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LOCAL GOVERNMENT ACT 1995

SHIRE OF GREENOUGH

**RESERVES, RIVERS AND FORESHORES
LOCAL LAW**

LOCAL GOVERNMENT ACT 1995

SHIRE OF GREENOUGH

RESERVES, RIVERS AND FORESHORES LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and all powers enabling it, the Council of the Shire of Greenough resolved on the 31 October 2001, to make the following Local Law.

DIVISION 1—PRELIMINARY**1 Repeal**

The By-Laws Relating to Reserves, Rivers and Foreshores, published in the *Government Gazette* 26 October 1990 and incorporating the amendment published on the 9 July 1993, are repealed.

2 Definitions

In this Local Law, unless the context otherwise requires, the following terms shall have the meanings defined below—

“**Act**” means the Local Government Act 1995, as amended from time to time;

“**Active Reserve**” means any oval or reserve for which a booking for use can be taken. Active reserves for the purpose of this local law are defined in the second schedule;

“**Authorised Person**” means a person authorised by the Shire of Greenough under section 9.10 of the Act;

“**Council**” means the Council of the Municipality of the Shire of Greenough;

“**Chief Executive Officer**” shall mean the Chief Executive Officer of the Shire of Greenough;

“**Foreshore and Beach**” means—

- (a) All rivers, water courses, tidal and non tidal waters in or outside but adjoining the District;
- (b) Means all the land in the Shire of Greenough which lies between the low water mark and the high water mark of the Indian Ocean;
- (c) All public places and public reserves adjoining the places mentioned in paragraphs (a) and (b) of this local law and which are under the care, control and management of the Council;

“**Owner**” in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act 1974 and the Control of Vehicles (Off-Road Areas) Act 1979 in respect of that vehicle, or if the vehicle is not licensed under these Acts, the person who owns the vehicle or is entitled to its possession;

“**Reserve**” means parklands, squares, reserves, street reserves and other lands, included in the Shire of Greenough and set apart for the use and enjoyment of the inhabitants of the Shire and which are vested in or under care, control or management of the Shire of Greenough;

“**Vehicle**” means a vehicle that is propelled by an engine or other mechanical source of power and which has the same meaning as that given to the word in the Road Traffic Act, as amended from time to time, and the Control of Vehicles (Off- Road Areas) Act, as amended from time to time, and includes skateboard, sand board, trail bikes, beach buggies and other recreational vehicles licensed or unlicensed, but does not include wheelchairs whether motorised or not;

“**Nuisance**” means—

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

“**Public Place**” includes every place to which the public ordinarily has access, whether by payment of fee or not;

“**Sand Dune System**” means sand dunes and all areas between sand dunes;

3 Application

Unless the contrary is expressly provided, these Local Laws shall apply—

- (a) to all the land in the Shire of Greenough which lies between the low water mark and the high water mark of the Indian Ocean;
- (b) to the area comprising the reserves to the extent the reserves are within the Municipality;
- (c) to all land or any building vested in or under the care, control, or management of the Shire of Greenough whether or not such land or building is located within the reserves.

DIVISION 2

4 Environmental Protection

Subject to the provisions of the Fish Resources Management Act 1994 and the Wildlife Conservation Act 1950, as amended, for the purpose of protecting and conserving the beach reserve environment, it is prohibited to—

- (a) destroy, damage, injure, cause harm to, catch, snare or take any animal or marine life ordinarily found within the defined area, provided that this clause has no application to recreational line fishing which is not otherwise prohibited under or by these local laws;
- (b) climb over, under, or through any fence or gate designed or installed for the purpose of prohibiting or restricting the entry of persons or vehicles;
- (c) enter any place that has been fenced off or otherwise closed to the public;
- (d) use any board or other object to traverse or slide down the sand dune system except on locations which are designated for such use by Council;
- (e) climb, injure, cut, break, pull up, pick, or remove or destroy any tree, shrub, flower, grass or plant of any kind or description without the written consent of the Council;
- (f) plant any tree, shrub, flower, grass or plant of any description or sow or collect any seeds without the written consent of the Council;
- (g) erect any tent, camp, hut or other structure other than a beach umbrella or other portable item used for the purpose of protection from the elements without the written consent of the Council;
- (h) cause or allow to be ridden or driven any bicycle or other vehicle motorised or not except upon a carriageway, thoroughfare, path or footpath designated for use by such vehicle except by an authorised person;
- (i) traverse the sand dune system except on designated access ways, unless given permission by an authorised person;
- (j) cut, collect, or remove any timber, firewood, stone, sand, seaweed or other material without the written consent from the Council.

