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LOCAL GOVERNMENT ACT 1995

SHIRE OF GREENOUGH

**EXTRACTIVE INDUSTRIES
LOCAL LAW**

**LOCAL LAW RELATING TO
DOGS**

LOCAL GOVERNMENT ACT 1995

SHIRE OF GREENOUGH

EXTRACTIVE INDUSTRIES LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and by all other powers, the local government of the Shire of Greenough resolved to make the following local laws on the 20th day of December 2000.

PART 1—PRELIMINARY**Definitions**

1.1 In this local law, unless the context otherwise requires—

“Act” means the Local Government Act 1995;

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

“district” means the district of the local government;

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

“licence” means a licence issued under this local law;

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

“local government” means the Shire of Greenough;

“secured sum” means the sum required to be paid or the amount of a bond, guarantee or other security under clause 5.1;

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

Application

1.2 The provisions of this local law—

(a) Subject to paragraphs (b), (c) and (d)—

(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 under the Mining Act 1978;

(c) do not apply to the carrying on of an extractive industry on Crown Land; and

(d) do not affect the validity of any licence issued under the local law repealed by clause 1.3 of this local law if that licence is currently in force at the date of gazettal of this local law.

Repeal

1.3 The local laws of the Shire of Greenough relating to Extractive Industries published in the *Government Gazette* on 24 January 1991, are repealed.

PART 2—LICENSING REQUIREMENTS FOR AN EXTRACTIVE INDUSTRY**Extractive Industries Prohibited Without Licence**

2.1 A person must 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.

Penalty \$5,000 and a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which an offence has continued.

Proposal To Be Advertised

2.2 (1) On receipt of an application for a licence, the local government shall—

(a) forward by mail a notice in the form determined by the local government from time to time 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 local government 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 local government.

- (ii) Every authority or person having control or jurisdiction over any of the things referred to in clause 2.3 (1)(a)(vii) and (viii) within 500 metres from the boundaries of the land, or within an area determined by the local government as likely to be affected by the granting of a licence. Advising of the application and specifying that they may, within 21 days from the date of serviced of the letter, object to or make representation in writing in respect of the issue of a licence by the local government.
 - (b) publish the notice in a newspaper circulating in the area in which the proposed excavation is located.
- (2) The local government may cause to be displayed, or require the applicant to display, in a prominent position on the land one or more notices—
- (a) in the form determined by the local government from time to time;
 - (b) the content, size and construction of which have been approved by the Chief Executive Officer;
 - (c) specifying particulars of the proposed excavation; and
 - (d) inviting objections or comments in writing within 21 days from the date of placement of the notice.

Application For Licence

2.3 (1) A person seeking the issue of a licence in respect of any land must apply in the form determined by the local government from time to time and must forward the application duly completed and signed by both the applicant and the owner of the land to the Chief Executive Officer together with any of the following items as stipulated by the local government—

- (a) Two (2) 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 one (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 roads or other means of vehicle access to and egress from the land and to public roads in the vicinity for 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) Two (2) copies of a works and excavation programme containing—
 - (i) the nature and estimated duration of the proposed excavation for which the licence is applied;
 - (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 roads 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 comply with the Environmental Protection (Noise) Regulations 1997;
 - (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 minimize the destruction of existing vegetation if the area of

- native vegetation to be cleared is in excess of 1 hectare approval for such clearing must be obtained from the Commissioner of Soil Conservation; and
- (xiv) a description of the measures to be taken in screening the excavation site, or otherwise minimizing adverse visual impacts, from nearby roads or other areas;
 - (c) Two (2) 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 number 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
 - (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 local government on the surface of a constructed public road or such other land in the vicinity;
 - (e) a certificate from a licenced surveyor certifying the correctness of—
 - (i) the plan referred to in paragraph (a); and
 - (ii) the datum peg and related point referred to in paragraph (d);
 - (f) copies of all land use planning approvals required under any planning legislation;
 - (g) the consent in writing to the application from the owner of the excavation site;
 - (h) any information that the local government may require; and
 - (i) the licence application fee specified by the local government from time to time.
- (2) All survey data supplied by an applicant for the purpose of sub clause (1) must comply with Australian Height Datum and Australian Map Grid Standards.

