	75.00
13	8.9(1)(c)	Obstruction of entry	75.00
14	8.9(1)(f)	Parked on or over footpath	75.00
15	8.9(1)(i)	Parked at an intersection	75.00
16	8.9(3)	Within 6m of property line at an intersection	75.00

Schedule 10—*continued*

Item No.	Local Law	Offence	Modified Penalty
			\$
17	8.9(4)&(5)	Standing in a bus stand	50.00
18	8.9(6)	Verge parking in a prohibited place	50.00
19	8.12(a)	Parked a commercial vehicle on thoroughfare verge	75.00
20	8.14(1)	Standing on public reserve	50.00
21	8.16	Obstruction of thoroughfare or public place	75.00
22		All other offences not specified	50.00

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

HENDRIK J VERSLUIS, President.

Date: 6th June 1997

PASCOE DURTANOVICH, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995*Shire of Denmark***LOCAL LAWS RELATING TO STANDING ORDERS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Denmark hereby records having resolved on the 25th day of March 1997, to make the following local laws:

1. INTERPRETATIONS AND STANDING ORDERS**1.1 Proceedings Conducted According to Standing Orders**

The proceedings and business of the council shall be conducted in accordance with the Act, regulations, and any other law, and where not specifically prescribed, according to these local laws, the clauses of which shall be referred to as "the Standing Orders".

1.2 All Meetings Governed by Standing Orders

The proceedings of all council meetings, committee meetings and other meetings of the council shall be governed by these standing orders unless otherwise provided in the Act, regulations, or any other law.

1.3 Interpretations

The interpretations should be used in these standing orders, unless the context otherwise requires—

"Act" means the "Local Government Act, 1995 and amendments and successors";

"clause" means a clause of these standing orders;

"Committee" means any Committee appointed in accordance with the provisions of the Act;

"Council" means the council of the Shire of Denmark;

"President" includes the Deputy President, in the absence of the President, and any councillor chosen to preside at any meeting of the council in the manner prescribed in the Act.

"Presiding Member" includes the Deputy Presiding Member, in the absence of the Presiding Member, and any member chosen to preside at any meeting of a committee in the manner prescribed in the Act.

"Meeting" includes any Ordinary or Special Meeting of the council or any other meeting held in accordance with the Act and properly convened as the Act requires;

"Member" means the President, or a councillor of the council, or in the case of committees, a member of the committee appointed in accordance with the Act.

"Officer" is an employed member of the staff of the Council;

"Chief Executive Officer" means the Chief non-elected officer of the Shire or other officer who, for the time being, is acting in that capacity;

"Simple majority" is more than 50% of the members present and voting.

"Substantive motion" means any motion other than an amendment or a procedural motion.

2. MEETINGS—NOTICE AND BUSINESS**2.1 Notice of Meetings—Members to Receive Notice**

Notice of meetings shall be given by the Chief Executive Officer in accordance with the Act.

2.2 Notices of Motion—Ordinary and Extraordinary Business

Members may bring forward business in the form of a written motion, of which notice shall be given in writing to the Chief Executive Officer, either at the meeting previous to the meeting at which it is intended to move the motion, or at any time thereafter up to 24 hours before the close of the business Agenda Paper.

2.3 Motion to Lapse

A motion shall lapse unless the member who gave notice is present, unless another member is willing to move the motion when it is called.

2.4 Objectionable Business

If the President is of the opinion that any motion or business proposed is of an objectionable nature, the President may, either before or after the matter is brought forward at any meeting, declare that it shall not be considered.

2.5 Any member may move dissent from such a declaration made from the Chair. On the motion being seconded, the motion to dissent shall be put without debate, and in the event of the motion being carried by a majority of the members present, the business referred to shall then be considered immediately, but if the motion is lost, the ruling of the President shall stand.

2.6 Business to be Specified on Notice Paper

No business shall be transacted at any meeting other than that specified in the notice without the approval of the President or the approval of the majority of members present determined by vote.

3. MEETINGS—QUORUM

3.1 Quorum at Meetings

In accordance with the Act, the quorum at all meetings of the council shall be at least 50% of the total number of offices (whether vacant or not) of members of the council.

3.2 Count-out/Adjournment

At any time during any meeting of the council any councillor or the Chief Executive Officer may call the attention of the President to the fact that a quorum is not present. The President shall immediately suspend the proceedings of the meeting for a period of five minutes. If a quorum is not present at the end of this period, the meeting shall be deemed to have been counted out, and the President shall adjourn it to a later hour of the same day or to any other time, not more than seven days from the date of adjournment.

3.3 Absence of Quorum—Record in Minute Book

At all meetings of the council when the council is counted out, and an absence of quorum noted, the circumstances, together with the names of the members present, shall be recorded in the minutes.

4. RECORDINGS AND CONFIRMATION OF MINUTES

4.1 Minutes are to be kept of each meeting's proceedings, confirmed or amended at the next ordinary meeting of the council and signed and certified by the person presiding.

5. ORDINARY MEETING—WHEN HELD AND ORDER OF BUSINESS

5.1 Ordinary Meetings—When Held

The Council shall resolve at the first meeting held after each ordinary elections day, the days and times each month when ordinary meetings of the council shall be held.

5.2 Ordinary Meeting—Order of Business

The order of business of an ordinary meeting of the council shall be as decided by the President and Chief Executive Officer, unless the council resolves what the order of business shall be.

5.3 Late Items

In cases of extreme urgency or other special circumstances, late items may, with the consent of the President, or at the request of a majority of councillors present, be read and dealt with.

6. MEETINGS—PUBLIC CONDUCT

6.1 Admission and Removal of the Public

6.1.1 The public is admitted to council meetings on the basis that no expression of dissent or approval, conversation or interruption to the proceedings of the council shall take place. In the event of any such interruption, the President may use discretion and without a vote of the council, require those interrupting to withdraw. The person or persons concerned shall immediately withdraw from the meeting.