5 Quiet Amenity

In order to protect the quiet and amenity of the defined area, no person shall—

- (a) play sport or games in such a way as to cause inconvenience or annoyance to other persons except in areas which council may designate from time to time;
- (b) create, commit or take part in any nuisance or disturbance, behave in a disorderly or offensive manner, or use indecent language or commit any act of indecency;
- (c) loiter inside or outside any toilet, change room or building or portion of a building;
- (d) being in the opinion of an authorised person, under the influence of alcohol or drugs, enter or remain in or fail to depart from any place upon being ordered to do so by an authorised person;
- (e) throw or release any stone, arrow or other object used as a missile, which is likely to cause danger, disturbance or annoyance to another person;
- (f) carry or discharge any firearm, airgun, or other missile discharging device, or throw or discharge any explosive device, firework, spear or missile, except in the course of a function or activities approved in writing by Council;
- (g) take any prohibited drug onto, or consume or use any prohibited drug on a Reserve;
- (h) operate any musical instrument, radio, record, cassette or compact disk player, radiogram, television, amplifying equipment or other sound producing, enhancing or amplifying electronic device at such volume as in the opinion of an authorised person, is likely to cause a nuisance or annoyance to other persons in or near the locality except in the course of a function or activities approved in writing by Council;
- (i) fly any mechanical operated model aeroplane or like device except in locations which have been designated for such use from time to time;
- (j) hire, or offer for hire, any vehicle, bicycle, watercraft, kite or other item of equipment, or amusement except with the written permission of Council;
- (k) sell or offer for sale any goods of any description other than from facilities approved in writing by Council.

6 Safety

In order to preserve and provide for safety within the designated areas, the following prohibitions apply—

- 6.1 (a) a person, other than an authorised person, shall not drive or ride or bring any vehicle (licensed or unlicensed) including off road vehicles (other than a wheelchair or other devices designed to assist the movement of people with disabilities), without the consent of Council, onto a reserve or foreshore or beach or permit any person to drive or ride any vehicle onto a reserve, foreshore or beach other than on those areas set aside as thoroughfares, driveways or vehicle parking areas;
- (b) an Authorised Person may seize and impound for a period not exceeding two (2) months any skateboard, sand board or any device used contrary to the provisions of these local laws;
- (c) if any such skateboard, sand board, or device shall have been impounded and not have been claimed by the owner thereof it may be sold or disposed of in such manner as the Council shall direct;
- (d) a person, other than an authorised person, shall not without the consent of Council on a reserve, foreshore or beach, where such vehicles are allowed, drive or ride or permit any person to drive or ride, any vehicle at a speed exceeding 25 kilometres per hour.
- 6.2 A person, other than an authorised person, shall not park or stand any vehicle on a reserve, foreshore or beach except on areas set aside as parking areas.
- 6.3 (a) council may in special circumstances grant permission to allow a motorised vehicle to enter upon a public reserve for a specific reason and council may apply such conditions as it thinks fit to such permission;
- (b) a person shall not park, drive or stand any vehicle in breach of any such conditions.
- 6.4 For the safety of persons in respect of bathing and other recreational conduct, an authorised person may set aside specific areas where all or any of the following things are prohibited—
- (a) entry by persons;
- (b) bathing;
- (c) the use of any bathing appliances or any particular kind of bathing appliance;
- (d) the entry and use of vehicles;
- (e) the launching of boats and other watercraft;
- (f) the playing of games;
- (g) the selling or displaying for sale or hiring of goods and merchandise; and
- (h) fishing.
- 6.5 The Council may set aside such specified areas for the purpose of clauses 6.3 or 6.4 of these local laws for a particular period or until further notice by causing notices to that effect to be placed in the vicinity of the locality.
- 6.6 An authorised person may set aside specific areas in which bathing is prohibited by the placement of notices, flags or such indicators as are from time to time provided or required by the Council.