PART 3—DETERMINATION OF APPLICATION

Determination Of Application

- 3.1 (1) The local government may refuse to consider an application for a licence that does not comply with the requirements of clause 2.3, and in any event shall refuse an application for a licence where planning approval for an extractive industry use of the land has not first been obtained.
- (2) The local government 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 local government approves an application for a licence, it must—
- (a) determine the licence period, not exceeding five (5) years from the date of issue; and
 - (b) approve the issue of a licence in the form determined by the local government from time to time.
- (4) Where the local government approves the issue of a licence, the Chief Executive Officer upon receipt by the local government of—
- (a) payment of the annual licence fee, as determined by the local government from time to time;
 - (b) payment of the secured sum if any, imposed under clause 5.1; and
 - (c) the documents, if any, executed to the satisfaction of the Chief Executive Officer, under clause 5.1 shall issue the licence to the applicant.
- (5) Without limiting sub clause (2), the local government 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 roads, buildings and plant;
 - (c) the stockpiling of material;
 - (d) the hours during which any 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) requiring all crushing and treatment plant to be enclosed within suitable buildings to minimize the emission of noise, dust, vapor and general nuisance to the satisfaction of the local government;
 - (g) the depth below which a person must not excavate;
 - (h) distances from adjoining land or roads within which a person must not excavate;
 - (i) the safety of persons employed at or visiting the excavation site;

- (j) the control of dust and wind-blown material;
- (k) 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;
- (l) the prevention of the spread of dieback or other disease;
- (m) the drainage of the excavation site and the disposal of water;
- (n) the restoration and reinstatement of the excavation site, the staging of such works, and the minimizing of the destruction of vegetation;
- (o) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- (p) requiring the licensee to furnish to the local government 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;
- (q) requiring the licensee to enter into an agreement with the local government in respect on any condition or conditions imposed under this local law; and
- (r) any other matter for properly regulating the carrying on of an extractive industry.

Payment Of Annual Licence Fee

3.2 On or before the expiry date in each year, a licensee must pay to the local government the annual licence fee determined by the local government from time to time.

PART 4—TRANSFER, CANCELLATION AND RENEWAL OF LICENCE

Transfer Of Licences

- 4.1 (1) An application for the transfer of a licence must—
- (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) be accompanied by the consent in writing to the transfer from the owner of the excavation site;
 - (e) include any information that the local government may reasonably require; and
 - (f) be forwarded to the Chief Executive Officer together with the fee determined by the local government from time to time.
- (2) Upon receipt of any application for the transfer of a licence, the local government may—
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.
- (3) Where the local government approves an application for the transfer of a licence, the local government shall transfer the licence by an endorsement on the licence in the form determined by the local government from time to time, signed by the Chief Executive Officer.
- (4) Where the local government 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

- 4.2 (1) The local government 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 local government;
 - (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;
 - (d) Failed to pay the annual licence fee under clause 3.2; or
 - (e) Failed to have a current public liability insurance policy under clause 7.1(1) or failed to provide a copy of the policy or evidence of its renewal as the case may be, under clause 7.1(2).
- (2) Where the local government cancels a licence under this clause—
- (a) the local government shall advise the licensee in writing of the cancellation;
 - (b) the cancellation takes effect on and from the day on which the licensee is served with the cancellation advice; and
 - (c) the local government shall not be required to refund any part of the fees paid by the licensee in respect of the cancelled licence.

Renewal Of Licence

- 4.3 (1) A licensee who wishes to renew a licence must apply in writing to the local government at least 45 days before the date of expiry of the licence and must submit with the application for renewal—
- (a) the fee determined by the local government 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 2.3(1)(b) and (c); and
 - (e) any other things referred to in clauses 2.3 and 3.1.
- (2) The local government may waive any of the requirements specified in clause 4.3(1)(d) or (e).
- (3) Upon receipt of an application for the renewal of a licence, the local government may—
- (a) refuse the application; or
 - (b) approve the application on such terms and conditions, if any, as it sees fit.

PART 5—SECURED SUM AND APPLICATION THEREOF

Security For Restoration And Reinstatement

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

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

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

(2) A bond required under sub clause (1) is to be paid into a fund established by the local government for the purpose of this clause.

Use By The Local Government Of Secured Sum

5.2 (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;
- (c) the local government may carry out the required restoration and reinstatement work or so much of that work as remains undone; and
- (d) the licensee must pay to the local government on demand all costs incurred by the local government or which the local government may be required to pay under this clause.

(2) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the licensee under clause 5.1 towards its costs under this clause.

(3) The liability of a licensee to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 5.1.

