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SHIRE OF BODDINGTON

LOCAL GOVERNMENT ACT 1995

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

LOCAL LAWS RELATING TO FENCING

**LOCAL GOVERNMENT PROPERTY
LOCAL LAW**

BEE KEEPING LOCAL LAW

DOG ACT 1976

DOGS LOCAL LAW

CEMETERIES ACT 1986

CEMETERIES LOCAL LAW

LOCAL GOVERNMENT ACT 1995

SHIRE OF BODDINGTON

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

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LOCAL GOVERNMENT ACT 1995

SHIRE OF BODDINGTON

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

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Boddington resolved on the 18th day of October 2000 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law may be cited as the Shire of Boddington Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

1.2 Definitions

In this local law unless the context otherwise requires—

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

“**applicant**” means a person who applies for a permit;

“**authorized person**” means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;

“**built-up area**” has the meaning given to it in the *Road Traffic Code 1975*;

“**carriageway**” means the paved or made portion of a thoroughfare used or intended for use by vehicles;

“**CEO**” means the chief executive officer of the local government;

“**commencement day**” means the day on which this local law comes into operation;

“**Council**” means the council of the local government;

“**district**” means the district of the local government;

“**footpath**” means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists;

“**kerb**” includes the edge of a carriageway;

“**liquor**” has the meaning given to it in section 3 of the *Liquor Licensing Act 1988*;

“**local government**” means the Shire of Boddington;

“**local government property**” means anything except a thoroughfare—

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an “otherwise unvested facility” within section 3.53 of the Act;

“**permit**” means a permit issued under this local law;

“**permit holder**” means a person who holds a valid permit;

“**person**” does not include the local government;

“**premises**” for the purpose of the definition of “public place” in both this clause and clause 5.1, means a building or similar structure, but does not include a carpark or a similar place;

“**public place**” includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include –

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property;

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

“**sign**” includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

“**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;

“**townsite**” means the townsites of Boddington and Ranford which are—

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

“**vehicle**” includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes—

- (a) a wheel-chair or any device designed for use by a physically impaired person on a footpath; and
- (b) a pram, a stroller or a similar device; and

1.3 Application

This local law applies throughout the district.

1.4 Repeal

(1) The following local laws are repealed—

Local Laws Relating to—

Trading in Public Places, published in the *Government Gazette* of 20 April 1990.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

PART 2—ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1—General

2.1 General prohibitions

A person shall not—

- (a) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (b) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare;
- (c) litter, or deposit rubbish on, any thoroughfare or public place.

2.2 Activities allowed with a permit—general

(1) A person shall not, without a permit—

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) damage a thoroughfare;
- (c) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 4.13;
- (d) fell any tree within, or onto, a thoroughfare; or
- (e) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

(1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—

- (a) that is permitted under the *Liquor Licensing Act 1988* or under another written law; or
- (b) the person is doing so in accordance with a permit.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2—Driving on a closed thoroughfare

2.4 No driving on closed thoroughfare

(1) A person shall not drive or take a vehicle on a closed thoroughfare unless—

- (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
- (b) the person has first obtained a permit.

(2) In this clause—

“**closed thoroughfare**” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3—OBSTRUCTING ANIMALS OR VEHICLES*Division 1—Animals and vehicles***3.1 Leaving animal or vehicle in public place or on local government property**

(1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorized to do so under a written law.

(2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

(3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

3.2 Prohibitions relating to animals

(1) In subclause (2), “owner” in relation to an animal includes—

- (a) an owner of it;
- (b) a person in possession of it;
- (c) a person who has control of it; and
- (d) a person who ordinarily occupies the premises where the animal is permitted to stay.

(2) An owner of an animal shall not—

- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
- (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
- (c) train or race the animal on a thoroughfare.

PART 4—ROADSIDE CONSERVATION*Division 1—Preliminary***4.1 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 4.7.

4.2 Application

This Part does not apply to the townsite.

*Division 2—Flora roads***4.3 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.

4.4 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.

4.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA “flora road” sign.

4.6 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 3—Special environmental areas***4.7 Designation of special environmental areas**

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which—

- (a) has protected flora or rare flora;

- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance; or
- (c) requires, where practical, for Conservation and Land Management rules to apply where the thoroughfare, or any part of a thoroughfare, is within a known Jarrah Dieback area.