6.1.2 Any person, not being a member of the council, who interrupts the orderly conduct of the council who does not withdraw immediately upon being called by the President to withdraw from the meeting, may, by order of the President, be removed from the meeting.

7. ROLE OF PRESIDENT

7.1 Directions by the President

7.1.1 At any meeting of the council the President shall have the right to direct attention to any matter of interest or relevance to the business of the meeting or propose a change to the order of business.

7.1.2 Any member may move that a change in order of business proposed by the President not be accepted and if carried by a majority of members present, the proposed change in order will not take place.

7.2 The President to Take Part in Debates

Subject to the provisions of these standing orders, the President may take part in a discussion upon any question before the council, provided that like other councillors in accordance with these standing orders, the President may only speak once and provided that this is done before the right of reply is exercised.

7.3 Precedence of President

When the President speaks during the progress of a debate, any member then speaking, or offering to speak, shall immediately cease and every member present shall preserve strict silence so that the President may be heard without interruption. This clause should not be used by the President to exercise the right provided in Clause 7.2, but should be used to preserve order.

7.4 Dissent With the President's Ruling

A member may move a procedural motion to disagree with a ruling given by the President. The President must immediately call for a seconder and put the motion without debate.

8. CONDUCT OF MEMBERS

8.1 Official Titles to be Used

Members shall speak of each other in the council during the transaction of business by their respective titles of President or Councillor. Members, in speaking of or addressing officers, shall designate them by their respective official titles.

8.2 Debate—Maintenance of Order—Imputations—Offensive Expressions

No member may impute motives or use offensive or objectionable expressions in reference to any member, officer of the council, or any other person.

8.3 Demand for Withdrawal

If a member commits a breach of clause 8.2, the President, or the council by resolution, may require that member to withdraw unreservedly any offending comment and to make a satisfactory apology; and if the member declines or neglects to do so, the President may direct such member to cease speaking, and may call on the next speaker.

9. CONDUCT OF MEMBERS DURING DEBATE**9.1 Relevance**

All members shall restrict remarks to the motion or amendment under discussion, or to an explanation or point of order.

9.2 Limitation of Number of Speeches

No member shall address the council more than once on any motion or amendment before the council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

9.3 Limitation of Duration of Speeches

All addresses shall be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of the majority of members present.

9.4 Members Not to Interrupt

No member shall interrupt another member whilst speaking unless—

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum.

10. PROCEDURES FOR DEBATE OF MOTIONS**10.1 To be Seconded**

No motion or amendment to a substantive motion shall be in order, or be open to debate until it has been seconded.

10.2 Only One Substantive Motion Considered

When a substantive motion is under debate at any meeting, no further substantive motion shall be accepted.

10.3 Order of Call in Debate

The President will call speakers to a substantive motion in the following order—

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) a speaker against the motion;
- (e) a speaker for the motion;
- (f) other speakers against and for the motion, alternating in view; if any
- (g) mover takes right of reply which closes debate.

10.4 Limit of Debate

The President may offer the right of reply and put the motion to the vote if the President believes sufficient discussion has taken place, even though all members may not have spoken.

11. PROCEDURAL MOTIONS**11.1 Permissible Procedural Motions**

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions—

- (a) that the council proceed to the next business
- (b) that the debate be adjourned;
- (c) that the council do adjourn;
- (d) that the question be now put;
- (e) that the ruling of the President be disagreed with;
- (f) that the motion lie on the table;
- (g) that the council meet behind closed doors;
- (h) that a committee recommendation be referred back to the originating committee or any other committee.

11.2 Reason for Closure to be Stated

A member who moves a procedural motion under Clause 11.1(g) shall state the reason for moving the motion and this must relate to a matter contained in Section 5.23(2) of the Act.

11.3 Procedural Motions Not Required in Writing

Procedural motions are not required to be presented in writing.

11.4 Procedural Motions—Recording in Minutes

The mover, seconder and result of all procedural motions shall be recorded in the minutes of the meeting.

11.5 Procedural Motions—Majority Required

Any procedural motion shall be carried upon the majority of members present voting in the affirmative.

11.6 Procedural Motions—Closing Debate—Who May Move

No person who has moved, seconded, or spoken for or against the substantive motion, may move any procedural motion which, once moved, would deny others the right to speak or, if carried, would close the debate on the substantive motion or amendment.

11.7 Procedural Motions—Right of Reply

There shall be no right of reply on any procedural motion.

11.8 Procedural Motions—Right of Reply on Substantive Motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment will not deny the right of reply to the mover of the substantive motion.

12. EFFECT OF PROCEDURAL MOTIONS**12.1 That the Council Proceed to the Next Business—Effect of Motion**

This motion, having been carried, will cause the debate to cease immediately and for the council to move to the next item on the Agenda of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be placed on any future notice paper.

12.2 That the Debate be Adjourned—Effect of Motion

This motion, having been carried, will cause all debate on the substantive motion or amendment to cease but to continue when the discussion is reconvened. A record shall be taken of all those who have spoken on the question under debate and they shall not be permitted to speak on any resumption of the debate, but this clause does not deprive the mover of the right of reply.

12.3 That the Council do Adjourn—Effect of Motion

This motion, having been carried, will cause the meeting to stand adjourned until it is re-opened, at which time the meeting continues from the point at which it was adjourned unless the President or the majority of councillors upon vote, determine otherwise. A record shall be taken of all those who have spoken on a question under consideration at the time of the adjournment and they shall not be permitted to speak on any subsequent consideration of the same question, but this clause does not deprive a mover of the right of reply.

12.4 That the Question be Now Put—Effect of Motion

12.4.1 This motion, having been carried during discussion on a substantive motion without amendment, will cause the President to offer the right of reply and then immediately put the question under consideration without further debate.

12.4.2 This motion, having been carried during discussion on an amendment, will cause the President to put the amendment to the vote without further debate.

12.4.3 This motion, having been lost, will allow debate to continue.

12.5 That the Ruling of the President be Disagreed With—Effect of Motion

12.5.1 This motion, having been carried, will cause the ruling of the President about which this motion was moved to be reversed and for the meeting to proceed accordingly.