7 Animals

- (a) in this local law reference to an “animal” does not include a dog;
- (b) a person shall not ride, drive or bring an animal onto any reserve, foreshore or beach or any part thereof that has not been set aside for that purpose pursuant to sub local law 7(b) of this local law;
- (c) the council may set aside a reserve, foreshore or beach or portion of a reserve, foreshore or beach as an area upon which a person may ride or drive an animal, or onto which a person may bring an animal;
- (d) a person shall not ride, drive, exercise, train or race any animal on any part of the defined area in a manner which, in the opinion of an authorised person, creates or may become a nuisance;
- (e) an authorised person may order any person in charge of any animal to remove such animal from a beach, foreshore or reserve if such animal’s presence causes inconvenience or danger to the public.

8 Functions, Organised Sport, Camping and Other Activities

In order to manage functions, organised sport, camping and other activities in the Defined Area, written permission from Council is required prior to holding any function, organised sporting or camping activity.

DIVISION 3**9 Permission**

9.1 Every application for the permission in these local laws shall specify the—

- (a) name address and contact details of the applicant seeking permission to undertake an activity or activities;

- (b) location at, on or from which the applicant proposes to conduct the activities;
- (c) details of the activities the applicant proposes to conduct;
- (d) day or days on which, and the times during which, the applicant proposes to conduct the activities.

9.2 The council may at its discretion grant permission or refuse to grant permission under this clause or may grant permission subject to conditions as it thinks fit.

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

9.4 Fees applicable to the holding of any function or activity may be set from time to time by resolution of Council.

Conduct Generally

10 On a reserve, foreshore or beach a person shall not—

- (a) wilfully obstruct, disturb, interrupt or annoy any person in the proper use thereof or obstruct in the execution of his/her duty or insult or neglect to obey the lawful directions of any caretaker, authorised person or other employee of the Council;
- (b) unless authorised by the Council, bring, carry or take into or have in his possession or under his control nor consume on any reserve, foreshore or beach, any fermented or spirituous liquors;
- (c) commit or cause a nuisance;
- (d) be in a state of intoxication;
- (e) unless he is an authorised person, or Council employee acting in the course of his duty, climb on or over any building or structure, including a fence or gate;
- (f) alter, mutilate, deface or damage any building or structure;
- (g) break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, paper, broken glass, china or litter of any kind except in receptacles provided for that purpose;
- (h) destroy, damage or interfere with any tree, tree guard, shrub, flower, plant, fence, building, seat, water pipe, hose, hose fitting, soil, grass, surface or other property owned or vested in the Council;
- (i) interfere with, move or damage any flag or notice unless authorised to do so;
- (j) place any clothing, towel or any object, matter or thing on any notice, life saving gear or appliance;
- (k) shoot, snare, injure or destroy any bird or animal.

11 On a reserve, foreshore or beach, a person shall not without the consent of the Council—

- (a) play or practice golf or strike a golf ball except on an area set aside for that purpose;
- (b) stamp, pencil, affix, construct or erect or cause to be stamped, stencilled, affixed, constructed or erected any signboard, hoarding placard, hand bill, notice, advertisement or document whatsoever;
- (c) light a fire other than in a fireplace provided for that purpose;
- (d) camp, lodge or tarry overnight, or frequent for the purpose of camping, lodging or tarrying overnight;
- (e) erect a tent or any other temporary cover for the purpose of entertainment or for the display of any merchandise;
- (f) bet or offer to bet publicly or conduct or take part in any gambling game or contest;
- (g) engage in any public speaking or conduct any meeting or entertainment;
- (h) operate any broadcasting or public address system or apparatus other than those employed by a club or a sporting club in the performance of its functions as such;
- (i) advertise by any means anything whatsoever or display or distribute any notice, pamphlet or document;
- (j) cut, collect or remove any stone, sand, vegetation or other materials;
- (k) climb any tree.