4.8 Marking of special environmental areas

- (a) the local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area; and
- (b) where practical CALM forest hygiene rules be applied within known jarrah dieback areas of the shire.

Division 4—Planting in thoroughfares

4.9 Permit to plant

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

4.10 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 4.9, 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

4.11 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.

4.12 Application for permit

In addition to the requirements of clause 6.1(2), a person making an application for a permit for the purpose of clause 4.11 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.

Division 6—Fire management

4.13 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.

4.14 Application for permit

In addition to the requirements of clause 6.1(2), an application for a permit for the purposes of clause 4.13 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.

4.15 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 4.13 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.

4.16 Prohibitions on burning

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 4.13 is not to be approved by the local government—

- (a) for burning between 1 July and 31 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 previous five years.

Division 7—Firebreaks

4.17 Permit for firebreaks on thoroughfares

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

4.18 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 4.17 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***4.19 General prohibition on commercial wildflower harvesting**

Subject to clause 4.20, a person shall not commercially harvest native flora on a thoroughfare.

4.20 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—

- (a) the seed is required for a revegetation project in any part of the district; and
- (b) the thoroughfare, or the relevant part of it, is not a special environmental area.

(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.

PART 5—TRADING IN THOROUGHFARES AND PUBLIC PLACES*Division 1—Stallholders and traders**Subdivision 1—Preliminary***5.1 Interpretation**

In this Division, unless the context otherwise requires—

“**Competition Principles Agreement**” means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

“**public place**” includes—

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property,

but does not include premises on private property from which trading is lawfully conducted under a written law.

“**stall**” means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

“**stallholder**” means a person in charge of a stall;

“**stallholder’s permit**” means a permit issued to a stallholder;

“**trader**” means a person who carries on trading;

“**trader’s permit**” means a permit issued to a trader; and

“**trading**” includes—

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of—
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them; and
- (c) the going from place to place, whether or not public places, and—
 - (i) offering goods or services for sale or hire;
 - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services; or
 - (iii) carrying out any other transaction in relation to goods or services,
- (d) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;
- (e) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (f) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
- (g) the selling or hiring or the offering for sale or hire of—
 - (i) goods by a person who represents a manufacturer of the goods; or

- (ii) services by a person who represents a provider of the services, which are sold directly to consumers and not through a shop.

Subdivision 2—Permits

5.2 Stallholder's permit

- (1) A person shall not conduct a stall on a public place unless that person is—
 - (a) the holder of a valid stallholder's permit; or
 - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall—
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
 - (c) specify the proposed location of the stall;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
 - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
 - (f) be accompanied by an accurate plan and description of the proposed stall.

5.3 Trader's permit

- (1) A person shall not carry on trading unless that person is—
 - (a) the holder of a valid trader's permit; or
 - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall—
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
 - (c) specify the location or locations in which the applicant proposes to trade;
 - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
 - (e) specify the proposed goods or services which will be traded; and
 - (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.
- (3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

5.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.

5.5 Relevant considerations in determining application for permit

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—
 - (a) any relevant policies of the local government;
 - (b) the desirability of the proposed activity;
 - (c) the location of the proposed activity;
 - (d) the principles set out in the Competition Principles Agreement; and
 - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds—
 - (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
 - (b) that the applicant is not a desirable or suitable person to hold a permit;
 - (c) that—
 - (i) the applicant is an undischarged bankrupt or is in liquidation;
 - (ii) the applicant has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or
 - (d) that the needs of the district, or the part for which the permit is sought, are adequately catered for by established shops or by persons who have valid permits to carry on trading or to conduct a stall; or

- (e) such other grounds as the local government may consider to be relevant in the circumstances of the case.

5.6 Conditions of permit

(1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include—

- (a) the place, the part of the district, or the thoroughfare to which the permit applies;
- (b) the days and hours during which a permit holder may conduct a stall or trade;
- (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
- (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
- (e) the number of persons and the names of persons permitted to conduct a stall or trade;
- (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
- (g) whether and under what terms the permit is transferable;
- (h) any prohibitions or restrictions concerning the—
 - (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
 - (ii) the use of amplifiers, sound equipment and sound instruments;
 - (iii) the use of signs; and
 - (iv) the use of any lighting apparatus or device;
- (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
- (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
- (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
- (l) the acquisition by the stallholder or trader of public risk insurance;
- (m) the period for which the permit is valid; and
- (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.

