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SHIRE OF WAROONA

LOCAL GOVERNMENT ACT 1995

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

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SHIRE OF WAROONA

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 Waroona resolved on the 26th day of June 2001, to make the following local law.

The Shire of Kojonup Activities On Thoroughfares And Trading In Thoroughfares and Public Places Local Law as published in the *Government Gazette* of 16 May 2000, is adopted as a local law of the Shire of Waroona with the modifications which follow.

1. Preliminary

Wherever the "Shire of Kojonup" is mentioned in the local law, substitute "Shire of Waroona".

2. Clause 1.2—Definitions

Delete the definition of "townsite" and substitute—

"**townsite**" means the townsites of Waroona, Hamel and Preston Beach 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;".

3. Clause 1.4—Repeal

After clause 1.3, delete "**Repeal**" and subclause (1) under that heading and substitute—

"1.4 Repeal

- (1) The following local laws are repealed—

Relating to—

Removal and Disposal of Obstructing Animals or Vehicles, published in the *Government Gazette* of 25 September 1970; and

Hawkers, Stallholders, Trading in Public Places, published in the *Government Gazette* of 18 March 1994."

4. Clause 6.5—Relevant considerations in determining application for permit

In subclause (2)—

- (a) after ";", in subparagraph (iii) of paragraph (c) delete "or";
- (b) renumber paragraph (d) to paragraph (e);
- (c) insert a new paragraph (d) as follows—

"(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".

5. Clause 6.8—Conduct of stallholders and traders

In subclause (2)—

- (a) renumber paragraphs (a) to (d) inclusive to (b) to (e) respectively;
- (b) insert a new paragraph (a) as follows—

"(a) attempt to conduct a business within a distance of 300m 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 stallholder or trader;".

6. Part 6—Division 2 deleted

Delete the whole of Part 6, Division 2, "Street Entertainers".

7. Schedule 1

7.1 Under the column headed "Clause", after the clause designation 2.2 wherever it occurs, insert the subclause designation "(1)" before each paragraph designation.

7.2 Delete prescribed offences in respect of deleted clauses 6.10, 6.11(2) and 6.14.

8. Forms

Delete Forms 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.

Dated this 26th day of June 2001.

The Common Seal of the Shire of Waroona was affixed in the presence of—

K. REP, Shire President.
K. T. O'CONNOR, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF WAROONA

REPEAL LOCAL LAW 2001

Under the powers conferred by the Local Government Act 1995 and by all other powers, the local government of the Shire of Waroona resolved to make the following local laws on the 26th day of June 2001.

Repeal

The following local laws are repealed—

By-laws relating to—

Deposit of Refuse and Litter, published in the *Government Gazette* of 7 December 1967;

Signs, Hoardings and Bill Posting, published in the *Government Gazette* of 24 May 1974;

Motels, published in the *Government Gazette* of 24 May 1974;

Removal of Refuse, Rubbish and Disused Material, published in the *Government Gazette* of 3 July 1981;

Holiday Accommodation, published in the *Government Gazette* of 18 July 1986.

Dated this 26th day of June 2001.

The Common Seal of the Shire of Waroona was affixed in the presence of—

K. REP, Shire President.

K. T. O'CONNOR, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF WAROONA

LOCAL LAW—STANDING ORDERS

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Shire of Waroona resolved to make the following local law on the 26th day of June 2001.

The Local Law—Standing Orders made by the Shire of Waroona and published in the *Government Gazette* on 18 December 1997, is hereby amended in the following manner.

1. Clause 2.7—Ordinary Meeting—Order of Business

Delete paragraphs (a) to (n) and substitute—

- “(a) Declaration of Opening/Announcements;
- (b) Record of Attendance/Apologies/Leave of Absence previously approved;
- (c) Response to previous questions taken on notice;
- (d) Public question time;
- (e) Disclosure of members and officers interests;
- (f) Application for Leave of Absence;
- (g) Announcements by Chairperson or Chief Executive Officer without discussion;
- (h) Petition and Deputation;
- (i) Confirmation of Minutes of previous meetings;
- (j) Reports of Officers;
- (k) Elected members’ motions of which previous notice has been given;
- (l) Notices of motion for consideration at next meeting;
- (m) Reports and information items as circulated;
- (n) New business of an urgent nature introduced by decision of meeting;
- (o) Closure of meeting.”.

2. Clause 4.2—Minutes of Committee Meetings

Delete the first sentence of subclause (3) and substitute—

“Recommendations of committees shall be presented to the Council within a report of the appropriate officer and a committee’s recommendations may be moved by a member of that committee.”.