12 Active Reserves

(1) A person or group of persons shall not without the permission of Council use an active reserve for the purpose of competition, exhibition, display, training of any kind or purpose, fairs, circuses, concerts or any other thing or function without first obtaining Council approval and paying the appropriate fee as may be set by Council from time to time

13 Model Aeroplanes

(1) The Council may set aside a reserve, foreshore or beach or portion of a reserve, foreshore or beach as an area on which persons may fly mechanical operated model aeroplanes and the Council may define or limit the hours and days during which such model aeroplanes may be flown.

(2) A person shall not fly a mechanical operated aeroplane on a reserve, foreshore or a beach, or portion of a reserve, foreshore or beach that has not been set aside pursuant to sub local law (1) of this clause or at a time or on a day defined or limited by the Council under sub local law (1) of this clause.

14 Playgrounds

(1) The Council may set aside a reserve, foreshore or beach or portion of a reserve, foreshore or beach as a children’s playground.

(2) The Council may limit the ages of persons who are permitted to use a playground set aside under sub local law (1) of this clause and may erect a notice to that effect on the playground.

(3) A person over the age specified in a notice erected on a playground set aside under sub local law (1) of this clause, other than a person having charge of a child or children in that playground, shall not enter or use that playground, or interfere with the use of it by a child or children.

15 Honorary Rangers

(1) The Council may appoint any person as an authorised person under these local laws, for the purpose of enforcement for the provisions of this local law.

(2) Every member of the Police Force shall have the powers of an Authorised Person under these local laws.

16(1) Penalties

A person who does not do a thing, which by or under these local laws he/she is required or directed to do, or a person who does a thing, which by or under these local laws is prohibited from doing, commits an offence.

A person who commits an offence against these local laws is liable on conviction, to a maximum penalty not exceeding Five Thousand Dollars (\$5000) provided that—

- (a) The minimum penalty for the first offence is \$250;
- (b) The minimum penalty for a second offence is \$500, and
- (c) The minimum penalty for a subsequent offence is \$1000.

16(2) Modified Penalties—

- (a) The modified penalty for an offence against the following local laws; 4(a), 4(i), 6.1(a), 6.1(d), 6.2, 7(b), 10(a), 10(b), 10(c), 10(f), 10(k), 11(a), 11(c), and 11(d), if dealt with under section 9.16 of the Act is Eighty Dollars (\$80.00)
- (b) The modified penalty in all other cases — Fifty Dollars (\$50.00)
- (c) An infringement notice served under section 9.16 of the Act in respect of an offence against these local laws shall be substantially in or to the effect of Form 1 of the First Schedule of these local laws

Second Schedule

ACTIVE RESERVES FOR THE SHIRE OF GREENOUGH

Reserve Number	Reserve Name
.....

First Schedule

Form 1

SHIRE OF GREENOUGH

Reserves, Rivers and Foreshores Local Law

INFRINGEMENT NOTICE

Date:...../...../.....

To

Of

Vehicle: Make..... Type Registration No.

It is alleged that at AM/PM on the20.....

At

.....

You committed the offence indicated hereunder by a cross (X) contrary to the Shire of Greenough Local Law Relating to Reserves, Rivers and Foreshores.

Section	Matter to which section relates	PENALTY
[] 4(a)	Destroy, harm, injure, snare or take any animal	\$.....
[] 4(i)	Drive or traverse the sand dune except on designated areas or access ways	
[] 6.1 (a)	Drive or ride onto a prohibited reserve, foreshore or beach	
[] 6.1 (d)	Exceeding the 25 kilometre speed limit	
[] 6.2	Park or stand any vehicle on a reserve, foreshore or beach	
[] 7(b)	Ride, drive or bring any animal on a reserve, foreshore or beach except where allowed	
[] 10(a)	obstruct an authorized person in the execution of his duty	
[] 10(c)	Commit or cause a nuisance	
[] 10(f)	Damage, mutilate or deface any building or structure	
[] 11(a)	Play or practice golf except on an area set aside for that purpose	
[] 11(c)	Light a fire other than in a fireplace provided for that purpose	
[] 11(d)	Camp, lodge or tarry over night without consent	
[]	Other (must specify item and offence)	
	
	

You may dispose of this matter—

- (a) By payment of the Penalty as shown within twenty-eight (28) days of the date of this notice to the Cashier, Shire of Greenough, Eastward Road Utakarra, Monday to Friday between the hours of 9.00am and 4.00pm or,
- (b) By having it dealt with by a Court.

