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LOCAL GOVERNMENT ACT 1995

SHIRE OF CHAPMAN VALLEY

DOGS LOCAL LAW

STANDING ORDERS LOCAL LAW 2000

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

LOCAL GOVERNMENT ACT 1995

SHIRE OF CHAPMAN VALLEY

DOGS LOCAL LAW**STANDING ORDERS LOCAL LAW (2000)****ACTIVITIES ON THOROUGHFARES AND TRADING IN
THOROUGHFARES AND PUBLIC PLACES**

Under the powers conferred by the Local Government Act 1995, and by all other powers, the Council of the Shire of Chapman Valley, resolved on the 18th day of July 2000, to make the following local laws.

(1) Dogs—Model local law published in the *Government Gazette* by the Shire of Moora on 29th November 1999 is adopted by the Shire of Chapman Valley with the following modifications—

Table of Contents

Delete—"3.1 Dogs to be Confined" and renumber 3.2 to 3.1

Preliminary

Wherever the "Shire of Moora" is mentioned in the local law substitute with "Shire of Chapman Valley".

Clause 1.2—Delete Clause 1.2 and substitute with "1.2—Not applicable"

Part 3—Delete Clause 3.1 entirely.

Renumber Clause 3.2 "Limitation on the number of dogs" to 3.1.

Delete new Clause 3.1(2)(a) and 3.1(2)(b) and replace with following—

- "3.1(2)(a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite, or properties outside townsites up to a maximum of 40 ha; or
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite and have an area greater than 40 ha."

Part 5—Dogs in Public Places

Delete all of this Part.

Part 6—Miscellaneous

Renumber to Part 5 accordingly.

Part 7—Enforcement

Renumber to Part 6 accordingly.

Schedule 3

Delete items 3.1 and 5.1(2)

Renumber item 6.1(2) to 5.1(2).

(2) Standing Orders (2000)—Model local law published in the *Government Gazette* on the 3rd April 1998 with the following modifications—

Arrangement

Preliminary—Delete Clause 1.4

Part 3—Amend Clause 3.11 to read "General Business"

Part 5—Delete Clause 5.1 and renumber Clauses 5.2, 5.3, 5.4 & 5.5 to 5.1, 5.2, 5.3 & 5.4 accordingly.

Part 8—Delete Clauses 8.2 and 8.4 and renumber 8.3 to 8.2; 8.5 to 8.3; 8.6 to 8.4; and 8.7 to 8.5.

Part 9—Delete Clause 9.1 and 9.5 and renumber 9.2 to 9.1; 9.3 to 9.2; 9.4 to 9.3; 9.6 to 9.4; 9.7 to 9.5; 9.8 to 9.6; and 9.9 to 9.7.

Part 16—Delete 16.1 and add—

"16.1—Morning tea, lunch, afternoon tea and dinner adjournments"

"16.2—Other adjournments"

Renumber 16.2 to 16.3; 16.3 to 16.4; 16.4 to 16.5; and 16.5 to 16.6.

Part 17—Delete Clause 17.2 and 17.3 and renumber 17.4 to 17.2; 17.5 to 17.3; and 17.6 to 17.4.

Part 1—Delete Clause 1.4

Part 3—Delete Clause 3.2(1) and replace with—

“3.2 Order of Business”

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows—
 - (a) Disclaimers provided in writing to visitors.
 - (b) Declaration of Opening/Announcement of visitors.
 - (c) Loyal Toast.
 - (d) Record or Attendance/Apologies/Leave of Absence (previously approved).
 - (e) Public Question Time.
 - (f) Applications for Leave of Absence.
 - (g) Petitions/Deputations/Presentations.
 - (h) Confirmation of Minutes from Previous Meeting.
 - (i) Announcements by the person presiding without discussion.
 - (j) Reports of Committee and Officers.
 - (k) Elected members motions of which previous notice has been given.
 - (l) General Business.
 - (m) Closure.”

Part 5

Delete Clause 5.1—Separation of Committee Recommendations

Renumber Clause 5.2 to 5.1; 5.3 to 5.2; 5.4 to 5.3; 5.5 to 5.4;

Part 6

Delete Clause 6.2(2)(b) and replace with—

“(b) in the case of a Council meeting the provisions of Clause 9.5 apply when the debate is resumed”

Part 8

Delete Clause 8.2—Members to Occupy Own Seats.

Delete Clause 8.4—Adverse Reflection

Renumber Clauses 8.3 to 8.2; 8.5 to 8.3; 8.6 to 8.4; and 8.7 to 8.5.

Part 9

Delete Clause 9.1—Members to Rise

Delete Clause 9.5—Limitation of Number of Speeches

Renumber Clauses 9.2 to 9.1; 9.3 to 9.2; 9.4 to 9.3; 9.6 to 9.4; 9.7 to 9.5; 9.8 to 9.6; and 9.9 to 9.7.

