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**SHIRE OF AUGUSTA
MARGARET RIVER**

DOG ACT 1976

LOCAL GOVERNMENT ACT 1995

DOGS LOCAL LAW 2016

LOCAL GOVERNMENT ACT 1995

**PARKING AND PARKING
FACILITIES LOCAL LAW 2016**

**LOCAL GOVERNMENT PROPERTY
AMENDMENT LOCAL LAW 2016**

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF AUGUSTA MARGARET RIVER

DOGS LOCAL LAW 2016

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SCHEDULE 1

APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

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CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

SHIRE OF AUGUSTA MARGARET RIVER

DOGS LOCAL LAW 2016

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Augusta Margaret River resolved on 23 March 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Augusta Margaret River Dogs Local Law 2016*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The *Shire of Augusta Margaret River Dogs Local Law 2010* published in the *Government Gazette* on 5 March and as amended on 16 March 2012 is repealed.

1.5 Interpretation

In this local law unless the context otherwise requires—

Act means the *Dog Act 1976*;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

dangerous dog means a dog which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog;

district means the district of the local government;

local government means the Shire of Augusta Margaret River;

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005* which applies throughout the whole or a part of the district.

pound keeper means a person authorised by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

Regulations means the *Dog Regulations 2013*;

Schedule means a schedule in this local law;

thoroughfare has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and

Townsite means the townsites within the Shire of Augusta Margaret River district 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 *Local Government Act 1995*;

PART 2—IMPOUNDING OF DOGS

2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—

- (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
- (b) that he or she is the person identified as the owner on a microchip implanted in the dog.

PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

(1) An occupier of 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;
- (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 the dog at all times 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 (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) 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 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 garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations

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

Penalty: \$2,000.

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been—

- (a) licensed under Part 4 as an approved kennel establishment; or
- (b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—

- (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
- (b) 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

PART 4—APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part and in Schedule 2—

licence means a licence to keep an approved kennel establishment on premises;

licensee means the holder of a licence;

premises, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) plans and specifications of the kennel establishment, including a site plan;
- (b) copies of the notices to be given under clause 4.3;
- (c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (d) the fee for the application for a licence referred to in clause 4.10(1).

4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that—

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where—

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: \$5,000 and a daily penalty of \$100.

4.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) If a licensee wishes to renew a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.11 Form of licence

- (1) When an application for a licence is approved under this local law, the local government will issue a licence to the applicant.
- (2) A licence is to be in the form determined by the local government from time to time

4.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence—
 - (a) on the request of the licensee;
 - (b) following a breach of the Act, the Regulations or this local law; or
- (3) The date a licence is cancelled is to be, in the case of—
 - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
 - (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with—
 - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5—MISCELLANEOUS**5.1 Offence to excrete**

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: \$1000.

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 6—ENFORCEMENT**6.1 Interpretation**

In this Part—

infringement notice means the notice referred to in clause 6.3; and

notice of withdrawal means the notice referred to in clause 6.6(1).

6.2 Modified penalties

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

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

6.3 Issue of infringement notice

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 8 of Schedule 1 of the Regulations.

6.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

6.5 Payment of modified penalty

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 CEO, 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.

6.6 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 9 of Schedule 1 of the Regulations.

(2) A person authorised to issue an infringement notice under clause 6.3 cannot sign or send a notice of withdrawal.

6.7 Service

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

SCHEDULE 1**APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

(clause 4.2)

I/we (full name)
 of (postal address)
 (telephone number)
 (facsimile number)
 (E-mail address)

Apply for a licence for an approved kennel establishment at (address of premises)

For (number and breed of dogs)

* (insert name of person) will be residing at the premises on and from (insert date)

* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at (insert address of residence) on and from (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant

Date

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27(5) of the *Dog Act 1976*.

OFFICE USE ONLY

Application fee paid on (insert date).