12.5.2 Where the President has given a ruling in strict accordance with the Act, this motion may not be moved.

12.6 That the Motion Lie on the Table—Effect of Motion

12.6.1 This motion, having been carried, will cause debate on the substantive motion and any amendment to cease immediately and for the meeting to proceed to the next business.

12.6.2 Any member may raise the motion from the table, by giving appropriate notice of motion for any meeting in the future.

12.6.3 When a motion is raised from the table, the mover of the original substantive motion, or in the absence of the original mover, the person moving this procedural motion, is given the opportunity to reintroduce the matter, after which debate shall continue according to these standing orders.

12.7 That the Council Meet Behind Closed Doors—Effect of Motion

12.7.1 In accordance with the Act, the motion, if carried, will cause the general public and any officers or employees the council determines, to leave the room.

12.7.2 While a resolution made under this clause is in force the operation of clause 9.2, limiting the number of speeches a member may make, shall be suspended, unless the council resolves otherwise.

12.7.3 Upon the public again being admitted to the meeting the CEO shall, unless the council resolves otherwise, read out the motions passed by the council whilst it was proceeding behind closed doors, including the vote of a member or members to be recorded in the minutes under Section 5.21 of the Act.

12.7.4 No person shall in any way publish, or make public, any of the discussion taking place on a matter discussed behind closed doors, but this prohibition shall not extend to the actual resolution or resolutions carried as a result of such discussion and other information recorded in the minutes.

12.8 That a Committee Recommendation be Referred Back to the Originating Committee or any other Committee

This motion, having been moved and seconded during discussion of a committee recommendation, will cause the President to offer the right of reply to any substantive motion before the meeting and then immediately put the question without further debate.

13. DECISION MAKING PROCEDURES**13.1 Voting and Decisions—Majority to Determine**

All acts of the council and all questions coming before the council may be decided by a simple majority of the members present and voting at a properly constituted meeting, unless otherwise provided in the Act, regulations, or the standing orders.

13.2 Breaking Down of Complex Questions

The President may order a complex question to be broken down and put in the form of several motions, which shall be put in sequence.

13.3 Order of Amendments

Any number of amendments may be proposed to a motion, but whenever any amendment is made upon a substantive motion, no second or subsequent amendment shall be moved or considered until the first amendment has been disposed of.

13.4 Nature of Amendments

An amendment to a substantive motion shall take one or more of the following forms—

- (a) that certain words be omitted therefrom;
- (b) that certain words be omitted and others substituted;
- (c) that words be added.

13.5 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended shall then be submitted as the substantive motion, and shall become the question before the meeting upon which any member may speak and any further amendment may be moved.

13.6 Consent of Secunder Required to Accept Alteration of Wording

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

13.7 Withdrawal of Motion and Amendments

Council may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder, provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment shall not continue.

13.8 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion shall not be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

13.9 Authority for Withdrawal

A motion or amendment to a motion shall not be withdrawn in the absence of any member who proposed it, except with that member's written authority.

13.10 Right of Reply

13.10.1 The mover of a substantive motion shall have the right of reply. After the mover of the substantive motion has commenced the reply, no other member shall speak on the question.

13.10.2 The right of reply must be confined to rebutting arguments raised by previous speakers and no new matter may be introduced.

13.11 Right of Reply Provisions

The right of reply shall be governed by the following provisions—

- (a) If there is no amendment to the substantive motion, the mover may reply at the conclusion of the discussion on the motion.
- (b) If there is an amendment, the mover of the substantive motion shall take the right of reply at the conclusion of the vote on any amendments.
- (c) The mover of the amendment does not have a right of reply.
- (d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the substantive motion as amended is immediately put to the vote.

13.12 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

13.13 Mover of Motion Not to Speak on Amendment

On an amendment being moved, any member may speak to the amendment except the person who moved the substantive motion, who is only entitled to a right of reply except that if the person who moved the substantive motion does choose to speak to the amendment, that person's right of reply is forfeited.

13.14 Question—When Put

When the debate upon any question is concluded and the right of reply has been exercised, the President shall immediately put the question and, if so desired by any member, shall again state it.

13.15 Method of Taking Vote

13.15.1 In putting the question to the council, the President shall ask whether there is any objection to the motion, and if not the motion is carried unanimously.

13.15.2 If objection is raised to the motion, the President shall put the question as often as necessary to determine the decision from a show of hands before declaring the decision.

14. POINTS OF ORDER**14.1 Points of Order—When to Raise—Procedure**

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised shall immediately cease while the President listens to the point of order.

14.2 Points of Order—Definitions

A difference of opinion or a contradiction of a speaker shall not be recognised as a point of order, but the following shall be recognised as valid points of order—

- (a) That the discussion is of a question not before the meeting.
- (b) That offensive or insulting language is being used.
- (c) Drawing attention to the violation of any local law or standing order of the council, providing that the member raising the point of order shall state the local law or standing order believed to be breached.

14.3 Points of Order—Ruling

The President shall give a decision on any point of order after the point has been raised by either upholding or rejecting the point of order.

14.4 Points of Order—Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the President upon any question of order shall be final, unless a majority of the members support a motion of dissent with the ruling.

14.5 Points of Order—Motion Against Ruling Procedure

An objection having been taken to the ruling of the President, the member so objecting may immediately move dissent with the ruling. Should the motion be seconded it shall be put to the vote immediately and the result of the vote, whether in support of the ruling or otherwise, shall determine the action to be taken.

14.6 Points of Order Take Precedence

Notwithstanding anything contained in these standing orders to the contrary, all points of order take precedence over any other discussion and, until decided, suspend the consideration and decision of every other question.

15. ADJOURNMENT OF MEETING**15.1 Meeting May be Adjourned**

The council may, upon a motion moved and seconded, adjourn any meeting to a later hour of the same day, or to any other time not more than seven days from the date of adjournment.