(2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorize another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

5.7 Exemptions from requirement to pay fee or to obtain a permit

(1) In this clause—

“charitable organisation” means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

“commercial participant” means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

(2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on—

- (a) on a portion of a public place adjoining the normal place of business of the applicant; or
- (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

(3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

Subdivision 3—Conduct of stallholders and traders

5.8 Conduct of stallholders and traders

(1) A stallholder while conducting a stall or a trader while trading shall—

- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
- (b) not display a permit unless it is a valid permit; and
- (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Weights and Measures Act 1915*.

(2) A stallholder or trader shall not—

- (a) attempt to conduct a business within a distance of 30m of any shop or permanent place of business that is open for business and has for sale any goods or services of the kind being offered for sale by the stall holder or trader;

- (b) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
- (c) act in an offensive manner;
- (d) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
- (e) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

PART 6—PERMITS

Division 1—Applying for a permit

6.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with sub clause (2).
- (2) An application for a permit under this local law shall—
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

6.2 Decision on application for permit

- (1) The local government may—
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under sub clause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under sub clause (1)(b).

Division 2—Conditions

6.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

6.4 Imposing conditions under a policy

- (1) In this clause—

“**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 6.2(1)(a).

- (2) Under clause 6.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 6.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

6.5 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 3—General

6.6 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 6.10.

6.7 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of—
- (a) this Part; and
 - (b) any other provision of this local law relevant to the permit which is to be renewed,
- shall apply to an application for the renewal of a permit *mutatis mutandis*.

6.8 Transfer of permit

- (1) An application for the transfer of a valid permit is to—
- (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—
- (a) an endorsement on the permit signed by the CEO; or
 - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

6.9 Production of permit

A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

6.10 Cancellation of permit

- (1) Subject to clause 7.1, a permit may be cancelled by the local government on any one or more of the following grounds—
- (a) the permit holder has not complied with a—
 - (i) condition of the permit; or
 - (ii) provision of any written law which may relate to the activity regulated by the permit; or
 - (b) if it is relevant to the activity regulated by the permit—
 - (i) the permit holder has become bankrupt, or gone into liquidation;
 - (ii) the permit holder has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder's undertakings or property.
- (2) On the cancellation of a permit the permit holder—
- (a) shall return the permit as soon as practicable to the local government; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

PART 7—OBJECTIONS AND APPEALS

7.1 Application of Part 9 Division 1 of Act

When the local government makes a decision—

- (a) under clause 6.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 8—MISCELLANEOUS NOTICES

8.1 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

PART 9—ENFORCEMENT

Division 1—Notices given under this local law

9.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

9.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

Division 2—Offences and penalties

Subdivision 1—General

9.3 Offences

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2—Infringement notices and modified penalties

9.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

9.5 Forms

Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

Schedule 1
PRESCRIBED OFFENCES

Clause	Description	Modified Penalty \$
2.1(a)	Damaging or interfering with signpost or structure on thoroughfare	300
2.1(b)	Playing games so as to impede vehicles or persons on thoroughfare	100
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	100
2.2(1)(c)	Lighting a fire on a thoroughfare without a permit	300
2.2(1)(d)	Felling tree onto thoroughfare without a permit	100
2.2(1)(e)	Interfering with anything on a thoroughfare without a permit	100
2.3(1)	Consumption or possession of liquor on thoroughfare	100
2.4(1)	Driving or taking a vehicle on a closed thoroughfare	300
3.1(1)	Animal or vehicle obstructing a public place or local government property	100
3.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	100
3.2(2)(b)	Animal on public place with infectious disease	100
3.2(2)(c)	Training or racing animal on thoroughfare in built-up area	100
4.6(1)	Driving a vehicle on other than the carriageway of a flora road	200
4.9	Planting in thoroughfare without a permit	200
4.11	Failure to obtain permit to clear a thoroughfare	500
4.13	Burning of thoroughfare without a permit	500
4.17	Construction of firebreak on thoroughfare without a permit	500
4.19	Commercial harvesting of native flora on thoroughfare	500
4.20(1)	Collecting seed from native flora on thoroughfare without a permit	300
5.2(1)	Conducting of stall in public place without a permit	300
5.3(1)	Trading without a permit	300
5.8(1)(a)	Failure of stallholder or trader to display or carry permit	100
5.8(1)(b)	Stallholder or trader not displaying valid permit	100
5.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	100
5.8(2)	Stallholder or trader engaged in prohibited conduct	100
6.5	Failure to comply with a condition of a permit	100
6.9	Failure to produce permit on request of authorized person	100
9.1	Failure to comply with notice given under local law	100

Dated this 1st day of November 2000.