SCHEDULE 2**CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

(clause 4.8(1))

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
 - (i) 25 metres from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10 metre from any dwelling; and
 - (iii) 25 metre from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;

- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
 - (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
 - (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
 - (f) the upper surface of the kennel floor must be—
 - (i) at least 100 millimetres above the surface of the surrounding ground;
 - (ii) smooth so as to facilitate cleaning;
 - (iii) rigid;
 - (iv) durable;
 - (v) slip resistant;
 - (vi) resistant to corrosion;
 - (vii) non-toxic;
 - (viii) impervious;
 - (ix) free from cracks, crevices and other defects; and
 - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
 - (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
 - (h) the kennel floor must have a durable upstand rising 75 millimetres above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50 millimetres from the underside of the bottom plate to the floor;
 - (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
 - (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
 - (i) 2 metre; or
 - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
 - (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
 - (l) all external surfaces of each kennel must be kept in good condition;
 - (m) the roof of each kennel must be constructed of impervious material;
 - (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
 - (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
 - (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
 - (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
 - (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.
-

SCHEDULE 3
OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLY
(clause 6.2)

Offence	Nature of offence	Modified Penalty \$
3.1	Failing to provide means for effectively confining a dog	200
4.9	Failing to comply with the conditions of a licence	200
5.1(2)	Dog excreting in prohibited place	100

Dated: 23 March 2016.

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

IAN EARL, Shire President.
GARY EVERSHED, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA MARGARET RIVER

**PARKING AND PARKING FACILITIES AMENDMENT
LOCAL LAW 2016**

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Augusta Margaret River resolved on 23 March 2016 to make the following local law.

1. Citation

This local law is cited as the *Shire of Augusta Margaret River Parking and Parking Facilities Amendment Local Law 2016*.

2. Commencement

This local law comes into operation 14 days after its publication in the *Government Gazette*.

3. Principal local law

In this local law the *Shire of Augusta Margaret River Parking and Parking Facilities Local Law 2013* as published in the *Government Gazette* on 23 December 2013 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.6 amended

In clause 1.6—

- (a) Delete the definition of “ACROD sticker”.
- (b) After the definition of “commercial vehicle” insert—
“disability parking permit” has the meaning given to it by the *Local Government (Parking for People with Disabilities) Regulations 2014*.

5. Clause 2.3 amended

Clause 2.3 is amended as follows—

- (a) In subclause (3) replace the words “people with disabilities” with “persons with a disability”.
- (b) In subclause (3)(a) replace the words “an ACROD sticker” with “a disability parking permit”.
- (c) In subclause (3)(b) replace the words “ACROD sticker” with “disability parking permit”.

6. Clause 3.1 amended

Clause 3.1 is amended as follows—

- (a) In subclause (2)(a)(i) replace the words “an ACROD sticker” with “a disability parking permit”.
- (b) In subclause (2)(a)(ii) replace the words “a disabled person” with “a person with a disability”.
- (c) In subclause (2)(a)(ii) replace the words “ACROD sticker” with “disability parking permit”.

7. Clause 6.15 deleted

Delete clause 6.15 and insert—

6.15 DELETED

8. Schedule 2 amended

Delete Schedule 2 and replace with the following—

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to park wholly within parking stall	100
2	2.2(4)	Failure to park wholly within parking area	100
3	2.3(1)(a)	Causing obstruction in parking station	100

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
4	2.3(1)(b)	Parking contrary to sign in parking station	100
5	2.3(1)(c)	Parking contrary to directions of authorised person	100
6	2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	100
7	3.1(1)(a)	Parking wrong class of vehicle	100
8	3.1(1)(b)	Parking by persons of a different class	100
9	3.1(1)(c)	Parking during prohibited period	100
10	3.1(3)(a)	Parking in no parking area	100
11	3.1(3)(b)	Parking contrary to signs or limitations	100
12	3.1(3)(c)	Parking vehicle in motor cycle only area	100
13	3.1(4)	Parking motor cycle in stall not marked 'M/C'	100
14	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100
15	3.2(1)(a)	Failure to park on the left of two-way carriageway	100
16	3.2(1)(b)	Failure to park on boundary of one-way carriageway	100
17	3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	100
18	3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
19	3.2(1)(d)	Parking closer than 1 metre from another vehicle	100
20	3.2(1)(e)	Causing obstruction	100
21	3.3(b)	Failure to park at approximate right angle	100
22	3.4(2)	Failure to park at an appropriate angle	100
23	3.5(2)(a) and 6.2	Double parking	100
24	3.5(2)(b)	Parking on or adjacent to a median strip	100
25	3.5(2)(c)	Denying access to private drive or right of way	100
26	3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	100
27	3.5(2)(e)	Parking within 10 metres of traffic island	100
28	3.5(2)(f)	Parking on footpath/pedestrian crossing	100
29	3.5(2)(g)	Parking contrary to continuous line markings	100
30	3.5(2)(h)	Parking on intersection	100
31	3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	100
32	3.5(2)(j)	Parking within 3 metres of public letter box	100
33	3.5(2)(k)	Parking within 10 metres of intersection	100
34	3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	100
35	3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	100
36	3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
37	3.6	Parking contrary to direction of authorised person	100
38	3.7(2)	Removing mark of authorised person	100