15.2 Notice of Adjourned Meeting

When a meeting is adjourned, if time permits, notice of the adjourned meeting shall be forwarded to each member in accordance with the Act.

15.3 Business at Adjourned Meeting

At an adjourned meeting, no additional business shall be discussed except that which was on the original notice paper for that meeting.

15.4 Limit to Moving Adjournment of Council

No member shall be allowed to move or second more than one motion of adjournment during the same sitting of the council.

15.5 Unopposed Business—Motion for Adjournment of Council

On a motion for the adjournment of the council, the President, before putting the motion, may seek leave of the council to proceed to the transaction of unopposed business.

15.6 Withdrawal of Motion for Adjournment of Council

A motion or an amendment relating to the adjournment of the council may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal the motion must continue to be debated.

16. PERSONAL EXPLANATION

16.1 Personal Explanation

No member shall speak, except upon the question before the meeting, unless it is to make a personal explanation. Any member who is permitted to speak under these circumstances must confine the observations to a succinct statement of what is to be explained in relation to a specific part of the former speech which may have been misunderstood and to the explanation itself. When a member gives an explanation, that member shall make no reference to matters not strictly necessary for that purpose, nor endeavour to strengthen the former position by introducing new argument or matter, nor reply to other members of the council.

16.2 Personal Explanation—When Heard

A member wishing to make a personal explanation of matters referred to by any member then speaking shall be entitled to be heard forthwith, if the member then speaking consents at the time, but if the member who is speaking declines to give way, the explanation must be offered at the conclusion of that speech.

16.3 Ruling on Questions of Personal Explanation

The ruling of the President on the admissibility of a personal explanation shall be final unless a motion of dissent with the ruling is moved before any other business proceeds.

17. COMMITTEES OF COUNCIL

17.1 Appointment of Committees

A committee shall not be appointed except on a motion setting out—

- (a) the powers and duties proposed to be entrusted to such committee, and
- (b) the names of the council members, employees and other persons to constitute the committee; or
- (c) the number of members intended to constitute the committee and a provision that they be appointed by a separate motion.

17.2 Election of Committee Presiding Member and Deputy Presiding Member

At the first meeting of a committee, a Presiding Member and a Deputy Presiding Member shall be elected.

17.3 Absence from Committee Meetings

If any member of a committee, other than the President, is absent from three consecutive meetings without having obtained leave of absence from the council or the committee, that member's seat on the committee shall become vacant.

17.4 Items to be Numbered

The minutes of every committee shall be divided into items which shall be numbered consecutively.

17.5 Reports of Committees to be Taken as Read

17.5.1 The reports and recommendation of every committee shall, when presented to the council, be taken as read.

17.5.2 The adoption of recommendations of the committee shall be moved by—

- (a) The Presiding Member of each committee;
- (b) or if absent, another member of the committee;
- (c) or if no member of the committee is present, a member of the council.

17.5.3 A recommendation made by or contained in the minutes of a committee may be adopted by the council without amendment or modification, failing which, it may be—

- (a) rejected by the council and replaced by an alternative resolution; or
- (b) amended or modified and adopted with such amendments or modifications; or
- (c) referred back to the committee for further consideration.

17.6 Procedure of Report of Committees

17.6.1 Upon the consideration by the council of any report or recommendations of a committee, the President shall, without further motion, put the paragraphs of the report or recommendations, in their numerical order, unless the council shall otherwise determine.

17.6.2 Each item adopted by the council shall become a resolution of the council and shall be recorded in the minutes.

17.7 Withdrawal, Correction and Amendments of Committees

17.7.1 In moving the adoption of a recommendation of any committee, the mover may not propose an amendment to any recommendation, except for the correction of a verbal or clerical error.

17.7.2 The Presiding Member of a committee may be excused from moving the adoption if the Presiding Member wishes to move an amendment to it. In that case, another member of the committee or, in the absence of a member of the committee another member of the council may move the adoption of the recommendation.

17.7.3 The Presiding Member or other member of a committee bringing up a recommendation may, with the consent of the council, withdraw the recommendation.

17.8 Reports of Committees—Questions

When a recommendation of any committee of the council is submitted for adoption, any member of the council may direct questions directly relating to the recommendation through the President, to the Presiding Member or any member of the committee bringing up the recommendation. No debate or speeches are permitted.

17.9 Procedure on Amendments on Reports of the Committees

When an amendment is proposed with reference to the adoption or otherwise of any recommendation of any committee, the amendment shall be disposed of before the other proceedings of the committee are considered.

17.10 Non-Related Motions on Reports of Committees

A member of the council may not move any motion on any report or recommendation of any committee which does not relate to the recommendations presented by the committee.

17.11 Recommendations of Committees—Inspection of Plans

All plans referred to in the recommendation of the Committee, which may require the consideration of the council, shall lay on the table of the council chamber for the inspection of members of the council at the meeting at which the matter is being considered.

17.12 Committee Procedure

Each committee shall, subject to the Act, regulations, these standing orders and any policy made by the council, regulate its own procedure.

17.13 Rights and Responsibilities of Councillors who are not Committee Members

Councillors who are not members of a committee may participate in the meeting only at the invitation of the Presiding Member but they are not entitled to vote.

17.14 Standing Orders to Apply to Committees

17.14.1 These standing orders shall apply generally to the proceedings of committees of the council, except that the following clauses shall not apply to meetings of committees—Clauses 2.1, 7.2, 9.2, 13.13, 15.2, 17.1 and 17.5 to 17.11 inclusive.

17.14.2 In the case of clauses not excluded by subclause 17.14.1 above, a reference to a council meeting shall be read as a reference to a committee meeting, a reference to the council shall be read as a reference to a committee, and a reference to President shall be read as a reference to Presiding Member.

18. ADMINISTRATIVE MATTERS**18.1 Suspension of Standing Orders**

- (a) The mover of a motion to suspend any Standing Order or Orders shall state the Standing Order or Orders to be suspended.
- (b) A motion to suspend, temporarily, any one or more of the standing orders regulating the proceedings and business of the council or a committee must be seconded, but the motion need not be presented in writing.

