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CITY OF WANNEROO

LOCAL LAWS

CATS LOCAL LAW 2016

DOGS LOCAL LAW 2016

FENCING LOCAL LAW 2016

**SITE EROSION AND SAND DRIFT
PREVENTION LOCAL LAW 2016**

**CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

CITY OF WANNEROO

CATS LOCAL LAW 2016

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the City of Wanneroo resolved on 28 June 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of Wanneroo Cats 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 Repeal

Clause 45 of the *City of Wanneroo Animals Local Law 1999* published in the *Government Gazette* on 27 August 1999, is deleted.

1.4 Terms used

(1) In this local law, unless the context otherwise requires—

Act means the *Cat Act 2011*;

applicant means a person who applies for an approval;

application means an application for an approval;

approval means approval under regulation 9 of the *Cat (Uniform Local Provisions) Regulations 2013* and Part 2 of this local law;

approved person means the person to whom an approval is granted;

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

cat has the meaning given to it in the Act;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the City of Wanneroo;

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference.

owner has the meaning given to it in the Act;

premises has the meaning given to it in the Act; and

veterinarian has the meaning given to it in the Act.

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2—NUMBER OF CATS THAT MAY BE KEPT**2.1 Interpretation**

For the purposes of applying this Part, a cat does not include a cat less than 6 months old.

2.2 Prescribed premises

For the purposes of the definition of *prescribed premises* in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except—

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government; or
- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment.

2.3 ‘Standard number of cats’

For the purposes of the definition of **standard number of cats** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 3 cats may be kept on premises at which a member of a cat organisation is not ordinarily resident.

2.4 Application for approval

(1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.

(2) An application for approval must be accompanied by the application fee determined by the local government.

2.5 Determining an application

(1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to—

- (a) the zoning of the land under the local planning scheme;
- (b) the physical suitability of the premises for the proposed use;
- (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
- (d) the structural suitability of any enclosure in which any cat is to be kept;
- (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
- (f) the likely effect on the amenity of the surrounding area of the proposed use;
- (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and
- (h) any other factors which the local government considers to be relevant in the circumstances of the application.

(2) An approval is to be in the form determined by the CEO and is to be issued to the approved person.

2.6 Conditions

(1) For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including—

- (a) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
- (b) that there must be adequate space for the exercise of the cats;
- (c) that, in the case of multiple dwellings where there is no suitable dividing fence, each current occupier of the adjoining multiple dwellings must give their written consent to the approval; and
- (d) that, without the consent of the local government, the approved person must not substitute or replace any cat that dies or is permanently removed from the premises.

(2) An approved person who does not comply with a condition of the approval, commits an offence.

Penalty: a fine of \$5,000.

2.7 Renewal of an application

(1) An application is to be renewed if—

- (a) the approved person has not breached the conditions of the approval;
- (b) the approval would have been granted if a fresh application for approval had been made; and
- (c) the renewal fee, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*, is paid to the local government before the expiry of the approval.

(2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.

2.8 Transfer of an approval

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval, and is transferrable only in accordance with this clause 2.8.
- (2) An application for the transfer of an approval from the approved person to another person must be—
- (a) made in the form determined by the CEO;
 - (b) made by the proposed transferee;
 - (c) made with the consent of the approved person; and
 - (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government is not to determine an application for the transfer of an approval until the proposed transferee has complied with subclause (2).
- (4) The local government may grant, or refuse to grant an application for the transfer of an approval, and this approval will be subject to such conditions as the local government may impose under Regulation 9(3) of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (5) Where the local government grants an application for the transfer of an approval—
- (a) it is to issue to the transferee an approval in the form determined by the CEO; and
 - (b) on the date of approval, unless otherwise specified in the approval, the transferee becomes the approved person for the purposes of this local law.

2.9 Variation or cancellation of an approval

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the permit holder and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval—
- (a) on the request of the approved person;
 - (b) if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

2.10 Objection and review rights

A decision of the local government made under clauses 2.7, 2.8 or 2.9 is a decision to which Division 1, Part 9 of the *Local Government Act 1995* applies.

PART 3—ENFORCEMENT**3.1 Infringement notices**

- (1) An offence against clause 2.6(2) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (3) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

3.2 Objection: prescribed form

The form of an objection is Form 8 in the *Cat Regulations 2012*, Schedule 1.