If you take no action this Infringement Notice may be registered with the Fines Enforcement Registry after which your drivers licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable

If the above address is not your current address, or if your change your address it is important that you advise us immediately. Failure to do so may result in your driver's licence you hold being suspended without your knowledge.

Signature of Ranger / Inspector

Designation:

First Schedule

Form 2

SHIRE OF GREENOUGH

Reserves, Rivers and Foreshores Local Law

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

No.

Date:/...../.....

To:⁽ⁱ⁾

Of:⁽ⁱⁱ⁾

Infringement Notice Number dated/...../.....for the alleged offence of has been withdrawn.

The modified penalty of \$

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

Signature

Authorised Officer

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

⁽ⁱⁱ⁾Address of alleged offender

Second Schedule

Form 1

SHIRE OF GREENOUGH

Reserves, Rivers and Foreshores Local Law

APPLICATION FOR A PERMIT TO HOLD A FUNCTION OR ACTIVITY

I/We
(Full Name(s))

Of
(Address)

Hereby apply for a permit to hold a function or activity, namely (describe the function or activity)
.....
.....

on the Foreshore or Reserve or part thereof known as

situated at

for the hours of; Start AM/PM Finish AM/PM

on the following date(s)

I/We do not wish / wish to consume fermented or spirituous liquor at the function or activity My / Our
fermented or spirituous Liquor Permit application is attached*

* Strike out works not applicable

Second Schedule

Form 2

SHIRE OF GREENOUGH

Reserves, Rivers and Foreshores Local Law

PERMIT TO HOLD A FUNCTION OR ACTIVITY

To
(Full Name(s))

of
(Address)

you are hereby granted approval to organize and hold a function or activity namely;
.....
.....

on the *Foreshore or Reserve or part thereof known as

situated at

for the hours of; Start AM/PM Finish AM/PM

on the following date(s)

1 I/We will be responsible for the good behaviour of all persons at the function;

2 I/We will ensure that the Premises / Reserve will be left in a clean and tidy condition and failing
this, an assessed cleaning fee will be charged.

Hire Charges Applicable \$.....

Signature

Chief Executive Officer

N.B.—This permit to hold a function or activity in or on a Council Reserve, Park or Foreshore does not
imply or allow any liability in regard to any accident or injury incurred as a result of the issue of this
permit.

Second Schedule

Form 3

SHIRE OF GREENOUGH

Reserves, Rivers and Foreshores Local Law

FERMENTED AND SPIRITUOUS LIQUOR PERMIT

I /We
(Full Name(s))

of
(Address)

hereby apply for a permit to provide and consume fermented and spirituous liquor in/on the Council Premises/Reserve, known as

on commencing at

The following conditions will be strictly adhered to:

- 1 Provision will be made for the supply of no-alcoholic drinks to all under-age persons at the function;
- 2 I/We will be responsible for the good behaviour of all persons at eh function;
- 3 I/We will ensure that the Premises/Reserve will be left in a clean and tidy condition and failing this, an assessed cleaning fee will be charged;
- 4 If the liquor is being sold, I will obtain a Liquor Act permit from the Police Department; and
- 5 The Premises/Reserves will be vacated by

Signature(s) Date:

To

You are hereby granted approval to provide and consume fermented and spirituous liquor in/on the Council Premises/Reserve, known as.....

Signature:..... Date:

Chief Executive Officer

Second Schedule

Form 4

SHIRE OF GREENOUGH

Reserves, Rivers and Foreshores Local Law

PERMIT TO HIRE OR SELL

To
(Full Name(s))

of
(Address)

You are hereby licensed to *hire or sell (describe goods, merchandise, equipment etc.)

.....
on the *Foreshore/Reserve or part thereof known as.....

and more particular described as *Foreshore/Reserve number

for a period ofmonths from the date hereof and under the following conditions—

.....
Fee Payable \$.....

* Strike out whichever is not applicable

....., Chief Executive Officer

Dated the 31st day of October 2001.

The Common Seal of the Shire of Greenough was hereto affixed by Authority of the Council in the presence of—

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



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