PART 6—LIMITATIONS AND PROHIBITIONS

Limits On Excavation Near Boundary

6.1 Subject to any licence conditions imposed by the local government, a person shall not, without the written approval of the local government, 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 road; or
- (d) 40 metres of any watercourse.

Penalty \$2,000.

Prohibitions

6.2 A licence must—

- (a) not remove any trees or shrubs within 40 metres (or such lesser distance as may be allowed, in writing, by the local government) of the boundary of any road reserve on land in respect of which a licence has been granted, except for the purpose of constructing access roads, erecting buildings or installing plant for use in connection with the excavation and then only with the express approval of the local government and subject to any conditions which the local government may impose in accordance with clause 3.1;
- (b) where the local government so requires, securely fence the excavation to a standard determined by the local government and keep the gateways locked when not actually in use in order to prevent unauthorized 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 EXCAVATION KEEP OUT";

- (e) except where the local government approves otherwise, drain and keep drained to the local government's satisfaction any excavation to which the licence applies so as to prevent the accumulation of water;
- (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 local government;
- (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 local government;
- (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 local government in accordance with clause 3.1.

Penalty \$5,000 for each offence, and if an offence is on a continuing nature, to a daily penalty not exceeding a fine of \$500 in respect of each day of a day during which the offence has continued.

Blasting

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

- (a) the local government 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 7.00am and 6.00pm, or as determined by the local government, on Mondays to Saturdays inclusive;
- (c) the blasting is carried out in strict accordance with the AS2187 SAA Explosives Code, the Mines Safety and Inspection Act 1994, the Environmental Protection Act 1986, and all relevant local laws of the local government; and
- (d) in compliance with any other conditions imposed by the local government 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 local government may reasonably require in the interests of the safety and protection of members of the public and of property within the district.

Penalty \$5,000 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

(2) A person must not carry out or permit to be carried out any blasting on a Sunday or Public Holiday except with the prior approval of the local government.

Penalty \$2,000

PART 7—MISCELLANEOUS PROVISIONS

Public Liability

7.1 (1) A licensee must have at all times a current public liability insurance policy taken out in the joint names of the licensee and the local government indemnifying the licensee and the local government for a sum of not less than \$10,000,000 in respect of any one claim relating to any of the excavation operations.

(2) The licensee shall provide to the local government a copy of the policy taken out under sub clause (1), within 14 days after the issue of that policy and shall provide to the local government evidence of renewal within 14 days of each renewal date.

Mines Safety And Inspection Act And Environmental Protection Act

7.2 (1) In any case where the Mines Safety and Inspection Act 1994 or the Environmental Protection Act 1986 applies to any excavation carried on or proposed to be carried out at a site, the licensee in respect of that site must—

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

(2) In this clause, the Mines Safety and Inspection Act 1994 and the Environmental Protection Act 1986 include all subsidiary legislation made under those Acts.

Notice Of Cessation Of Operations

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

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

the licensee must, as well as complying with clause 7.4, give the local government written notice of the cessation not later than one (1) week after those operations have ceased.

(2) Where a licensee has given written notice to the local government 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 licence does not entitle the licensee to any refund of any licence fee.

Works To Be Carried Out On Cessation Of Operations

7.4 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 must, as well as complying with the provisions of clause 7.3—

- (a) restore and reinstate the excavated site in accordance with the proposals approved by the local government or in such other manner as the local government 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 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 local government, would enable the site to be left in a stable conditions;
- (c) ensure that the agreed floor level of the excavation is graded to an even surface or is otherwise in accordance with the rehabilitation and decommissioning programme approved by the local government;
- (d) ensure that all stockpiles or dumps of stone, sand or other materials 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.

Penalty \$5,000 for each offence, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.

PART 8—OBJECTIONS AND APPEALS

8.1 When the local government makes a decision as to whether it will—

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law, the provisions of division 1 of part 9 of the Act and Regulation 1996 shall apply to that decision.

Form 1

(Newspaper Notice)

NOTICE OF APPLICATION FOR AN EXTRACTIVE INDUSTRY LICENCE

Take notice that ^[1].....