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

J. A. NELSON, President.
P. R. BRADBROOK, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF BODDINGTON

LOCAL LAWS RELATING TO FENCING

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Boddington resolved on the 18th day of October 2000 to make the following local laws.

The Shire of Toodyay Local Laws Relating to Fencing as published in the Government Gazette on 1 November 1999 are adopted as local laws of the Shire of Boddington, with the modifications which follow—

1. Preliminary

1.1 In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.

1.2 Wherever the “Shire of Toodyay” is mentioned in the local laws substitute the “Shire of Boddington”.

2. Clause 2—Repeal

Delete the whole of Clause 2 and substitute the following—

“Clause 2—Application of Local Laws

These Local Laws apply throughout the district.”

3. Clause 4—Interpretation

3.1 Insert the following definition in the appropriate alphabetical position—

“**local government**” means the Shire of Boddington.

3.2 After the interpretation of “**Rural Lot**” insert “**Rural Residential Lot**” means a lot where a rural residential use is or may be permitted under the town-planning scheme.

3.3 Delete the interpretation for “**Special Rural Lot**”.

3.4 After the interpretation of “**setback area**” insert “**Special Residential Lot**” means a lot where a special residential use is or may be permitted under the town-planning scheme.

3.5 In the definition of “sufficient fence” delete “4” and substitute “5”.

4. Clause renumbered

Renumber Clause 4 to 5 and in the First, Second and Third Schedules delete the references to “Clause 4(2)(a)”, “Clause 4(2)(b)” and “Clause 4(2)(c)” and substitute “Clause 5(2)(a)”, “Clause 5(2)(b)”, and “Clause 5(2)(c)” respectively.

5. Clause 4 Inserted

Insert the following clause—

4. Licence Fees and Charges

All licence fees and charges applicable under these Local Laws shall be as determined by the local government from time to time in accordance with section 6.16 of the *Local Government Act 1995*.

6. Part 2—Sufficient Fences

Delete Part 2 and substitute—

PART 2—SUFFICIENT FENCES**5. Sufficient Fences**

(1) Unless by agreement between the owners of adjoining properties, and with the approval of Council, a person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.

(2) Subject to subclauses (3) and (4), a sufficient fence:

- (a) on a Residential Lot or on a Special Residential Lot and on a Commercial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the First Schedule;
- (b) on an Industrial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Second Schedule;
- (c) on a Rural Lot and on a Rural Residential Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Third Schedule.

- (3) Where a fence is erected on or near the boundary between:
- (a) a Residential Lot or a Special Residential Lot and an Industrial Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the First Schedule;
 - (b) a Residential Lot or a Special Residential Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Third Schedule;
 - (c) a Residential Lot or a Special Residential Lot and a Rural Residential Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Third Schedule; and
 - (d) a Rural Residential Lot or a Special Residential Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of the Third Schedule.
- (4) Unless the Building Surveyor specifies otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with the specifications and requirements of the Second Schedule.
- (5) Notwithstanding any other provisions in these Local Laws, a fence constructed of stone or concrete shall be a sufficient fence only if it is designed by a structural engineer where:
- (a) it is greater than 1800mm in height; or
 - (b) the Building Surveyor so requires.

7. Clause 6—Fences Within Front Setback Areas

Delete Clauses 5 and 6 and substitute the following—

6. Fences Within Front Setback Areas

- (1) A person shall not, without the written consent of the Building Surveyor, erect a freestanding fence greater than 1200mm in height within the front set-back area of a Residential Lot within the district
- (2) The Building Surveyor may approve the erection of a fence of a height greater than 1200mm in the front setback area of a Residential Lot only if the fence on each side of the driveway into the Lot across the front boundary is to be angled into the Lot for a distance of not less than 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.
- (3) The provision of subclause (2) shall not apply to a fence:
- (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
 - (b) that does not adjoin a footpath.