18.2 Cases Not Provided for in Standing Orders

The President shall decide all questions of order, procedure, debate or otherwise in respect of which no provisions of insufficient provision is made in these local laws. The decisions of the President in all such cases shall be final in each particular case unless a majority of the members then present shall on motion made forthwith without discussion dissent therefrom.

18.3 Penalty for Breach of Standing Orders

Any person guilty of any breach of these Standing Orders or any of the provisions hereof shall be liable to a penalty not exceeding \$1,000.00.

18.4 Duty of Chief Executive Officer

It is the duty of the Chief Executive Officer to draw the attention of the council to any breach or likely breach of these standing orders, even if it requires interrupting any person speaking, including the President.

19. STANDING ORDERS BY-LAWS REVOKED

The local laws of the Shire of Denmark referred to as "the Standing Orders", published in the *Government Gazette* on 12 December 1995, are hereby revoked.

THE COMMON SEAL OF
the Shire of Denmark was
hereunto affixed by authority
of a resolution of Council in
the presence of—

HENDRIK J. VERSLUIS, President.

Date: 6th June 1997.

PASCOE DURTANOVICH, Chief Executive Officer.

AGRICULTURE AND RELATED RESOURCES PROTECTION ACT 1976*Shire of Denmark***LOCAL LAWS RELATING TO PEST PLANTS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Denmark hereby records having resolved on the 25th day of March 1997, to make the following local laws:

REVOCATION

(1) The following local laws are hereby revoked—

By-laws Relating to Pest Plants published in the Government Gazette on 21 April 1989 and 22 January 1993.

APPLICATION

(2) The following local laws are made in substitution therefore and maybe cited as the Local Laws Relating to Pest Plants.

INTERPRETATION

(3) In these local laws, unless the context otherwise requires;

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

“district” means the district of the Shire of Denmark;

“pest plant” means a plant described as a pest plant by local law (5) of these local laws;

(4) These local laws apply in respect of the district.

(5) Every plant described in the First Schedule of these local laws is a pest plant.

(6) (1) The Council may serve on the owner or occupier of private land within the district a duly completed notice in the form of the Second Schedule to these local laws, requiring him/her to destroy, eradicate or otherwise control any pest plant on that land.

(2) A person served with a notice under sub local law (1) of this local law shall comply with that notice within the time and in the manner specified therein.

(7) Where a person fails to comply with a notice under local law (6) of these local laws served upon him/her, the Council may—

(a) without payment of any compensation in respect thereof destroy, eradicate or control, as the case may be, any pest plant the destruction, eradication and control of which was required by the notice; and

(b) recover in a court of competent jurisdiction from the person to whom the notice is directed the amount of the expense of such destruction, eradication or control.

First Schedule
Pest Plants**COMMON NAME**

African Love Grass
Bridal Creeper
Pampas Grass
Caster Oil Tree
Onhunga
Inkweed
Cotoneaster
Dolichos Pea
Fleabane
Sweet Pittosporum
Sydney Golden Wattle
Taylorina
Coastal (Victorian) Tea tree
Watsonia
Tree of Heaven
Doublegee
Angels Trumpet

SCIENTIFIC NAME

Eragrostis curvula
Myrsphyllum asparagoides
Cortaderia selloana
Ricinus communis
Soliva pterosperma
Phytolacca octandra
Cotoneaster sp.
Dipegon lignosus
Conyza sp.
Pittosporum undulatum
Acacia longifolia
Psoralea pinnata
Leptospermum laevigatum
Watsonia sp.
Ailanthus altissima
Emex australis
Datura suaveolens

Second Schedule
Agriculture and Related Resources Protection Act 1976.
Shire of Denmark Pest Plant Local Laws 1996.

No.

To.....
(full names)

of
(address)

You are hereby given notice under the above local laws that you are required to:.....
(specify whether required to destroy, eradicate, or otherwise control) the pest plant—

.....
(Common Name) (Scientific Name)

on
(specify the land)

of which you are the
(owner or occupier)

This notice may be complied with by.....
.....
.....
(specify manner of achieving destruction, eradication or control)

Such measures shall be commenced not later than.....
(date)

and shall be completed by.....
(date)

Upon failure to comply with this notice within the times specified the Council may destroy, eradicate or control, as the case may be, any specified pest plant at your expense, and if necessary recover those expenses in a court of competent jurisdiction.

Date of service of notice.....

.....
Signature of person authorised by the Council of the Municipality of the Shire of Denmark.

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

HENDRIK J VERSLUIS, President.

Date: 6th June 1997.

PASCOE DURTANOVICH, Chief Executive Officer.

CEMETERIES ACT 1986*Shire of Denmark***LOCAL LAWS RELATING TO DENMARK CEMETERY
(RESERVE 11655)**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Denmark hereby records having resolved on the 25th day of March 1997, to make the following local laws:

PART I—PRELIMINARY**REVOCATION**

1. The following local laws are hereby revoked—

The Denmark Cemetery (Reserve 11655) By-laws published in the *Government Gazette* on 2 May 1986.

APPLICATION

2. The following local laws are made in substitution therefore and may be cited as the Denmark Cemetery (Reserve 11655) Local Laws.

INTERPRETATIONS

3. In these local laws unless the context otherwise requires—

“Act” means the Cemeteries Act, 1986;

“authorised person” means an employee of the Council authorised by the Council to exercise any power conferred by an Act of Parliament or these local laws;

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being, of the Shire of Denmark;

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

“memorial” includes headstone, plaque, tombstone, monumental work, inscription, kerbing, enclosure and any other fixture or thing commemorating a grave;

“personal representative” includes the administrator and executor of an estate of a deceased person who, by law or practice, has the best right to apply for administration and any person having the lawful custody of a dead body;

“right of burial” means the right to use a specified area of a cemetery for burial;

“set fee” refers to fees and charges set by a resolution of the Council and published in the *Government Gazette* in accordance with section 53 of the Act;

“single funeral permit” means a permit issued by the Council in accordance with clause 23 which entitles the holder to conduct a funeral at the cemetery for the deceased person/s named in the permit.