.....

intends to apply to the Shire of Greenough 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 Greenough, PO Box 21, Geraldton, WA 6531, not later than ^[5]

^[1] Insert the name of the 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 21 days from the date when the advertisement is to first appear in the newspaper

Form 2

(Site Notice)

NOTICE OF APPLICATION FOR AN EXTRACTIVE INDUSTRY LICENCE

Take notice that ^[1]

 has applied to apply to the Shire of Greenough 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 Greenough, PO Box 21, Geraldton, WA 6531, not later than ^[5]

- ^[1] Insert the name of the 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 21 days from the date when the advertisement is to first appear in the newspaper

Form 3

Shire of Greenough

APPLICATION FOR AN EXTRACTIVE INDUSTRY LICENCE

- 1 Name (Applicant)
- 2 Address.....
- 3 Telephone..... Facsimile No
- 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 the licence.....
 Date of expiration of that licence.....
 Conditions applicable to that licence.....
- 13 Term of licence sought.....
- 14 Submitted with this application are—*
 (a) Two (2) copies of excavation site plans
 (b) Two (2) copies of works and excavation programme
 (c) Two (2) copies of rehabilitation and decommissioning programme

- (d) Datum peg evidence
- (e) Licensed surveyor's certificate certifying the correctness of (a) and (b)
- (f) Evidence of compliance with clause 2.2(1) and (2)
- (g) Copies of all land use planning approvals
- (h) Written consent of the owner of the excavation site
- (i) Any other information that the local government has required
- (j) Licence application fee of \$

The applicant applies for a licence in respect of the proposed excavation site in accordance with and subject to the Shire of Greenough Local Law relating to Extractive Industries.

Dated this day of..... 200

.....
Signature of Applicant

.....
Signature of Owner of the land

.....
Signature of existing licensee
(if applicable)

* Strike out items not stipulated by the local government.

—————
Form 4
Shire of Greenough
EXTRACTIVE INDUSTRIES LICENCE

Licensee
Address

Land Description

Material(s) to be Excavated

Term of Licence

Date of Expiry

This licence is issued in accordance with the Local Law relating to Extractive Industries subject to the following conditions—

-
-
-
-

Dated this day of..... 200

.....
Chief Executive Officer

—————
Form 5
Shire of Greenough
TRANSFER ENDORSEMENT

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 this day of.....200

.....
Chief Executive Officer

Dated this 20th day of December 2000.

The Common Seal of the Shire of Greenough was affixed by authority of a Resolution of the Council in the Presence of—

M. C. CULLOTON, Shire President.
W. T. PERRY, Chief Executive Officer.

Schedule Of Fees
Shire of Greenough

FOR AN EXTRACTIVE INDUSTRY LICENCE

- 1. Licence and Renewal Fees—
 - 1.1 Where the overall area of Excavation is less than 5ha: \$150.00 pa payable annually during the currency of the licence.
 - 1.2 Where the overall area of excavation is greater than 5ha: \$300.00 pa payable annually during the currency of the licence.
- 2. Calculation of amount of guarantee (or other form of acceptable security)—
 - 2.1 Where it is proposed to excavate sand or similar fine grained material over an area of less than 5ha the rehabilitation bond shall be calculated at a rate of \$750.00 per ha or area of excavation to be excavated annually.
 - 2.2 Where it is proposed to excavate sand or similar fine grained material over an area of more than 5ha the rehabilitation bond shall be calculated at a rate of \$1500.00 per ha or area of excavation to be excavated annually.
 - 2.3 Where it is proposed to excavate stone, gravel or other aggregate over an are of less than 5 ha the rehabilitation bond shall be calculated at a rate \$1,000.00 per ha of area to be excavated annually.
 - 2.4 Where it is proposed to excavate stone, gravel or other aggregate—over an area of more than 5 ha the rehabilitation bond shall be calculated at a rate of \$2,000.00 per ha of area to be excavated annually.
- 3. Application Fee—\$200.00.

LOCAL GOVERNMENT ACT 1995

SHIRE OF GREENOUGH

LOCAL LAW RELATING TO DOGS

Under the powers conferred by the Dog Act 1976, and all other powers enabling it, the Council of the Shire of Greenough resolved on 26 July 2000 to make the following Local Law.

ARRANGEMENT

- Part 1—Preliminary
- Part 2—Impounding of Dogs
- Part 3—Requirements and Limitations on the Keeping of Dogs
- Part 4—Approved Kennel Establishments
- Part 5—Dogs in Public Places
- Part 6—Miscellaneous
- Part 7—Enforcement
- Schedules

PART 1—PRELIMINARY**Citation**

1.1 This Local Law may be cited as the Shire of Greenough's Local Law relating to Dogs.

Repeal

1.2 The Shire of Greenough By-Law relating to Dogs published in the *Government Gazette* on 24 December 1991, as amended, is repealed.