Part 16

Delete Clause 16.1—May be adjourned

Insert—Clauses

“16.1 Morning Tea, Lunch, Afternoon Tea and Dinner Adjournments

The Presiding Member may decide to adjourn a meeting for morning tea, lunch, afternoon tea and dinner without the requirement of a motion.

16.2 Other Adjournments

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.”

3.1(4)
12.3

Renumber Clauses 16.2 to 16.3; 16.3 to 16.4; 16.4 to 16.5; 16.5 to 16.6;

Part 17

Delete Clause 17.2—Appointment of Deputy Committee Members

Delete Clause 17.3—Presentation of Committee Reports

Delete Clause 17.6 and replace with—

“17.4 Standing Orders Apply to Committee

Where not otherwise specifically provided, these Standing Orders apply to the proceedings of Committees.”

Renumber Clauses 17.4 to 17.2; 17.5 to 17.3;

Part 18

Delete Clause 18(4).

(3) Activities on Thoroughfares and Trading in Thoroughfares and Public Places—Published in the *Government Gazette* by the Town of Mosman Park on the 15th March 2000 is adopted by the Shire of Chapman Valley with the following modifications—

Table of Contents

Add—“Subdivision 1—Temporary Crossings
2.4 Permit Required”

Re-number Subdivision 1 to Subdivision 2; Clause 2.4 to 2.5; and 2.5 to 2.6.

Add Clause “2.7 Application”

Re-number Clauses “2.6 to 2.17” to “2.8 to 2.19” respectively.

Re-number Part 3 to Part 4 and all clauses accordingly.

Insert new Part 3

PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

3.1 Interpretation

Division 2—Permit

3.2 Advertising signs and portable direction signs

3.3 Matters to be considered in determining applications for permit

Division 3—Conditions on permit.

3.4 Conditions on portable sign

3.5 Conditions on election sign

Add—

PART 5—ROADSIDE CONSERVATION

Division 1—Preliminary

5.1 Interpretation

5.2 Application

Division 2—Flora roads

5.3 Declaration of flora road

5.4 Construction works on flora roads

5.5 Signposting of flora roads

5.6 Driving only on carriageway of flora roads.

Division 4—Planting in thoroughfares

5.7 Permit to plant

5.8 Relevant considerations in determining application

Division 5—Clearance of vegetation

5.9 Permit to clear

5.10 Application for permit

Division 6—Fire Management

5.11 Permit to burn thoroughfare

5.12 Application for permit

5.13 When application for permit can be approved

5.14 Prohibitions on burning

Division 7—Firebreaks

5.15 Permit for firebreaks on thoroughfares

5.16 When application for permit cannot be approved

Division 8—Commercial wildflower harvesting on thoroughfares

5.17 General prohibition on commercial wildflower harvesting

5.18 Permit for revegetation projects”

Re-number Part 4 to Part 6 and all Clauses accordingly.

Delete whole of Part 4—Division 2 and all Clauses accordingly

Re-number Part 5 to Part 7 and all Clauses accordingly

Re-number Part 6 to Part 8 and all Clauses accordingly

Re-number Part 7 to Part 9 and all Clauses accordingly

Re-number Part 8 to Part 10 and all Clauses accordingly

Clause 1.4—Amend to read “Not applicable”

Clause 2.1(a)—Amend to read “Plant any plant which exceeds or which may exceed 0.75m in height on a thoroughfare so that the plant is within 6m of an intersection.”

Delete—Clause 2.1(g)

Add Clause 2.8(d) as follows—

- “(d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).”

Amend “2.8” in Clause 2.9(2) to read “2.10”

Amend “2.15” in Clause 2.18 to read “2.17”

Insert new Part 3 as follows—

PART 3—ADVERTISING SIGNS ON THOROUGHFARES

Division 1—Preliminary

3.1 Interpretation

In this Part, unless the context otherwise requires—

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

Division 2—Permit

3.2 Advertising signs and portable direction signs

(1) A person shall not, without a permit and compliance with the Shire of Chapman Valley’s sign policy—

- (a) erect or place an advertising sign on a thoroughfare; or
- (b) post any bill or paint, place or affix any advertisement on a thoroughfare.

(2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m² in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.

(3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—

- (a) on a footpath;
- (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5m;
- (c) on or within 3m of a carriageway;
- (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
- (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

3.3 Matters to be considered in determining application for permit

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

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

Division 3—Conditions on permit

3.4 Conditions on portable sign

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

- (a) the portable sign shall—
 - (i) not exceed 1m in height;
 - (ii) not exceed an area of 1m² on any side;
 - (iii) relate only to the business activity described on the permit;
 - (iv) contain letters not less than 200mm in height;

- (v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
 - (vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
 - (vii) be secured in position in accordance with any requirements of the local government;
 - (viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
 - (ix) be maintained in good condition; and
- (b) no more than one portable sign shall be erected in relation to the one building or business.