PART II—ADMINISTRATION

4. The CEO, subject to the direction of the Council, shall exercise general supervision and control over all matters concerning the administration of the cemetery and the carrying out and enforcement of these local laws and all directions of the CEO shall be deemed to have been given by order of the Council.

5. A plan of the cemetery showing the distribution of the land, compartments, section, situation and number of grave, and a register of all certificates of rights of burial shall be kept at the office of the Council.

PART III—RIGHTS OF BURIAL

6. Graves within the cemetery shall be either private or public.

7. A private grave is one in respect of which an exclusive right of burial has been granted by Council.

8. A public grave is one for which the land has been granted free of charge by the Council. The Council retains all rights and powers in respect of a public grave as were held by the Council prior to the grant.

9. The Council may, upon the written application of a person and upon payment of the set fee, issue that person with a Grant of Exclusive Right of Burial in a specified area of the Cemetery.

10. A Grant of Exclusive Right of Burial shall be for a term of fifty (50) years or any such other term decided by Council from the date of issue or from the date of burial if the set fee has been pre-paid.

11. A Grant of Exclusive Right of Burial confers upon the grantee an exclusive right—

(a) to bury the dead body/bodies of one or more deceased persons in a grave; and

(b) to carry out memorial works on a grave;

during the term of the grant.

12. A grantee may make application to the Council in the form determined by the Council from time to time to transfer a Grant of Exclusive Right of Burial to another person and this may be approved by the Council subject to payment of the set fee.

13. If application be made for interment in any grave of the remains of any person other than the person to whom the grant was issued, or a registered assignee, the written and verified consent of such grantee or assignee shall be produced together with the Grant of Exclusive Right of Burial, or in the case of an assignee, the assignment of the right of burial in the form issued by the Council.

PART IV—APPLICATION FOR FUNERALS

14. Any person desiring to inter any dead body in the cemetery shall make an application in the form determined by the Council from time to time and pay the set fee.

15. All applications for interment shall be accompanied by—

- (a) a medical certificate of death; or
- (b) a Coroner's order for burial;

in respect of the body.

16. All applications for interment shall be made at the office of the Council at least twenty four hours prior to the time fixed for burial, otherwise an extra charge shall be made.

PART V—DISPOSAL OF ASHES

17. A personal representative may give directions for the disposal of ashes by lodging an authorisation for disposal at the office of the Council and the Council shall accept such an authorisation as evidence that the person signing the authorisation is in fact entitled to dispose of the ashes, upon payment of the set fee.

PART VI—TIMES FOR FUNERALS

18. The hours for burial shall be as follows—

- Monday to Friday—9am to 4pm;
- Saturday—8.30am to 11.30am;

and no burial shall be allowed to take place nor any coffin allowed to enter the cemetery at any other hour except by written permission of the Council.

PART VII—FUNERAL DIRECTORS

19. A person shall not direct a funeral within the cemetery or otherwise make use of the cemetery for any purpose connected with directing a funeral unless that person is—

- (a) a Funeral Director;
- (b) an employee of the Funeral Director;
- (c) the holder of a single funeral permit issued in accordance with clause 23.

20. The Council may upon receipt of an application in writing by any person and upon payment of the set fee, issue to the applicant a funeral director's licence in the form determined by the Council from time to time, authorising the holder to direct funerals within the cemetery at such times and on such days and subject to such conditions as the Council shall specify upon the issue of that licence.

21. A funeral director's licence shall expire on the 30th day of June in each year, but may be renewed on payment of the set fee.

22. The Council may, by notice in writing to the holder of a funeral director's licence, cancel the licence if the holder of the licence or any employee of the holder has committed a breach of these local laws, the Act or any of the conditions upon which the licence was issued, or if in the opinion of the Council has behaved in relation to the direction of a funeral in a manner which is inappropriate or unbecoming.

SINGLE FUNERAL PERMITS

23. The Council may upon receipt of an application in writing by any person, in the form determined by the Council from time to time and upon payment of the set fee issue to the applicant a single funeral permit authorising the holder to direct the funeral of the person named in the permit within the cemetery at such time and subject to such conditions as the Council shall specify upon the issue of that permit.

24. Every application for a single funeral permit made in accordance with clause 23 shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

25. The transporting vehicle shall be large enough to completely contain the coffin.

PART VIII—FUNERALS

26. Every coffin shall have upon the lid an approved metal plate bearing the name of the deceased, stamped or otherwise indelibly inscribed in legible characters thereon. Any coffin not complying with this local law will not be admitted to or be interred in the cemetery.

27. The time fixed for any burial shall be the time at which the funeral is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 14 shall pay the set fee for being late.

28. Every funeral shall enter by the principal entrance and no vehicle, except the hearse and official mourning coaches, shall be permitted to enter the cemetery or stand opposite the entrance gates.

29. Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 25km per hour.

30. A person committing an offence under clause 29 may be forthwith expelled from the cemetery by the CEO or an authorised person.

31. No bicycle shall be ridden within the cemetery.

PART IX—BURIALS

32. The Council shall cause all graves to be dug or to be re-opened as and when required.

33. Every grave shall be at least two metres deep at the first interment and no interment shall be allowed in any grave with a less depth than one metre from the top of the coffin to the original surface of the surrounding ground.

34. Brick graves, catacombs or vaults may not be constructed within the cemetery.

35. A person shall not disinter a coffin in the cemetery for the exhumation of a dead body unless;

(a) the exhumation is ordered or authorised pursuant to the Act; or

(b) the holder of the Grant of Exclusive Right of Burial has applied in writing to the Council requesting the exhumation and the Council has authorised the exhumation.