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
39	3.8	Moving vehicle to avoid time limitation	100
40	3.9(a)	Parking in thoroughfare for purpose of sale	100
41	3.9(b)	Parking unlicensed vehicle in thoroughfare	100
42	3.9(c)	Parking a trailer/caravan on a thoroughfare	100
43	3.9(d)	Parking in thoroughfare for purpose of repairs	100
44	3.10(1) or (2)	Parking on land that is not a parking facility without consent	100
45	3.10(3)	Parking on land not in accordance with consent	100
46	3.11	Driving or parking on reserve	100
47	4.1(1)	Stopping contrary to a 'no stopping' sign	100
48	4.1(2)	Parking contrary to a 'no parking' sign	100
49	4.1(3)	Stopping within continuous yellow lines	100
50	5.1	Stopping unlawfully in a loading zone	100
51	5.2	Stopping unlawfully in a taxi zone or bus zone	100
52	5.3	Stopping unlawfully in a mail zone	100
53	5.4	Stopping in a zone contrary to a sign	100
54	6.1	Stopping in a shared zone	100
55	6.3	Stopping near an obstruction	100
56	6.4	Stopping on a bridge or tunnel	100
57	6.5	Stopping on crests/curves etc	100
58	6.6	Stopping near fire hydrant	100
59	6.7	Stopping near bus stop	100
60	6.8	Stopping on path, median strip or traffic island	100
61	6.9	Stopping on verge	100
62	6.10	Obstructing path, a driveway etc	100
63	6.11	Stopping near letter box	100
64	6.12	Stopping heavy or long vehicles on carriageway	100
65	6.13	Stopping in bicycle parking area	100
66	6.14	Stopping in motorcycle parking area	100
67	7.6	Leaving vehicle so as to obstruct a public place	100

Dated: 23 March 2016.

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

IAN EARL, Shire President.
GARY EVERSLED, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF AUGUSTA MARGARET RIVER

LOCAL GOVERNMENT PROPERTY AMENDMENT
LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Augusta Margaret River resolved on 23 March 2016 to make the following local law.

1. Citation

This local law is cited as the *Shire of Augusta Margaret River Local Government Property Amendment Local Law 2016*.

2. Commencement

This local law comes into operation 14 days after its publication in the *Government Gazette*.

3. Principal local law

This local law amends the *Shire of Augusta Margaret River Local Government Property Local Law 2013* as published in the *Government Gazette* on 23 December 2013.

4. Clause 3.1 amended

Delete Clause 3.1 and insert—

3.1 Application of this Part

This Part does not require a permit or an application for a permit for any activity carried on—

- (a) by a person who occupies local government property under a written lease or written licence; and
- (b) where such activity is expressly permitted under the lease or licence; and
- (c) where such activity takes place on the local government property subject to the lease or licence

5. Clause 3.14 amended

Delete clause 3.14 and insert—

3.14 Permit Required To Camp Outside a Facility

(1) In this clause—

facility has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

goods has the same meaning as is given to it in section 3.38 of the Act.

(2) This clause does not apply to a facility operated by the local government.

(3) A person shall not without a permit—

- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;
- (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day;
- (c) erect anything on local government property that is ancillary or connected to camping or overnight stay; or
- (d) park a vehicle on local government property, thoroughfare or public place for the purpose of sleeping in the vehicle.

(4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

(5) Any tent, camp, hut or similar structure erected in contravention of paragraph (b) and (c) of subclause (3) and associated goods may, subject to regulation 29 of the Regulations, be impounded.

(6) A vehicle parked in contravention of paragraph (d) of subclause (3) may, subject to the provisions of regulation 29 of the Regulations, be impounded by immobilising the vehicle by the use of wheel clamps.

(7) An authorised person who impounds a vehicle under subclause (6) shall attach a notice to a vehicle advising the owner of the vehicle that the vehicle will be released upon payment of the costs of impounding and the place where and hours during which the costs can be paid.

(8) The notice attached to the impounded vehicle under subclause (6) shall also advise the owner that if the impounding costs are not paid within 24 hours the vehicle may be removed to the local government pound.

(9) Notices issued under this clause shall be in the form determined by the CEO.

Dated: 23 March 2016.

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

IAN EARL, Shire President.
GARY EVERSHED, Chief Executive Officer.