Interpretation

1.3 Words and expressions used in this Local Law, unless otherwise defined in this Local Law, have the same meaning as in the Act.

Definitions

1.4 In this Local Law, unless the context otherwise requires—

- “Act” means the Dog Act 1976;
- “Authorised Person” means a person authorised by the local government to perform all or any of the functions conferred on an authorised person under this Local Law;
- “Local Government” means the Shire of Greenough;
- “Council” means the Council of the Local Government;
- “pound” means a pound established or maintained or both, by the Council under Part 2 of this Local Law;
- “poundkeeper” means a person authorised by the Local Government to perform all or any of the functions conferred on a “poundkeeper” under this Local Law; and
- “Chief Executive Officer” means the Chief Executive Officer of the Local Government and includes an Acting Chief Executive Officer.

PART 2—IMPOUNDING OF DOGS**Establishment of Pounds**

2.1 The Council may establish or maintain, or both, one or more public pounds for the purpose of the Act including the impounding of dogs seized and detained under section 29 of the Act.

Fees and Charges

2.2 The fees and charges payable to the Local Government by the owner of a dog for the seizure and impounding of a dog, and other related matters, are set out in the Fourth Schedule.

Release of Impounded Dogs

2.3 Where—

- (a) a dog has been seized or impounded;

- (b) a person claims a dog;
- (c) that person produces to an authorised person satisfactory evidence of ownership, or authority to take delivery, of the dog; and
- (d) the relevant fees and charges have been paid;
- (e) the dog shall be released to the person making the claim.

Destruction of Dogs

2.4 (1) If the Council at the request of the owner destroys a dog, whether or not that dog has been seized or impounded, the owner shall pay the Local Government the fee set out in the Second Schedule.

(2) The fee payable under Subclause (1) is in addition to any other fees or charges that may be payable in respect of a dog.

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

Fencing

3.1 (1) The owner or occupier of the premises on which a dog is kept must—

- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog and in accordance with the provisions of the Shire of Greenough Fencing Local Law;
- (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing it from passing over, under or through it;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good working order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or yard or garden of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of a dog) for effectively confining the dog within the premises.

(2) In this clause, “fence” includes a wall.

(3) Where an occupier fails to comply with subclause (1), he or she commits an offence.

PENALTY: Where the dog is a dangerous dog, \$2000; otherwise \$1000.

Number of Dogs

3.2 (1) An owner or occupier of any premises within the Shire of Greenough shall not keep, permit or suffer to be kept on the premises more than 2 dogs over the age 3 months unless the premises are—

- (a) exempted under section 26(3) of the Act; or
- (b) established as a veterinary hospital or a veterinary clinic; or
- (c) a bona fide broadacre primary producing property; in which case no more than six (6) dogs, including working dogs shall be kept.

(2) Application for an exemption under Section 26(3) of the Act shall be made in the prescribed form shown as the Seventh Schedule and fee paid in accordance with the Second Schedule.

PART 4—APPROVED KENNEL ESTABLISHMENTS

Notice of Proposed Application

4.1 (1) An owner or occupier of premises who wishes to apply to have the premises licensed as an approved kennel establishment shall—

- (a) before making an application under clause 4.2—
 - (i) obtain Council planning approval under the Council’s Town Planning Scheme for the intended development or use of the premises;
 - (ii) obtain a building licence, under section 374 of the Local Government (miscellaneous provision) Act 1960 in respect of any building works, including any alterations or extensions, relating to the proposed kennel establishment; and
- (b) subject to subclause (2), at least 14 days but no more than 28 days before lodging the application under clause 4.2 with the local government—
 - (i) place an advertisement in a news paper circulating in the district; and
 - (ii) give written notice to the owners and occupiers of all adjoining land and premises, advising of his or her intention to make an application.

(2) The local government may exempt a person from the requirements of paragraph (b) of subclause (1).

Application

4.2 An application for the premises to be licensed as an approved kennel establishment shall be in the form set out in the Third Schedule and shall be forwarded to the Chief Executive Officer together with—

- (a) the fee set out in the Second Schedule;
- (b) two copies of a plan showing—
 - (i) the details and specifications of the proposed kennel or kennels and the adjoining yard or yards;
 - (ii) the distances from the proposed kennel or kennels and the adjoining yard or yards to the boundaries of the land on which they are located; and
 - (iii) all buildings and structures on that land; and
- (c) any other information that the Council considers to be necessary.