8. Clause 9—General Discretion of the Local Government

Insert “Notwithstanding clause 5, the” at the commencement of subclause (1) and delete “The”

9. Clause 10—Fencing Materials

- a) Include the words “a Special Residential Lot,” after the words Residential Lot, in the first line of subclause (1).
- b) Delete the words “Building Surveyor” and substitute “Council” in line 4 of subclause (1) and in line 1 of subclause (2).
- c) Insert a new subclause (3) as follows:
“A fence constructed wholly or partly of razor wire or broken glass is not permitted”.

10. Clause 11—Barbed Wire and Broken Glass Fences

- a) Delete the words “and Broken Glass” from the heading.
- b) Delete subclauses (1) and (4) and renumber subclauses (2), (3), and (5) to (1), (2), and (4) respectively.
- c) Insert a new subclause (3) as follows—
“(3) If the posts which carry the barbed wire or other materials referred to in subclause (2) are angled towards the outside of the lot bounded by the fence the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.”
- d) After the words Residential Lot in line 1 of subclause (1) insert the following: “, Rural Residential Lot, Special Residential Lot”.

11. Part 5—Electrified and Razor Wire Fences

Delete “AND RAZOR WIRE” from the heading.

12. Clause 12—Requirements for a Licence

- a) Delete subclause (1) and substitute the following—
(1) An owner or occupier of a lot, other than a Rural Lot, shall not have and use an electrified fence on that lot without first obtaining a licence under subclause (2).
- b) Delete subclause (3) and renumber subclauses (4) and (5) to (3) and (4) respectively.
- c) In subclauses 12 (3) and (4) replace “subclauses (2) or (3)” with “subclause (2)”.

13. Clause 13—Transfer of a Licence

Delete Clause 13 and substitute the following—

13. Transfer of a Licence

A licence referred to in clause 12 shall transfer with the land to any new occupier or owner of the lot.

14. Clauses 17 & 18—“Local Laws” substituted for “local laws”

In Clauses 17(1) and (2) and 18 delete “local laws” in the three places that it appears and substitute “Local Laws”.

15. First Schedule

- a) Alter the heading to read “SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL, SPECIAL RESIDENTIAL OR COMMERCIAL LOT”.
- b) Replace the first sentence with “Each of the following is a “sufficient fence” on a Residential, Special Residential or Commercial Lot:”
- c) Replace “125mm” wherever it appears in Item A(a) with “100mm”.
- d) Insert the word “vertical” before the word “sole” in Item A(b).
- e) Replace “75mm” in Item A(e) with “100mm”.
- f) Insert “up to” immediately after the word “placed” in Item A(f).
- g) In Item B insert “or steel” after “cement”.
- h) In Item B (b) insert “or steel” after “cement”.
- i) Delete the fullstop at the end of B(d) and add the following words: “except with respect to the front set back area for which there is no minimum height but which is subject to clause 6.”
- j) Delete the fullstop at the end of C(d) and add the following words: “except with respect to the front set back area for which there is no minimum height but which is subject to clause 6.”
- k) Delete the first line of D and substitute the following: “A composite fence having a minimum overall height of 1800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 6, which satisfies the following specifications for the brick construction.”

16. Second Schedule

- a) Alter the heading to read “SPECIFICATIONS FOR A SUFFICIENT FENCE ON AN INDUSTRIAL LOT”.
- b) Replace the first sentence with “Each of the following is a “sufficient fence” on an Industrial Lot:”
- c) Add new Item A(c) as follows:
“(c) all posts shall be capped;”
- d) Renumber Items A (c) to (f) to (d) to (g).
- e) Transfer all word after “cables.” in line three of Item A(h) to form a new sub-item (h).
- f) Delete Item B and substitute the following—
“A fence of corrugated fibre reinforced pressed cement sheet or steel sheeting constructed to the minimum specifications referred to in Item B of the First Schedule.
- g) Delete item C and substitute the following—
“C A fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm.”