The Common Seal of the City of Wanneroo was affixed by authority of a resolution of the Council in the presence of—

T. ROBERTS, Mayor.
D. SIMMS, Chief Executive Officer.

Date: 11 July 2016.

**DOG ACT 1976
LOCAL GOVERNMENT ACT 1995**

CITY OF WANNEROO

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 City of Wanneroo resolved on the 28 June 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of Wanneroo 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 Repeal

The following parts of the *City of Wanneroo Animals Local Law 1999*, published in the *Government Gazette* on 27 August 1999, are deleted—

- (a) Parts 2 and 3;
- (b) in the First Schedule—
 - (i) the heading ‘Part 2 Dogs’ and items 1-6 (inclusive) under that heading; and
 - (ii) the heading ‘Part 3 Approved Dog Kennel Establishments’ and items 7-11 (inclusive) under that heading; and
- (c) the Second, Third and Fourth Schedules.

1.4 Terms used

(1) 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;

district means the district of the local government;

local government means the City of Wanneroo;

local planning scheme means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

Regulations means the *Dog Regulations 2013*; and

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

(2) A term that is used in this local law and is not defined in subclause (1) has the same meaning that is given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2—KEEPING OF DOGS

2.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must—

- (a) ensure that a portion of the premises on which the dog is kept is 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) An occupier who fails to comply with subclause (1) commits an offence.

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

2.2 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) if the premises are situated on a lot having an area of 4 hectares or more—6 dogs over the age of 3 months and the young of those dogs under that age; or
- (b) if the premises are situated on any other lot—2 dogs over the age of 3 months and the young of those dogs under that age.

2.3 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.

(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 3—APPROVED KENNEL ESTABLISHMENTS

3.1 Terms used

In this Part—

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 3.14.

3.2 Application for a licence

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) a site plan of the premises showing the location of each of the kennels and yards and all other buildings, structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copies of the notices to be given under clause 3.3;
- (d) 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;
- (e) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (f) the fee for the application for a licence referred to in clause 3.10(1).

3.3 Notice of proposed use

(1) After lodging an application for a licence, the applicant for the licence must give notice of the proposed use of the premises as an approved kennel establishment—

- (a) once in a newspaper circulating in the district; and
- (b) to the owner and occupier of premises, any part of which is within 275 metres of the nearest boundary of the land on which it is proposed to establish the kennel.

- (2) Each notice in subclause (1) must specify that—
- (a) any written submissions as to the proposed use are to be lodged with the CEO within 21 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) If—
- (a) a notice given under subclause (1) does 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,

the local government may refuse to determine the application for a licence until the notice is given in accordance with its directions.

3.4 Exemption from notice requirements

If 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 3.2(c), 3.3 and 3.5(a) do not apply in respect of the application for a licence.

3.5 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 3.2;
- (b) the applicant submits proof that the notices referred to in clause 3.3(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 3.3(2)(a) on the proposed use of the premises.

3.6 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 3.7;
- (b) any written submissions received within the time specified in clause 3.3(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 is likely to 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.

3.7 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.

3.8 Conditions of approval

(1) The local government may approve an application for a licence subject to one or more of the conditions set out in clause 3.8(2) and to such other conditions as the local government considers appropriate.

(2) The conditions to which a licence may be subject are—

- (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) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
 - (ii) 10m from any dwelling; and
 - (iii) 25m 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 100mm 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 paragraph (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 75mm 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 50mm 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) 2m; 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.

(3) In respect of a particular application for a licence, the local government may vary any of the conditions contained in clause 3.8(2).

3.9 Compliance with conditions of approval

Penalties applicable where a licensee does not comply with the conditions of a licence are contained in the Dog Act and Regulations.

3.10 Fees

- (1) On lodging an application for a licence, the applicant must pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee must pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee must 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—6.19 of the *Local Government Act 1995*.

3.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

3.12 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 3.10(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.

3.13 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; or

(b) if the licensee breaches the Act, the Regulations or this local law.

(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) paragraph (b) 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.

3.14 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 3.10(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 3.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

3.15 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 3.13(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 3.13(2)(a); and

(g) a licensee of the cancellation of a licence under paragraph (b) of clause 3.13(2), which notice is to be given in accordance with section 27(6) of the Act.