Determination of Application

4.3 (1) The local government may refuse to consider an application which does not comply with the requirements of clause 4.1 or 4.2.

(2) The local government may in respect of an application for a licence—

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

(3) Where the local government approves an application for a licence it shall, on payment of the licence fee set out in the Fourth Schedule—

- (a) issue a licence in the form of the Sixth Schedule; and
- (b) specify on the licence the date on which it is to expire.

Length of Licence

4.4 A licence is valid until 31 October next after the date on which it was issued unless—

- (a) an earlier date is specified on the licence;
- (b) in respect of a licence issued in the months of September or October, the licence is expressed to expire on 31 October in the following year; or
- (c) it is earlier cancelled under this Local law.

Variation of Licence Conditions

4.5 (1) The person to whom the licence is issued may apply in writing to the local government to vary or remove any of the terms or conditions of the licence.

(2) The local government may, in respect of an application made under this clause—

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

(3) Where the local government approves an application under this clause it shall advise the person to whom the licence is issued in writing of the variation and the terms and conditions applying in respect of the licence shall be varied accordingly.

Renewal of Licence

4.6 (1) An application for the renewal of a licence shall—

- (a) be in the form set out in the Fifth Schedule;
- (b) be accompanied by the licence then in force;
- (c) be accompanied by the fee set out in the Fourth Schedule;
- (d) include details of any changes to the premises or the operation of the premises since the approval of licence last issued by the local government;
- (e) include any information that the local government considers to be necessary; and
- (f) be served on the Chief Executive Officer at least 3 weeks before the date of expiry of the licence.

(2) The local government may refuse to consider an application for the renewal of a licence which does not comply with the requirements of subclause (1).

(3) The local government may in respect of an application for the renewal of a licence—

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

(4) Where the local government approves an application for the renewal of a licence it shall—

- (a) issue a fresh licence in the form of the Sixth Schedule; and
- (b) specify on the licence the date on which the licence is to expire.

Transfer of Licence

4.7 A licence issued under this Local law is not transferable.

Cancellation of Licence

4.8 (1) The local government may cancel a licence where the owner or occupier of the approved kennel establishment or a person liable for the control of a dog kept on the approved kennel establishment—

- (a) has been convicted during the preceding 5 years of an offence against—
 - (i) this Local law;
 - (ii) the Act;
 - (iii) the Health Act 1911; or
 - (iv) any other written law relating to the keeping or control of a dog;
- (b) has attempted to transfer or assign the licence; or
- (c) has breached a condition of the licence.

(2) Where the local government cancels a licence under subclause (1)—

- (a) the local government must advise the person to whom the licence was issued in writing of the cancellation;
- (b) the cancellation takes effect on and from the date on which that person is served with the cancellation notice;
- (c) that person shall forthwith return the licence certificate to the Chief Executive Officer; and
- (d) the local government shall not be required to refund any part of the fee paid in respect of the cancelled licence.

Kennel Requirements

4.8 Each kennel is to have—

- (a) walls constructed internally and externally of concrete, brick, stone, timber, fibro cement sheeting or any other material approved by the local government;
- (b) a roof constructed of an impervious material;
- (c) an internal height of at least 2 metres from the floor; and
- (d) a floor area—
 - (i) of not less than 1 square metre for each dog over 3 months kept in the kennel; and
 - (ii) the upper surface of which is to be at least 10cm above the surface of the surrounding ground and is to be constructed of granolithic cement finished to a surface having a fall of not less than 1 in 100 to a drain—
 - (A) which shall be properly laid, ventilated and trapped in accordance with the health requirements of the local government; and
 - (B) through which all floor washings are to pass and to be disposed of in accordance with the health requirements of the local government.

Kennel and Yard Requirements

4.10 (1) Each kennel is to have an adjacent yard.

(2) The area of the yard of a kennel (or group of kennels) is to be at least twice the area of that kennel (or group of kennels).

(3) Each yard is to be securely fenced and kept securely fenced—

- (a) in a manner capable of confining to that yard the dog or dogs kept in the yard; and
- (b) in accordance with Council's Fencing Local law.

(4) A fence, and every part of a fence, used to confine a dog under subclause (4) is to be of a type, height and construction which having regard to the species, age, size and physical condition of the dog prevents it from passing over, under or through the fence.