3. Clause 5.3—Public Question Time

Delete the second sentence of subclause (1) and substitute—

- “(2) If the answer to a question cannot be given at the meeting at which it was asked, the CEO or Officer shall cause an answer or response to be included in the agenda of the next meeting of the council or committee as the case requires.”.

4. Part 16.0—THAT THE MEETING PROCEED BEHIND CLOSED DOORS

4.1 In the above heading delete “**PROCEED BEHIND CLOSED DOORS**” and substitute—

“**BE CLOSED TO MEMBERS OF THE PUBLIC**”.

4.2 In clause 16.1, in the heading delete “**Proceed Behind Closed Doors**” and substitute “**Be Closed To Members Of The Public**”, and within the text of the clause delete “proceed behind closed doors “ and substitute “close the meeting to members of the public”.

4.3 In clause 16.3—

- (a) in the heading, delete “Behind Closed Doors” and substitute - “When Members of the Public are Excluded”; and
- (b) insert a new subclause as follows—
 - “(6) All decisions taken while the meeting is closed to members of the public shall be recorded and read aloud as soon as the meeting is reopened to the public.”.

LOCAL GOVERNMENT ACT 1995

SHIRE OF WAROONA

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 Waroona resolved on 26th day of June 2001 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 Waroona with the modifications which follow:

1. Preliminary

Wherever the "Shire of Moora" is mentioned in the local law substitute "Shire of Waroona".

2. Clause 1.2—Definitions

2.1 In the appropriate alphabetical position insert—

“boat” means any ship, 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—

- (a) Local Laws Relating to Halls, published in the *Government Gazette* of 4 September 1981; and
- (b) Local Laws Relating to Reserves and Foreshores, published in the *Government Gazette* of 15 April 1994.

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 3.13—Activities needing a permit

In subclause (1) paragraph (g)(ii) delete "stand" and substitute "stop".

7. Part 5—New division inserted

In Part 5, after Division 3, insert the following—

*“Division 4—Preston Beach***No fishing within Preston Beach Designated Recreation Area**

5.4 (1) Within the Preston Beach "Designated Recreation Area", a person shall not, during the period extending from November 1 to April 30 of each year, carry out any activities associated with fishing.

- (2) In subclause (1), "Designated Recreation area" means that portion of foreshore as delineated on Schedule 3 of this local law and described as that portion of the foreshore which lies between the low water mark and the high water mark of the Indian Ocean and running in a northerly direction for 200 metres from the prolongation of the northern boundary of the pedestrian access way onto the beach front via Reserve No 32010.”.

8. Schedule 1—Prescribed Offences

In Schedule 1, under the headings “Clause”, “Description”, “Modified Penalty \$”, insert in the appropriate numerical position—

“5.4(1) Carrying out activities associated with fishing in prohibited area. 100”.

9. Schedule 2—Determinations

In Schedule 2, after Part 1, insert the following—

“PART 2—DRIVING VEHICLES ON LOCAL GOVERNMENT PROPERTY**Speed of Vehicles on Reserves and Foreshore**

2.1 A person shall not drive a vehicle or allow a vehicle to be driven upon a reserve or foreshore which is local government property at a speed exceeding 20 kilometres an hour, or in such a manner as to cause danger, inconvenience or annoyance to any person.

PART 3—ACTIVITIES PROHIBITED ON LOCAL GOVERNMENT PROPERTY

3.1 A person is prohibited from pursuing all or any of the following activities on local government property except on land which is reserved to the local government for the purpose, or which is set aside under clause 2.7(1) for the purpose—

(a) play or practice at golf, archery, pistol shooting or rifle shooting.

3.2 A person shall not smoke tobacco or any other substance on premises which are local government property.”.

Dated this 26th day of June 2001.

The Common Seal of the Shire of Waroona was affixed in the presence of—

K. REP, Shire President.

K. T. O'CONNOR, Chief Executive Officer.

DOG ACT 1976

SHIRE OF WAROONA

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 Waroona resolved on 26 June 2001 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 Waroona, with the modifications which follow.

1. Preliminary

Wherever the "Shire of Moora" is mentioned in the local law substitute "Shire of Waroona".

2. Clause 1.2—Repeal

Delete clause 1.2 and substitute—

"The Local Laws Relating to Dogs published in the *Government Gazette* of 11 August 1989, are repealed."

3. Clause 3.2—Limitation on the number of dogs

In clause 3.2 (2)—

- (a) in paragraph (a) delete "if the premises are situated within a townsite" and substitute "unless the premises are situated in a rural or special rural zone under the town planning scheme"; and
- (b) in paragraph (b) delete "outside a townsite" and substitute "within a rural or special rural zone under the town planning scheme".