3.16 Inspection of kennel

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

PART 4—ENFORCEMENT

4.1 Terms used

In this Part—

infringement notice means the notice referred to in clause 4.4;

notice of withdrawal means the notice referred to in clause 4.7(1); and

penalty unit has the meaning given to it in the *City of Wanneroo Penalty Units Local Law 2015*.

4.2 Offences and general penalty

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

4.3 Modified penalties

(1) An offence against a clause specified in Schedule 2 is an offence in relation to which a modified penalty may be imposed.

(2) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

4.4 Issue of infringement notice

(1) 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, the authorised person may serve on the alleged offender a notice in the form of Form 8 in Schedule 1 of the Regulations informing the alleged offender that, if he or she does not wish to be prosecuted in court for the alleged offence, he or she may pay to the local government within the time specified in the notice, the amount prescribed as the modified penalty.

(2) An infringement notice may be served on an alleged offender personally, or by leaving it at or posting it to her or his address as ascertained from the alleged offender, at the time of or immediately following the occurrence giving rise to the allegation of the offence, or as recorded by the local government under the Act.

4.5 Failure to pay modified penalty

Where a person who receives 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, the person must be regarded as having declined to have the allegation dealt with by way of a modified penalty.

4.6 Payment of modified penalty

An alleged offender on whom an infringement notice has been served 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 modified penalty, with or without a reply as to the circumstances giving rise to the allegation, and then—

- (a) the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment; or
- (b) the local government, or an authorised person acting on behalf of the local government, may withdraw the infringement notice under clause 4.6 and refund the amount so paid.

4.7 Withdrawal of infringement notice

(1) An infringement notice may, whether or not the modified penalty has been paid, be withdrawn by the local government, or an authorised person acting on behalf of the local government, by the sending of a notice in the form of Form 9 in Schedule 1 of the Regulations to the alleged offender at the address specified in the notice or his or her last known place of residence or business and in that event, any amount received by way of modified penalty must be refunded and any acknowledgment of the receipt of that amount must for the purposes of any proceedings in respect of the alleged offence be regarded as not having been issued.

(2) A person appointed under section 29(1) of the Act to exercise the power of an authorised person to serve infringement notices under clause 4.4(1) is not eligible to be appointed under that section to exercise the power of an authorised person to withdraw infringement notices under clause 4.7(1).

Schedule 1

(clause 3.2)

Dogs Local Law 2016

APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT

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

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

(clause 4.3)

Item No.	Clause No.	Description	Penalty Unit
1	2.1	Failing to provide means for effectively confining a dog	10
2	2.3	Dog excreting in prohibited place	10

Note: Penalty Units are prescribed in the City of Wanneroo Penalty Units Local Law. As at 30 October 2015 one penalty unit was \$10.00.

The Common Seal of the City of Wanneroo was affixed by authority of a resolution of the Council in the presence of—

T. ROBERTS, Mayor.
D. SIMMS, Chief Executive Officer.

Date: 11 July 2016.

**LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961**

CITY OF WANNEROO

FENCING LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and the *Dividing Fences Act 1961* and under all other enabling powers, the Council of the City of Wanneroo resolved on 28 June 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of Wanneroo Fencing 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 Repeal

The following provisions of the *City of Wanneroo Private Property Local Law 2001*, published in the *Government Gazette* on 30 April 2002, are repealed—

- (a) in clause 1.6, the definitions of “boundary fence”, “dangerous”, “dividing fence”, “estate entry statement”, “estate boundary fence”, “front fence”, “front setback area”, “gradient”, “height”, “industrial lot”, “number”, “open fence”, “retaining wall”, “sacrificial graffiti protection”, “sufficient fence” and “swimming pool”;
- (b) Parts 3 to 9 inclusive;
- (c) Part 11;
- (d) clause 13.1;
- (e) the First, Second, Third and Fourth Schedules; and
- (f) in the Fifth Schedule, all items under the headings of Part 3—Fencing General, Part 5—Estate Fences, Part 6—Tennis Court Fencing, Part 7—Security and Flood Lighting, Part 8—Electrified, Barbed and Razor Wire Fences, Part 9—Street Numbering, Part 11—Private Swimming Pools, and the items under Part 13 relating to clause 13.1(1) and 13.1(2).

1.4 Application of local law

This local law applies throughout the district.