(5) No part of a kennel or yard is to be closer than—

- (a) 30 metres from any boundary of the land which is the subject of the licence; and
- (b) 15 metres from any dwelling, church, school room, hall, factory, dairy or other premises where food is manufactured, prepared, packed or stored for human consumption.

(6) A gate to the yard of a kennel is to be provided and fitted with proper and working catches or other means of secure fastening.

(7) Each approved kennel establishment is to be provided with reticulated water in the form of a supportive stand pipe and hose sufficient for the hosing down of each part of the kennels and yards.

Kennel and Yard Maintenance Requirements

4.11 (1) All painted external surfaces of a kennel area to be kept in good condition and well painted.

(2) Each kennel and yard and each feeding and drinking vessel is to be—

- (a) maintained in a clean, disinfected and sanitary condition; and
- (b) cleansed and disinfected when so ordered by an officer of the local government.

Occupier's Obligations

4.12 (1) The occupier of premises licensed as an approved kennel establishment—

- (a) shall ensure that each kennel and yard complies at all times with the requirements of clauses 4.9, 4.10 and 4.11;

- (b) shall not keep, permit or suffer to be kept on the premises any dog unless a person in charge of the dog either resides on the premises or within reasonably close proximity so as to enable the person to have effective control over the dog;
- (c) shall maintain the establishment in a clean, sanitary and tidy condition;
- (d) shall dispose of all refuse, excreta and food waste daily in a manner approved by the local government; and
- (e) shall take all practical measures for the destruction of fleas, flies and other vermin.

PART 5—DOGS IN PUBLIC PLACES

Places where dogs are prohibited absolutely

5.1 (1) Subject to subclause (2), a person liable for the control of a dog shall prevent that dog entering or being in any of the following places—

- (a) a public building;
- (b) a shop, shopping centre or shopping arcade;
- (c) a house of worship;
- (d) a public beach not listed in the First Schedule.

(2) Subclause (1) does not apply to a person liable for the control of a dog where that dog is—

- (a) a guide dog and is accompanied by—
 - (i) a blind or partially blind person; or
 - (ii) a person engaged in the training of guide dogs; or a hearing dog and is accompanied by—
- (b) (i) a hearing impaired person; or
- (iii) a person engaged in the training of hearing dogs.

(3) If a dog enters or is in a place specified in the Section 5.1 (a)(b)(c) & (d) Schedule, every person liable for the control of the dog commits an offence.

Penalty—Where the dog is a dangerous dog, \$2000; otherwise \$1000.

Dog Exercise Areas

5.2 The following sites are designated as dog exercise areas within the Shire of Greenough—

Public beaches and parks and reserves which are listed in the First Schedule

PART 6—ENFORCEMENT

Offences

6.1 A person who contravenes or fails to comply with any provision of this Local Law commits an offence and shall upon conviction be liable to a penalty not exceeding \$2000.

Fees Separate from Penalties

7.2 The payment of any fees in respect of the seizure, care, detention or destruction of a dog shall not relieve a person of liability to any penalty under any provision of the Act or this Local Law.

Modified Penalties

6.3 (1) The offences listed in the Sixth Schedule are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of the Sixth Schedule directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the dog is not a dangerous dog; or
- (b) the dog is a dangerous dog but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of the Sixth Schedule directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

(4) Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Dog Act Regulations 1976.

(5) An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to his or her address as ascertained from him or her, or as recorded by the Local Government under the Act, or as ascertained from inquiries made by the Local Government.

(6) A person who has received an infringement notice may, within the time specified in that notice, or within such further time as may in any particular case be allowed by the Chief Executive Officer, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

(7) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form set out in Form 8 of the First Schedule of the Dog Act Regulations 1976.

(8) A person authorised to issue an infringement notice under subclause (4) cannot sign a notice of withdrawal.

First Schedule

Shire of Greenough

DOG EXERCISE AREAS

The following sites are designated as dog exercise within the Shire of Greenough.

1. Alexander Park Reserve—No 37023
2. Walkaway Recreation Ground—Walkaway lot 23
3. Moonyoonooka Recreation ground—Reserve No 9021
4. Woorree Park—Reserve No 35816
5. Greenough Oval Lot 47 Victoria Location 1734
6. Norm Brand Park Reserve No 33326
7. Karloo Park Reserve No 35251
8. Webber Park Reserve No 22183
9. Yarraman Park Reserve No36082
- 10 Beach area from Buchanan Place south to and including the Greenough River Mouth beach area.
- 11 Drummond Cove from Seacrest Way carpark south to the City of Geraldton boundary.