4. Clause 5.1—Places where dogs are prohibited absolutely

In clause 5.1 (1)—

- (a) delete paragraph (a) and substitute—
"(a) a public building, unless permitted by a sign;" and
- (b) delete paragraph (c) and substitute—
"(c) that area defined as portion of Murray Location 26, in a lease agreement between the Minister for Works and the Shire of Waroona and known as the Waroona Lions Club Community Park and Swimming Areas."

5. Clause 5.2—Places which are dog exercise areas

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

"Waroona Townsite—

1. Reserve No 8746 Lot 316
2. Murray Loc 386—Waroona Lot 348 being Lot 6 (Kings Park)
3. Reserve No 37233 Loc 1733 Part of Lot 91

Hamel Townsite—

1. Reserve No 27714

Preston Beach Townsite—

1. Reserve No 33349.

Dated this 26th day of June 2001.

The Common Seal of the Shire of Waroona was affixed in the presence of—

K. REP, Shire President.
K. T. O'CONNOR, Chief Executive Officer.

CEMETERIES ACT 1986

SHIRE OF WAROONA

**LOCAL LAWS RELATING TO THE DRAKESBROOK
PUBLIC CEMETERY**

Under the powers conferred by the Cemeteries Act 1986, the Shire of Waroona resolved on the 26th day of June 2001 to adopt the Model Local Law (Cemeteries) 1998 published in *the Government Gazette* on 12 May 1998 in relation to the Drakesbrook Public Cemetery, with such modifications as are here set out.

Clause 1.1

After "the" insert "Shire of Waroona Cemeteries Local Law 2001".

Clause 1.3

Insert after "The following Local Laws are repealed: - " - " The Local Laws for the Management of the Drakesbrook Public Cemetery published in the *Government Gazette* of 9 April 1959, as amended."

Clause 3.2

Delete clause 3.2.

Clause 3.4 (1)

Delete " or crematorium within the cemetery"

Clause 4.2

Delete " ,or crematorium"

Clause 4.3

Delete " or crematorium,"

Clause 5.1, para (a)

Delete " or cremation"

Clause 5.2

Delete "or cremation" and "or clause 3.2"

Clause 5.6, para (d)

Delete paragraph (d).

Part 5, Division 2

Delete the whole of this Division.

Clause 5.12

In subclause (1), delete—

"Memorial Wall
Garden of Remembrance
Ground Niche
Memorial Rose. Tree or Shrub
Family Shrub
Memorial Desk
Granite Seat
Book of Remembrance
Memorial Gardens"

Clause 5.13

Delete clause 5.13.

Clause 5.14

Delete clause 5.14.

Clause 7.12

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”

Part 7, Division 2

Delete the whole of this division.

Part 7, Division 3

Delete the whole of this division.

Dated this 26th day of June 2001.

The Common Seal of the Shire of Waroona was affixed in the presence of—

K. REP, Shire President.

K. T. O'CONNOR, Chief Executive Officer.

BUSH FIRES ACT 1954

SHIRE OF WAROONA

BUSH FIRE BRIGADES LOCAL LAW

Under the powers conferred by the Bush Fires Act 1954 and under all other powers enabling it, the Council of the Shire of Waroona resolved on 26 June 2001 to make the following local law.

The Bush Fire Brigades Local Law of the Shire of Bridgetown—Greenbushes published in the *Government Gazette* of 20 October 2000, is adopted as a local law of the Shire of Waroona with the modifications which follow.

1. Preliminary

1.1. Wherever the “Shire of Bridgetown—Greenbushes” is mentioned in the local law substitute “Shire of Waroona”.

1.2. In clause 1.2 delete the definition of “Bush Fire Management Committee”.

1.3. Wherever “Bush Fire Management Committee” or “Management Committee” are mentioned in the local law substitute “Bush Fire Advisory Committee” and “Advisory Committee” respectively.

2. Clause 1.3—Repeal

Delete clause 1.3 and substitute—

“ The Local Laws of the Shire of Waroona relating to the Establishment, Maintenance and Equipment of Bush Fire Brigades, published in the *Government Gazette* of 25 March 1960, are repealed.”.

3. First Schedule—Rules Governing The Operation of Bush Fire Brigades.

3.1 Clause 2.4—Applications for membership

Delete “of that in Appendix 1” and substitute “determined by the local government from time to time.”.

3.2 Clause 2.9—Existing liabilities to continue

In subclause (1) delete “2.6” and substitute “2.7”

3.3 Delete Appendixes I & II.

Dated this 26th day of June 2001.

The Common Seal of the Shire of Waroona was affixed in the presence of—

K. REP, Shire President.

K. T. O'CONNOR, Chief Executive Officer.