36. If for the purpose of re-opening a grave the Council finds it necessary to remove a memorial, edging, tiles, plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

PART X—MEMORIALS AND OTHER WORK

DIVISION 1—GENERAL

With the exception of sites reserved prior to 23 December 1982, memorials permitted will be headstones only.

37. Subject to Clause 38 the Council may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a permit authorising the holder to carry out memorial works upon a particular grave specified in the application at such time and on such days and subject to such conditions as the Council shall specify upon the issue of that permit or in these local laws.

38. Unless a Grant of Exclusive Right of Burial to a grave was issued prior to 23 December 1982, no memorial works other than a headstone shall be approved for erection under clause 37.

39. All applications referred to in clause 37 shall be accompanied by the written consent of the holder of the Grant of Exclusive Right of Burial.

40. The Council may reject any application referred to in clause 37 where it considers the proposed memorial works are inappropriate or unbecoming.

41. Every memorial shall be placed on proper and substantial foundations.

42. The materials used in every memorial shall be subject to the approval of the CEO or authorised person and any material rejected shall be immediately removed from the cemetery by the person erecting the memorial. All refuse or other rubbish remaining after the work is completed shall be immediately removed from the cemetery by the person causing the same.

43. Should any work by masons or others be not completed before 6pm on any day, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised person.

44. All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery; and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised person shall direct.

45. No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Council.

46. Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than between the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Council.

47. No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave.

48. No trees or shrubs shall be planted on any grave except such as shall be approved by the CEO.

49. All workers, whether employed by the Council or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised person and shall obey such directions as the CEO or authorised person may give.

50. Notwithstanding anything in these local laws to the contrary, the Office of Australian War Graves;

(a) may place a memorial on a military grave; and

(b) is not required to pay the set fee for any memorial that is placed upon a military grave.

DIVISION 2—LAWN CEMETERY HEADSTONES

51. A headstone in the lawn section of the cemetery must be of natural stone placed upon a base of natural stone and must conform with the following specifications—

Overall height of headstone and base	1.06m
Height of base not less than	152mm
Height of base not more than	457mm
Width of base not less or more than	1.22m
Length of base not less or more than	305mm

52. The number of a grave in the lawn section shall be indelibly and legibly inscribed in the base of any headstone erected upon it.

53. Trade names or marks may not be displayed on any headstone in the lawn section.

PART XI—GENERAL

ANIMALS

54. Subject to clause 55, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery.

55. Clause 54 shall not apply to a hearing impaired person or a person who is blind or partially blind and is accompanied by a hearing or guide dog.

DAMAGING AND REMOVING OF OBJECTS

56. Subject to clause 57, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Council without the permission of the Council.

57. A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Council for that purpose.

LITTERING AND DAMAGE

58. A person shall not;

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

ADVERTISING

59. A person shall not carry on or advertise any trade, business or profession within the cemetery without the prior written approval of the Council, which consent may be granted subject to such conditions as the Council thinks fit.

REMOVAL FROM THE CEMETERY

60. Any person failing to comply with any provisions of these local laws or behaving in a manner that in the opinion of the Council, the CEO or an authorised person is inappropriate or unbecoming in the Cemetery may, in addition to any penalty provided by these local laws, be ordered to leave the cemetery by the Council, the CEO or authorised person.

61. Any person failing to comply with an order to leave the Cemetery made pursuant to clause 60 may be expelled from the Cemetery and shall not re-enter the Cemetery for a period of twenty-four (24) hours.

PART XII—OFFENCES AND MODIFIED PENALTY

OFFENCE

62. A person who commits a breach of any provisions of these local laws commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and, if the offence is a continuing one, to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence is continued.

MODIFIED PENALTIES

63. (1) A person who;

- (a) receives an infringement notice pursuant to sub-section (1) of section 63 of the Act; and
- (b) does not contest an allegation that an offence was committed against these local laws, may within the time specified in the notice, pay to the Council the modified penalty payable with respect to that offence.

(2) The offences and modified penalties prescribed with respect to offences against these local laws shall be as specified in the First Schedule.

(3) The prescribed form of the notice referred to in section 63 of the Act is set out in the Second Schedule.

(4) The production of an acknowledgment from the Council of the payment of a modified penalty is a defence to a charge of the offence in respect of which that penalty was paid.

(5) If it appears to the Council that an alleged offence cannot be adequately punished by the payment of the modified penalty then the Council may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in a Court of Petty Sessions.

(6) A notice sent under section 63(3) of the Act withdrawing an infringement notice served under section 63(1) in respect of an offence alleged to have been committed against one of the provisions of these local laws shall be in or to the effect of the Third Schedule.

First Schedule
Cemeteries Act, 1986
Shire of Denmark
Local laws relating to the Denmark Cemetery

Item No.	Clause	Nature of Offence	Modified Penalty
1	29	Excessive speed	\$50.00
2	29	Unauthorised use—driving of vehicles	\$50.00
3	31	Riding of bicycle	\$20.00
4	42	Placing and removal of rubbish and surplus materials	\$50.00
5	43	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
6	54	Animal at large	\$50.00
7	56	Unauthorised damage and removal of property	\$50.00
8	58	Dumping of Rubbish	\$50.00
9	59	Unauthorised advertising, and/or trading	\$50.00
10		Any other offence	\$40.00

Second Schedule
Cemeteries Act, 1986
Shire of Denmark
Local laws relating to the Denmark Cemetery
Infringement Notice

TO:

(Name)

.....

(Address)

It is alleged that at..... :hours on.....day of.....
19..... at.....you committed the offence indicated
hereunder by an (x) in breach of local law number.....

.....
(Authorised Officer)

Offence

- Animal at large
- Dumping rubbish
- Excessive speed in vehicle
- Leaving uncompleted works in an untidy or unsafe condition
- Non removal of rubbish
- Riding of bicycle
- Unauthorised advertising or trading
- Unauthorised damage and removal of property
- Unauthorised vehicle use

Other offence

\$.....