Second Schedule

Shire of Greenough

FEES AND CHARGES

Seizure or impounding of a dog	\$ 40.00
Sustenance and maintenance of a dog—per day or part of a day	\$ 10.00
Destruction of a dog	\$ 80.00
Disposal of a dog	\$ 10.00
Release of a dog outside pound opening times.....	\$50.00
Application to licence premises as an approved kennel establishment.....	\$100.00
Approved kennel establishment licence	\$50.00
Renewal of approved kennel establishment licence	\$50.00
Application to keep more than the prescribed number of dogs.....	\$ 50.00

Third Schedule

Shire of Greenough

APPLICATION FOR PREMISES TO BE LICENSED AS AN APPROVED KENNEL ESTABLISHMENT

To the Chief Executive Officer
Shire of Greenough

I, (Full Name)
of, (Residential Address)
.....
..... (Postal Address)
..... (Occupation)
..... (Telephone Number)

apply to have the premises at.....
.....
licensed as an approved kennel establishment.

Details of Proposed Kennel Establishment

1. Name and address of owner of premises
.....
2. Purpose for which kennel is to be used.
.....
3. Proposed number of kennels.
.....
4. Proposed number of dogs.
.....

5. Breed of Dogs

.....

6. Name and address of person proposed to be in charge of dogs.

.....

Attached are—

1. two copies of a plan showing—

(a) the details and specifications of the proposed kennel or kennels and the adjoining yard or yards;

(b) the distances from the proposed kennel or kennels and the adjoining yard or yards to the boundaries of the land on which they are located; and

(c) all buildings and structures on that land;

2. any other information that the Council considers to be necessary; and

3. the prescribed fee of \$

Dated this day of..... 200

.....
(Signature of Applicant)



Fourth Schedule
Shire of Greenough

APPROVED KENNEL ESTABLISHMENT LICENCE

To..... (name)

Of..... (address)

The premises located at.....

.....
are licensed as an approved kennel establishment subject to the requirements of the Shire of Greenough Dog Local Law and the Dog Act 1976 and to the following conditions—

1. Purpose for which kennel is to be used

.....
.....
.....
.....

The licence expires on.....

Issued on day of..... 200

.....
(Signature of Applicant)



Fifth Schedule
Shire of Greenough

APPLICATION FOR RENEWAL OF APPROVED KENNEL ESTABLISHMENT LICENCE

To The Chief Executive Officer
Shire of Greenough

I,.....(Full Name)

Of..... (Residential Address)

.....(Postal Address)

.....(Occupation)

.....(Telephone Number)

apply for renewal of the approved kennel establishment licence for premises

at..... (Address)

Details of Changes

Listed below are the changes to the premises or the operation of the premises since the last application for an approved kennel establishment licence was lodged with the Council—

.....
.....
.....
.....

Dated this day of.....200

.....
(Signature of Applicant)

Sixth Schedule
Shire of Greenough
MODIFIED PENALTIES

Clause	Nature of Offence	Modified Penalty \$	Modified Penalty \$ Dangerous Dog
3.1	Failure to keep premises fenced as required	\$100.00	\$200.00
4.11	Failure to maintain a kennel Establishments in a clean, Sanitary and tidy condition	\$100.00	
5.1.(3)	Failure to prevent a dog entering a prohibited place	\$100.00	\$200.00

Seventh Schedule
Shire of Greenough
DOG ACT 1976
Section 26 Exemption
APPLICATION

I,.....
Of
..... POSTCODE
PHONE NO

Hereby make application for an exemption to be granted by the Council of the Shire of Greenough as provided in Section 26 of the Dog Act 1976 (as amended), in order to permit me to keep the dogs referred to herein at the premises described in the application.

Description of premises (please attach sketch to scale).

.....
.....
.....

ROAD/STREET NAME:.....

SIZE OF LOT:

BUILDINGS ON LOT:.....

HOW LONG HAVE YOU RESIDED AT THE ABOVE PREMISES:

ARE YOU THE OWNER OF THE PREMISES:.....

If you are not the owner of the premises described herein, please attach written approval of the owner or authorised agent of the said premises, to keep thereon the canines the subject of this application.

TOTAL NUMBER OF DOGS TO BE KEPT:.....

BREED/DESCRIPTION OF DOGS (only dogs listed are subject to the exemption)

.....
.....
.....
.....

Application Fee : \$50.00

.....
(Signature of Applicant)