17. Third Schedule

Delete the Third Schedule and substitute the following—

Clause 5(2)(c)

Third Schedule**SPECIFICATIONS FOR A SUFFICIENT FENCE
ON A RURAL LOT AND ON A RURAL RESIDENTIAL LOT**

- (1) In the case of a non-electrified fence, a sufficient fence on a Rural Lot and on a Rural Residential Lot is a fence of posts and wire construction, the minimum specifications for which are:
 - (a) not less than six-line ringlock or similar with one plain strand of high tensile wire of not less than 2.5mm along the top of the fence, connected to posts in all cases;
 - (b) posts shall be of indigenous timber or other suitable material including—
 - timber impregnated with a termite and fungicidal preservative;
 - standard iron star pickets; or
 - concrete;
 - cut not less than 1800mm long x 100mm diameter at small end if round or 125mm x 75mm if split or sawn. Posts to be set minimum 600mm in the ground and 1200mm above the ground; and
 - (c) strainer posts shall be not less than 2250mm long and 150mm diameter at the small end (tubular steel to be 100mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground.

- (2) An electrified fence having four wires only is a sufficient fence if constructed generally in accordance with (1).
-

Dated this 1st day of November 2000.

The Common Seal of the Shire of Boddington was affixed in the presence of:

J. A. NELSON, President.
P. R. BRADBROOK, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF BODDINGTON

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Under the powers conferred by the *Local Government Act* 1995 and under all other powers enabling it, the Council of the Shire of Boddington resolved on the 18th day of October 2000 to make the following local law—

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

1. Preliminary

1.1 Wherever the “Shire of Moora” is mentioned in the local law substitute the “Shire of Boddington”.

1.2 Insert new PART 7—JETTIES & BRIDGES as follows—

PART 7—JETTIES AND BRIDGES

7.1 Interpretation

7.2 When use of jetty is prohibited

7.3 Method of mooring boat to jetty

7.4 Authorized person may order removal of boat

7.5 Restrictions on launching

7.6 Polluting surrounding area

7.7 Limitations on fishing

1.3 Renumber Parts 7, 8 and 9 to Parts 8, 9 and 10 respectively.

1.4 Renumber Clauses 7.1 to 9.6 to 8.1 to 10.6 respectively.

2. Clause 1.2 – Definitions

2.1 In the appropriate alphabetical position insert—

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

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

“(e) a boat”.

3. Clause 1.5—Repeal

Delete Clause 1.5(1) and substitute—

1.5(1) The following local laws are repealed—

The Marradong Road Board By-laws relating to the Boddington Hall, published in the *Government Gazette* of 23 August 1956.

4. Clause 2.7—Activities which may be pursued on specified Local Government property

4.1 In clause 2.7(1), renumber paragraphs (e) to (h) inclusive to (g) to (j) respectively and insert the following two paragraphs—

“(e) launch, beach or leave a boat;

(f) take or use a boat, or a particular class of boat;”

4.2 In clause 2.7(2)(d), insert “boats”, after “vehicles,” in both places where this occurs.

5. Clause 2.8—Activities which may be prohibited on specified Local Government property

5.1 In clause 2.8(1)

(a) delete paragraph (g);

(b) renumber paragraphs (e) and (f) to (f) and (g) respectively; and

(c) insert the following paragraph—

“(e) taking or using a boat or a particular class of boat;”.

5.2 In clause 2.8(2)(c), insert “boats”, after “vehicles,” in both places where this occurs.

6. Clause 4.2—Behaviour detrimental to property

Add the following new subclause (2)(c)—

“(2)(c) interfering adversely with any thing on local government property provided for the use or enjoyment of any person.

7. Part 7—JETTIES AND BRIDGES—Clauses 7.1 - 7.7

Insert the following new Part 7—

PART 7—JETTIES AND BRIDGES*Division 1—Preliminary***Interpretation**

7.1 (1) This Part only applies to bridges and jetties that are local government property.

(2) In this Part—

“jetty” means any jetty, pier or landing place which is local government property.

*Division 2—Prohibitions on use of jetty***When use of jetty is prohibited**

7.2 A person shall not land at, use or go on any part of a jetty which is—

(a) under construction or repair; or

(b) closed,

unless that person has first obtained the consent of the local government.

*Division 3—Mooring boats to jetties***Method of mooring boat**

7.3 A person in control of a boat shall not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

*Division 4—Removal of boats moored to jetty***Authorized person may order removal of boat**

7.4 Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorized person.