1.5 Terms used

In this local law unless the context requires otherwise—

Act means the *Local Government Act 1995*;

AS/NZS means an Australian Standard published by the Standards Association of Australia and as amended from time to time;

authorised person means a person authorised by the local government under section 9.10 of the Act to carry out functions with respect to this local law;

commercial lot means a lot where a commercial use—

- (a) is or may be permitted under a local planning scheme; and
- (b) is or will be the predominant use of the lot;

dangerous, in relation to any fence, means—

- (a) an electrified fence, or one containing barbed or razor wire, other than a fence—
 - (i) in respect of which a permit has been issued and is current; or
 - (ii) that is constructed and maintained in accordance with this local law;
- (b) a fence containing exposed broken glass, or any other potentially harmful projection or material; or
- (c) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

- district** means the district of the local government;
- dividing fence** has the meaning given to it in the *Dividing Fences Act 1961*;
- electrified fence** means a fence carrying or designed to carry an electric charge;
- estate boundary fence** means a fence around the external boundary of a subdivision of land to indicate the extent of that subdivision and includes any special works or construction that identifies the entrance to that land;
- estate entry statement** means a fence or wall that identifies the entrance of an estate, and includes any sign (indicating the estate name and locality), sculpture, flagpole or flag;
- estate fence** means an estate entry statement or an estate boundary fence;
- fence** means any structure that is used or functions as a barrier, irrespective of where it is located, and includes a gate that separates the road reserve and a lot adjacent to the road reserve;
- front boundary** means the boundary that separates a thoroughfare and the front of a lot;
- front fence** means a fence in the front setback area of a lot;
- front setback** means the horizontal distance between the front boundary and a wall of a building, measured at a right angle to the front boundary;
- height**, in relation to a fence, means the vertical distance between—
- (a) the top of the fence at any point; and
 - (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level immediately below that point;
- industrial lot** means a lot where an industrial use—
- (a) is or may be permitted under a local planning scheme; and
 - (b) is or will be the predominant use of the lot;
- land** includes a house, building, work or structure, in or on the land;
- local government** means the City of Wanneroo;
- local planning scheme** means a local planning scheme of the local government;
- lot** means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;
- natural ground level**, in relation to a development, means—
- (a) the level approved, for the purposes of the development, by the local government, under a local planning scheme; or
 - (b) in any other case, the level which existed immediately before the commencement of the development (including any site works);
- open fence** means a fence—
- (a) that has continuous vertical gaps with a minimum gap width of 50 mm with the area of gaps being not less than one third of the area of the fence face; and
 - (b) the lower portion of which may be closed up to a height of 1.0 m above the natural ground level immediately in front of the fence but, where the natural ground level slopes, the height of the closed portion is to be no more than 1.0 m from the base of the fence;
- penalty unit** has the meaning given to it in clause 4 of the *City of Wanneroo Penalty Units Local Law 2015*;
- permit** means a permit under Part 6;
- person** has the meaning given to it in the *Interpretation Act 1984*;
- planning permit** means a permit given under a local planning scheme;
- public place** means a place to which the public has access;
- reserve** means land (including a parkland or foreshore) in or adjoining the district that is—
- (a) set apart for the use and enjoyment of the public; or
 - (b) acquired for public purposes and vested in or under the care, control and management of the local government;
- residential lot** means a lot where a residential use—
- (a) is or may be permitted under a local planning scheme; and
 - (b) is or will be the predominant use of the lot;
- rural lot** means a lot where a rural use—
- (a) is or may be permitted under a local planning scheme; and
 - (b) is or will be the predominant use of the lot;
- secondary frontage**, in the case of a lot that has a frontage and access to more than one road, means the longer or longest of the boundaries that separates the lot from a road reserve;
- special residential lot** means a lot within a special residential zone under a local planning scheme;
- special rural lot** means a lot within a special rural zone under a local planning scheme; and
- sufficient fence** means a fence described in clause 2.2.

1.6 Interpretation

Nothing in this local law affects a provision in any other written law in respect of a building licence, or other approval or authorisation that might be required for a fence.

PART 2—FENCING—GENERAL

2.1 Dividing fences

- (1) Unless by agreement between the owners of adjoining properties, a person—
- must not construct or alter a dividing fence on a lot that does not satisfy the requirements of a sufficient fence;
 - must maintain a dividing fence in a condition which satisfies the requirements of a sufficient fence; or
 - must not alter the level of the ground adjoining the boundary so as to change the height of a dividing fence unless the dividing fence is altered, reconstructed or relocated so as to satisfy the requirements of a sufficient fence.
- (2) An agreement in respect of a dangerous fence is taken not to be an agreement between owners of adjoining properties for the purposes of clause 2.1(1).