You may dispose of this matter—

By payment of the penalty as shown within 21 days of the date of this notice to the Shire of Denmark, Strickland Street, Denmark, between the hours of 9.00am to 4.00pm Monday to Friday.
If neither the prescribed penalty is paid nor representation is made within the time specified, court proceedings may be instituted against you. Please make cheques payable to Shire of Denmark.
Payments by mail should be addressed—

The CEO
Shire of Denmark
PO Box 183
DENMARK WA 6333

Third Schedule
Cemeteries Act, 1986
Shire of Denmark
Local laws relating to the Denmark Cemetery
Withdrawal of Infringement Notice

No.

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

To (1)

Infringement Notice No.dated/...../..... for the alleged offence of(2)

Penalty (3) \$ is hereby withdrawn.

(Delete whichever does not apply)

- No further action will be taken
• It is proposed to institute court proceedings for the alleged offence

(1) Insert name and address of alleged offender.

(2) Insert short particulars of offence alleged.

(3) Insert amount of penalty prescribed.

Denmark Shire Council
Denmark Cemetery
GRANT OF EXCLUSIVE RIGHT OF BURIAL
(Clause 9)

By virtue of the Cemeteries Act, 1986, the Shire of Denmark in consideration for the sum of.....dollars.....cents paid to it byof..... hereby grant to the said the right of burying bodies in the piece of ground.....metres long by metres broad in the Denmark Cemetery, lying within the portion of the said Cemetery and numbered compartmentsection..... on the plan of the Cemetery made in pursuance of the said Act.

To hold the same to the said for the period of fifty years or any other such term decided by Council, from the date hereof, for the purpose of burial only.

This grant is issued subject to all local laws and regulations, now or hereafter in force, made, or to be made under the above Act, or any future Act or Acts.

Dated this day of 199.....

Signed

(CEO)

Application For Funeral
(Clause 14)
Denmark Cemetery
FORM OF INSTRUCTIONS FOR GRAVES AND APPLICATION
FOR ORDER FOR BURIAL

- 1. What denomination
2. Name of deceased
3. Late residence of deceased
4. Rank of deceased
5. Age of deceased
6. Birth place of deceased
7. Minister to officiate
8. Day of funeral
9. What hour, and if usual or extra

- 10. Number of grave on plan issued
- 11. What depth and other dimensions
- 12. If a family grave
- 13. What depth
- 14. If first or second interment
- 15. Nature of disease, or supposed cause of death
- 16.

Signature of (Representative of Funeral Director)

Order received this day of 199..... at o'clock

CEO

To CEO
Shire of Denmark

Application for Single Funeral Permit

(Clause 23)

I.....
(Name)

of.....
(Address)

hereby apply for a single funeral permit to direct the funeral of
.....late of
(Name)

Within the.....cemetery on the
(Name of Cemetery)
.....day of199..... at.....

I certify that I have read the local laws relating to the said cemetery, and that I will comply with all the terms and conditions thereof.

The specifications of the coffin to be used are as follows—

Type of Timber or other Material.....

Length.....metres

Width.....metres

Depth.....metres

Details of the vehicle transporting the coffin to the gravesite—

Year.....Make and Model.....

Permit Approval

The above application was approved by the Shire of Denmark on.....

Signed.....

(CEO)

Denmark Cemetery

To CEO
Shire of Denmark

Application for transfer of Grant of Exclusive

Right of Burial

(Clause 12)

I.....
of
in consideration of the sum of \$.....paid to me by.....
.....of.....
do hereby assign unto the said

the Grant of Exclusive Right of Burial in the Denmark Cemetery over that piece of ground described in the schedule below, which was granted—

*to me; or

*to..... late of deceased, of whose will I am executor;

by Grant dated the.....day of.....199..... and all my estate and interest therein, to hold the same unto the said for the remainder of the period for which the same was granted, subject to the conditions on which the Grant was held immediately before this assignment.

Signed Dated

Schedule

Number.....Compartment.....

Assignment of the Grant of Exclusive Right of Burial

The above application was approved by the Shire of Denmark on

Signed..... (CEO)

Denmark Shire Council Funeral Director's Licence (Clause 20)

This Licence authorises

.....of

To direct funerals within the Denmark Cemetery in accordance with the Cemeteries Act 1986, and the local laws of the Shire of Denmark.

This licence is valid for the period 199..... to 30 June, 199.....

Dated this.....day of.....199..... Signed..... (CEO)

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

HENDRIK J. VERSLUIS, President.

Date: 6th June 1997.

PASCOE DURTANOVICH, Chief Executive Officer.

DOG ACT 1976*Shire of Denmark***LOCAL LAWS RELATING TO DOGS**

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the Shire of Denmark hereby records having resolved on the 25th day of March 1997, to make the following local laws:

The by-laws relating to Dogs made by the Shire of Denmark and published in the *Government Gazette* on 28 September 1990, are hereby amended in the following manner—

1. Delete "by-laws" and "by-law" wherever they occur and substitute "local laws" and "local law" respectively.
2. Delete the words "of the municipality" in the definition of "Shire" in clause one;
3. Delete the words "specified in the Third Schedule thereto ("the said fees")" from lines two and three of clause 3 and substitute the words "determined by the Council from time to time".
4. Delete the words "specified in the Third Schedule hereto", being the last words of clause 5, and substitute the words "determined by the Council from time to time".
5. Delete the words "prescribed in the Third Schedule hereto", being the last words of clause 10, and substitute the words "determined by the Council from time to time".
6. Delete "\$200.00" in clause 19 and substitute "\$2,000.00";
7. Delete the words "but nothing in this sub-by-law prevents a person from opening the gate, in order to enter or leave the premises" being the last words of clause 21(c) and substitute the words "except that this shall not prevent a person from opening the gate, in order to enter or leave the premises";
8. Delete the Third Schedule.
9. Delete "\$40.00" wherever it appears in the fourth column of the Fourth Schedule and substitute "\$100.00" in each case.

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

HENDRIK J. VERSLUIS, President.

Date: 6th June 1997.

PASCOE DURTANOVICH, Chief Executive Officer.