*Division 5—Launching of boats***Restrictions on Launching**

7.5 A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government.

*Division 6—Polluting surrounding area***Polluting surrounding area**

7.6 A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

*Division 7—Fishing from jetties and bridges***Limitations on fishing**

7.7 A person shall not—

(a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or

(b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

8. In Schedule 1—PRESCRIBED OFFENCES in the column headed CLAUSE delete 9.1 and substitute 10.1.

9. In Schedule 2—DETERMINATIONS insert the following Clause 1.3

Speed of Vehicles

1.3 Speed of vehicles on local government property

A person shall not drive a vehicle on local government property at a speed exceeding 35 kilometres an hour except that—

(a) on any land marked by a sign as a parking area, a person shall not drive a vehicle at a speed exceeding 8 kilometres an hour; and

(b) on access ways within the Recreation Reserve # 14977, a person shall not drive a vehicle at a speed exceeding 10 kilometres an hour.

Dated this 1st Day of November 2000.

The Common Seal of the Shire of Boddington was affixed in the presence of:

J. A. NELSON, President.
P. R. BRADBROOK, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF BODDINGTON

BEE KEEPING LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Boddington resolved on the 18th day of October 2000 to make the following local law –

The City of Gosnells Bee Keeping Local Law 1999 as published in the Government Gazette of 24 September 1999, is adopted as a local law of the Shire of Boddington with the modifications which follows—

1. Preliminary

1.1 Wherever the “City of Gosnells” is mentioned in the local law substitute “Shire of Boddington”.

1.2 In construing the following modifications, where a modification requires the renumbering of a clause, sub clause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.

2. Arrangement

Delete **Clause 2—Repeal** and renumber Clauses 3 to 15 to 2 to 14.

3. Clause 2—Interpretation

3.1 In the appropriate alphabetical position insert—

“Crown land” has the meaning given to it in the *Forest Management Regulations 1993*;

3.2 Delete the word “and” at the end of the interpretation for “permit”.

3.3 Delete the full stop at the end of the definition for “permit holder” and substitute “; and”

3.4 Immediately following the interpretation for “permit holder” insert ““townsite” means the townsites of Boddington and Ranford which are—”.

4. Clause 3—Permit required to keep bees

Delete Clause 3 and substitute the following—

3. Permit required to keep bees

3. (1) Subject to the provisions of this clause, a person shall not keep bees or allow bees to be kept on land except in accordance with a valid permit issued in relation to the land.

(2) Sub clause (1) does not apply where—

(a) the land is outside the townsite; and

(b) the bees are kept—

(i) at least 500m from a thoroughfare; or

(ii) less than 500m from a thoroughfare but the vegetation or a screen or other barrier on the land is such as to encourage the bees to fly at a height over the thoroughfare as will not create a nuisance to users of the thoroughfare.

(3) Subclause (1) does not apply where a person keeps bees on Crown land.

5. Clause 6—Conditions of approval

In clause 6(1)—

(a) delete paragraph (b) and substitute—

“(b) each bee hive shall be—

(i) kept at a distance specified by the local government from any thoroughfare, public place or boundary of the land; or

(ii) located near a screen or other barrier so as to prevent the bees flying low over a thoroughfare, public place or adjoining land;”

(b) delete paragraph (c)

(c) renumber paragraphs (d) and (e) to (c) and (d) respectively.

6. Schedule, Prescribed Offences

In the Schedule—

Under the column headed CLAUSE amend as follows—

i) delete 4 and substitute 3(1);

ii) delete 6(2) and substitute 5(2);

- iii) delete 9(3) and substitute 8(3);
- iv) delete 11 and substitute 10;
- v) delete 12(1) and substitute 11(1).

Dated this 1st Day of November 2000.

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

J. A. NELSON, President.
P. R. BRADBROOK, Chief Executive Officer.

DOG ACT 1976

SHIRE OF BODDINGTON

DOGS LOCAL LAW

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Boddington resolved on the 18th day of October 2000 to make the following local law—

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

1. Preliminary

Wherever the “Shire of Moora” is mentioned in the local law substitute the “Shire of Boddington”.

2. Clause 1.2—Repeal

Delete Clause 1.2 and substitute—

1.2 The By-laws Relating to Dogs published in the Government Gazettes of 31 October 1968 and 15 January 1982, are repealed.