2.2 Sufficient fence

- (1) Subject to subclauses (2) and (3), a sufficient fence—
- on a residential lot or a special residential lot is a dividing fence constructed and maintained in accordance with the requirements of Schedule 1.
 - on a commercial lot or an industrial lot is a dividing fence constructed and maintained in accordance with the requirements of Schedule 2; and
 - on a rural lot or a special rural lot is a dividing fence constructed and maintained in accordance with the requirements of Schedule 3.
- (2) Where a fence is constructed on or near the boundary between the residential lot, or a special residential lot, and any of the following—
- an industrial lot;
 - a commercial lot;
 - a rural lot; or
 - a special rural lot,

a sufficient fence is a dividing fence constructed and maintained in accordance with the requirements of Schedule 1.

- (3) Where—

- the zoning of a lot is changed from Rural to Residential under a local planning scheme; and
- immediately before that zoning change a dividing fence on that lot is a sufficient fence,

the requirements of Schedule 1 are not to apply to that dividing fence until a residential use becomes the predominant use for that lot.

2.3 Fences within front setback—permit requirement

A person must not, without a permit, construct a fence greater than one metre in height on or near a boundary within the front setback area of a residential lot unless—

- the fence is an open fence that is constructed and maintained in accordance with the requirements of Schedule 1; or
- the fence is a side boundary fence which uniformly slopes down from no more than 1.8m to no more than 1.0 m in height over a maximum distance of 1.5m from the start of the front setback area from the building to the front of the lot.

2.4 Fences on secondary frontages

Subject to clauses 2.3 and 2.5, a person must not, without a permit, construct a fence on any secondary frontage of a residential lot unless the fence is a sufficient fence.

2.5 Sightlines at vehicle access point

- (1) A fence adjacent to a vehicle access point must be truncated with the minimum dimension of the truncation being 1.5m or the fence reduced in height to no more than 0.75m.
- (2) Subclause (1) does not apply—
- to a fence which is an open fence that does not obscure the lines of vision of the driver of a vehicle using the access point; or
 - where there is a distance of 3.5m or more between the fence and a thoroughfare, at their closest point.

2.6 Maintenance of fences

- (1) This clause applies to a fence that is—
- a front fence; or
 - a dividing fence that separates a lot and a thoroughfare.

(2) An owner or occupier of a lot on which a fence is constructed must maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated, unsightly, or prejudicial to the amenity of the locality.

2.7 Prohibited fencing materials

- (1) A person must not use broken glass in the construction of a fence.
- (2) Except in accordance with a permit, a person must not use razor wire or other material with spiked or jagged projections in the construction of a fence unless the fence is a sufficient fence.

2.8 Gates in fences

A person must not construct or maintain on a lot a gate—

- (a) in a dividing fence that abuts a thoroughfare, road reserve, pedestrian access way, right of way, reserve, local government property or public property—without a permit or unless the local government has otherwise approved the access; or
- (b) in any other dividing fence—unless the gate opens into the lot or unless it slides parallel to, and on the inside of, the dividing fence.

PART 3—ESTATE FENCES

3.1 Estate fence

- (1) A person must not construct an estate fence without a permit.
- (2) Where an estate fence is constructed and contains an estate name, the estate fence must also depict the suburb name in equal prominence.

3.2 Repairs to estate boundary fences

An owner or occupier of a lot adjacent to an estate boundary fence must, where that fence is damaged, dilapidated or in need of repair, ensure that—

- (a) it is repaired or replaced with the same or similar materials with which it was first constructed; and
- (b) so as far as practicable the repaired or replaced section is the same as the original fence.

PART 4—TENNIS COURT FENCING

4.1 Tennis court fencing

- (1) This clause does not apply to a rural lot.
- (2) A person shall not erect a fence around or partly around a tennis court on a lot unless—
- (a) the fence is less than 3.6m in height;
- (b) the whole of the fence is at least 900mm from the boundary between the lot on which the tennis court is located and the adjoining lot or if it is less than 900mm, the owner of the adjoining lot has first been given the opportunity to make submissions to the local government on the location of the fence; and
- (c) the fence is constructed of chain link fabric mesh and is 50mm x 2.5mm poly-vinyl chloride coated or galvanised, and is erected in accordance with the manufacturer's specification.