3.5 Conditions on election sign

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

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

Insert new Part 5 as follows—

PART 5—ROADSIDE CONSERVATION

Division 1—Preliminary

5.1 Interpretation

In this Part—

“**MRWA**” means Main Roads Western Australia;

“**protected flora**” has the meaning given to it in section 6(1) of the *Wildlife Conservation Act 1950*;

“**rare flora**” has the meaning given to it in section 23F of the *Wildlife Conservation Act 1950*;

“**Roadside Conservation Committee**” means the Roadside Conservation Committee established under the Land Resource Policy Council within the Office of Premier and Cabinet; and

“**special environmental area**” means an area designated as such under clause 5.7.

5.2 Application

This Part does not apply to the townsite.

Division 2—Flora roads

5.3 Declaration of flora road

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

5.4 Construction works on flora roads

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the ‘Code of Practice for Roadside Conservation and Road Maintenance’ prepared by the Roadside Conservation Committee.

5.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA ‘flora road’ sign.

5.6 Driving only on carriageway of flora roads

(1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.

(2) Subclause (1) does not apply where—

- (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
- (b) there is no carriageway; or
- (c) an exemption from the application of subclause (1) has been obtained from the local government.

Division 4—Planting in thoroughfares

5.7 Permit to plant

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

5.8 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to—

- (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (b) the diversity of species and the prevalence of the species which are to be planted or sown.

Division 5—Clearance of vegetation

5.9 Permit to clear

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law (i.e. an adjacent landowner may clear up to a maximum of one (1) meter from their boundary without a permit).

5.10 Application for permit

In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.9 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

The responsibility rests with the permit holder to identify all services, rare flora/fauna, etc, on the thoroughfare and the permit holder is to indemnify Council against any loss or damages to such services, rare flora/fauna, etc.

Division 6—Fire management

5.11 Permit to burn thoroughfare

A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

5.12 Application for permit

In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.11 shall—

- (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
- (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.
- (c) the responsibility rests with the permit holder to identify all services, rare flora/fauna, etc, on the thoroughfare and the permit holder is to indemnify Council against any loss or damages to such services, rare flora/fauna, etc.

5.13 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 5.11 only if the burning of the particular part of the thoroughfare will—

- (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
- (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

5.14 Prohibitions on burning

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.11 is not to be approved by the local government—

- (a) for burning between 14 August and 29 March of the following year where the intensity of the burn could damage native flora and fauna; or
- (b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.

*Division 7—Firebreaks***5.15 Permit for firebreaks on thoroughfares**

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

5.16 When application for permit cannot be approved

(1) The local government is not to approve an application for a permit for the purpose of clause 5.15 where the thoroughfare is less than 20m wide.

(2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

*Division 8—Commercial wildflower harvesting on thoroughfares***5.17 General prohibition on commercial wildflower harvesting**

Subject to clause 5.18, a person shall not commercially harvest native flora on a thoroughfare.

5.18 Permit for revegetation projects

(1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.

(2) The local government may approve an application for a permit under subclause (1) only where the seed is required for a revegetation project in any part of the district.

(3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions—

- (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
- (b) any licence or approval which may be required under any other written law is to be obtained by the applicant."

Amend "6.1" in Clause 7.10 to read "8.1"

Amend "5.2(1) in Clause 8.1(a) to read "7.2(1)".

Schedule 1

Add—"2.4(1) Failure to obtain permit for temporary crossing \$200"

Renumber 2.4(2) to 2.5(2); 2.7(1) to 2.9(1); 2.8 to 2.10; 2.9 to 2.11; 2.15(2) to 2.17(2); 2.17(1) to 2.19(1); 3.1(1) to 4.1(1); 3.2(2)(c) to 4.2(2)(c); 3.2(3) to 4.2(3); 3.5 to 4.5; 3.6(2) to 4.6(2); 4.4(1) to 6.4(1); 4.3(1) to 6.3(1); 4.8(1)(a) to 6.8(1)(a); 4.8(1)(b) to 6.8(1)(b); 4.8(1)(c) to 6.8(1)(c); 4.6.8(2) to 6.8(2); 4.10 to 6.10; 4.11(2) to 6.11(2); 4.14 to 6.14; 4.16 to 6.16; 4.18 to 6.18; 4.20(1) to 6.20(1); 4.20(2) to 6.20(2); 5.5 to 7.5, 5.9 to 7.9; 8.1 to 10.1.

Add "3.2(1) Placing advertising sign or affixing any advertisement on a thoroughfare without a permit \$100"

Add "3.2(3) Erecting or placing of advertising sign in a prohibited area \$100".

Add

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5.6(1)	Driving a vehicle on other than the carriageway of a flora road	200
5.9	Planting in thoroughfare without a permit	200
5.11	Failure to obtain permit to clear a thoroughfare	500
5.13	Burning of thoroughfare without a permit	500
5.17	Construction of firebreak on thoroughfare without a permit	500
5.19	Commercial harvesting of native flora on thoroughfare	500
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	300

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Dated this 18th day July 2000.

M. J. BATTILANA, Chief Executive Officer.



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