3. Clause 5.2—Places which are dog exercise areas

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

- (a) All foreshore reserves, Farmers Reserve and
- (b) Council owned unsurveyed Light Industrial Land off Assay Terrace

Dated this 1st day of November 2000.

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

J. A. NELSON, President.
P. R. BRADBROOK, Chief Executive Officer.

CEMETERIES ACT 1986

SHIRE OF BODDINGTON

CEMETERIES LOCAL LAW

Under the powers conferred by the Cemeteries Act 1986, the Council of the Shire of Boddington resolved on the 18th day of October 2000 to adopt the Model Local Law (Cemeteries) 1998 published in the Government Gazette on 12 May 1998 with such modifications as are here set out—

1. Preliminary

1.1 In construing the following modifications, where a modification requires the renumbering of a clause, subclause or paragraph, subsequent modifications have been drafted on the basis that the renumbering has been effected.

1.2 Wherever the words “the cemetery” is mentioned throughout the local law substitute the words “a cemetery”, other than in Clause 5.2.

2. Arrangement

Delete Clause 3.2 and renumber Clauses 3.3 to 3.5 to 3.2 to 3.4.

Delete Part 5—Division 2 – Cremation – Clauses 5.7 to 5.11.

Renumber Part 5 Division 3 – Placement of Ashes to Part 5 Division 2.

Renumber Clause 5.12 to 5.7.

Delete Clauses 5.13 and 5.14.

Delete Part 7 Division 2 – Lawn Section Clauses 7.13 and 7.14 and renumber Part 7 - Divisions 3 and 4 to Divisions 2 and 3.

Renumber Clauses 7.15 to 7.20 to Clauses 7.13 to 7.18.

3. Clause 1.2—Interpretation

Add ‘ “**cemeteries**” refers to the Boddington, Marradong and Quindanning Cemeteries’, between the interpretation for “**authorised officer**” and “**CEO**”.

4. Clause 1.3 – Repeal

The following Local Law is repealed—

“the By-laws Relating to the Boddington, Marradong and Quindanning Cemeteries published in the Government Gazette of 23 October 1981, as amended.”

5. Clause 3.2—Applications to be Accompanied by Certificates etc

In the first line alter the word “clauses” to read “clause” and delete the words “and 3.2” and delete “3.4” in the second line and substitute “3.3”.

6. Clause 3.3—Certificate of Identification

Delete the words “or crematorium within the cemetery,” in the second line.

7. Clause 4.2—Single Funeral Permits

Delete the words “or crematorium” at the end of the sentence and replace the comma after the word gravesite with a fullstop.

8. Clause 4.3—Application Refusal

Delete the words “or crematorium” from the sentence.

9. Clause 5.2—Funeral Processions

Delete the words “or clause 3.2” from the sentence.

10. Clause 5.6—Conduct of Funeral by Board

Delete sub-paragraph d) and renumber sub-paragraphs e) to g) to d) to f).

11. Clause 5.7—Disposal of Ashes

Delete the following disposal methods: Memorial Wall, Garden of Remembrance, Ground Niche, Memorial Rose, Tree or Shrub, Family Shrub, Memorial Desk, Granite Seat, Book of Remembrance, Memorial Gardens.

12. Clause 6.2—Mausoleum etc.

Delete sub-clause (1) and replace with (1) A person shall not construct a brick grave, crypt, vault or mausoleum within the cemetery without obtaining the prior approval of the Board.

Delete sub-clause (2) and replace with (2) A person may request the construction of a vault or mausoleum within the cemetery which vault or mausoleum shall at all times remain the property of the Board.

13. Clause 7.9—Plants & Trees

After the word “on” insert “, or removed from,”. Also, substitute the word “Board” for “CEO”.

14. Clause 7.12—Placing of Glass Domes and Vases

Delete and substitute—

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

15. Clause 9.1—General

Number the existing paragraph sub-paragraph (1) and add the following new sub-paragraph—

(2) The Board reserves the right to also seek restitution of costs incurred for repairing, or replacing, property damaged within a cemetery from a person convicted of the offence or, in the case of a minor, from his or her parents or legal guardian.

Dated this 1st Day of November 2000.

The Common Seal of the Shire of Boddington was affixed By authority of a resolution of the Council in the presence of—

J. A. NELSON, President.
P. R. BRADBROOK, Chief Executive Officer.