PART 5—ELECTRIFIED, BARBED AND RAZOR WIRE FENCES

5.1 Requirement for a permit

- (1) An owner or occupier of a lot must not—
- (a) have or use an electrified fence on that lot—
- (i) without first obtaining a permit; and
- (ii) except in accordance with that permit; or
- (b) have a fence constructed wholly or partly of barbed or razor wire on that lot (unless it is a sufficient fence)—
- (i) without first obtaining a permit; and
- (ii) except in accordance with that permit.
- (2) Clause 5.1(1) does not apply to a fence on a rural lot or a special rural lot where the keeping of stock is permitted and the fence is necessary for stock control.
- (3) A permit to have and use an electrified fence on a lot cannot be issued—
- (a) if the lot is, or abuts, a residential lot;
- (b) unless the fence will comply with AS/NZS 3014:2003 as amended from time to time; and
- (c) unless the fence is rendered inoperable during the hours of business operations, if any, on the lot.
- (4) A permit to have on a lot a fence constructed wholly or partly of barbed or razor wire cannot be issued unless—
- (a) the fence is proposed to be within 3m of the boundary of the lot; or
- (b) the barbed or razor wire used in the construction of the fence is to be higher than 2m but not more than 2.4m above the natural ground level.

PART 6—PERMITS

6.1 Application for a permit

- (1) An owner or occupier of land may apply to the local government for a permit under this Part.
- (2) An application for a permit must—
 - (a) be in the form (if any) determined by the local government;
 - (b) include—
 - (i) a written consent signed by the owner of the land on which the proposed fence is to be located—unless the applicant is the owner of that land; and
 - (ii) any further information that may be required by the local government; and
 - (c) be accompanied by any fee imposed by the local government under sections 6.16 to 6.19 of the Act.

6.2 Determining an application

- (1) The local government may refuse to consider an application that does not comply with clause 6.1.
- (2) The local government may—
 - (a) approve an application, subject to any conditions that it considers to be appropriate; or
 - (b) refuse an application.
- (3) If the local government approves an application, it is to issue its permit in writing to the applicant.
- (4) The local government may vary a condition to which a permit is subject by giving written notice to the applicant and the varied condition takes effect 7 days after that notice is given.

6.3 Revocation of a permit

The local government may revoke a permit if—

- (a) the owner (or the occupier with the owner's written consent) requests the local government to do so;
- (b) the fence to which the permit relates is being, or has been, demolished and is not proposed to be, or has not been, rebuilt for a period of at least 6 months;
- (c) the circumstances are such that the permit could not be issued under this local law; or
- (d) the owner or occupier fails to comply with a condition of the permit or breaches a provision of this local law in respect of the fence that is the subject of the permit.

PART 7—OBJECTIONS AND REVIEW

7.1 Objection and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law to—

- (a) to refuse an application for a permit;
- (b) to impose or vary a condition of a permit; or
- (c) to revoke a permit.

PART 8—ENFORCEMENT

8.1 Offences and general penalty

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

8.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 4 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 4.
- (3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

8.3 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the Act is Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1

(Clause 2.2(1)(a))

A SUFFICIENT FENCE ON A RESIDENTIAL OR SPECIAL RESIDENTIAL LOT

1. This Schedule does not apply to an estate fence.
2. On a residential or special residential lot, a sufficient fence is a dividing fence that—
 - (a) is constructed of—
 - (i) corrugated fibre-reinforced pressed cement sheeting;
 - (ii) timber pickets;
 - (iii) brick, stone or concrete;
 - (iv) factory coloured sheet metal post and panelled fence; or
 - (v) any combination of the materials described in paragraphs (i)-(iv); and
 - (b) in the case of a front fence—
 - (i) is 1.0m or less in height; or
 - (ii) is between 1.0m and 1.8m in height; and is an open fence; and
 - (iii) if the fence is a side boundary fence that uniformly slopes down from no more than 1.8m to no more than 1.0 m in height over a maximum distance of 1.5m from the start of the front set back area from the building to the front of the lot.
 - (c) in the case of any other dividing fence—is between 1.75m and 1.85m in height.

Schedule 2

(Clause 2.2(1)(b))

A SUFFICIENT FENCE ON A COMMERCIAL OR INDUSTRIAL LOT

1. This Schedule does not apply to an estate fence or a front fence.
2. On a commercial or industrial lot, a sufficient fence is a dividing fence that—
 - (a) is constructed of—
 - (i) link mesh, chain mesh or steel mesh—and is no higher than 2.0m unless it is topped with up to 3 strands of barbed wire to a total height of no more than 2.4m;
 - (ii) fibre reinforced cement sheets;
 - (iii) painted or galvanized steel or aluminium sheeting; or
 - (iv) timber, brick, stone or concrete; and
 - (b) is no more than 2.4m in height.

Schedule 3

(Clause 2.2(1)(c))

A SUFFICIENT FENCE ON A RURAL OR SPECIAL RURAL LOT

1. This Schedule does not apply to an estate fence.
2. On a rural or special rural lot, a sufficient fence is—
 - (a) a front fence that—
 - (i) is less than 1.0m in height; or
 - (ii) is constructed and maintained as an open fence and does not exceed 1.8m in height; and
 - (b) any other dividing fence that—
 - (i) is no more than 1.2m in height; and
 - (ii) is constructed of posts and wire.

Schedule 4

(Clause 8.2)

PRESCRIBED OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Nature of Offence	Penalty Unit
Part 2—Fencing—general			
1	2.1(1)(a)	Constructing or altering a dividing fence which is not a sufficient fence	25
2	2.1.(1)(b)	Failing to maintain a fence in a condition to satisfy requirements of a sufficient fence	25

Item No	Clause No	Nature of Offence	Penalty Unit
3	2.1(1)(c)	Altering ground level of a fence without satisfying the requirements of a sufficient fence	25
4	2.3	Constructing without a permit a fence higher than 1 m within the front setback which is not an open fence	25
5	2.4	Constructing without permit a fence which is not a sufficient fence on a secondary frontage	25
6	2.5	Constructing a fence adjacent to an access point without a truncation	25
7	2.6(2)	Failure to maintain a fence in good condition to prevent fence becoming dangerous, dilapidated, unsightly	25
8	2.7(1)	Using broken glass in construction of a fence	25
9	2.7(2)	Using barbed or razor wire, spiked or jagged projections in fence construction without permit	25
10	2.8(a)	Constructing or maintaining a gate in a fence opening on to local government property or a thoroughfare without approval or permit	25
11	2.8(b)	Constructing or maintaining a gate in a fence not opening into the lot or by sliding parallel and on inside of fence	25
Part 3—Estate fences			
12	3.1(1)	Constructing an estate fence without a permit	25
13	3.2(a)	Failure to repair or replace a damaged estate boundary fence with same or similar materials as original fence	25
Part 4—Tennis court fencing			
14	4.1(2)	Constructing tennis court fencing in contravention of local law	25
Part 5—Electrified, barbed and razor wire fences			
15	5.1(1)(a)	Having or using an electrified fence without a permit	25
16	5.1(1)(b)	Having a barbed or razor wire fence without a permit	25
17		Other offences not specified	25

Note: Penalty Units are prescribed in the City of Wanneroo Penalty Units Local Law 2015. At 14 November 2015 when the local law came into effect one penalty unit was \$10.00.

The Common Seal of the City of Wanneroo was affixed by authority of a resolution of the Council in the presence of—

T. ROBERTS, Mayor.
D. SIMMS, Chief Executive Officer.

Date: 11 July 2016.

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

SITE EROSION AND SAND DRIFT PREVENTION LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Wanneroo resolved on 28 June 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *City of Wanneroo Site Erosion and Sand Drift Prevention 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 Purpose

The purpose of this local law is to provide for the regulation, control and management of site erosion, sand and dust on land within the district.

1.4 Repeal

Clause 12.1 and Part 12 of Schedule 5 of the *City of Wanneroo Private Property Local Law 2001* as published in the *Government Gazette* on 30 April 2002 is repealed.

1.5 Application

This local law applies throughout the district.

1.6 Terms used

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995*;

authorised person means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

CEO means the chief executive officer of the local government;

district means the district of the local government;

dust and sand means granules or particles of rock, earth, clay, loam, silt and any other granular, or airborne particle or like material, and includes gravel;

land includes any building or structures on the land;

local government means the City of Wanneroo;

occupier means any person who, at the time a notice is served, is in control of any place or part of any place or authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place to perform any work in relation to any place and includes a builder or contractor;

penalty unit has the meaning given to it in the *City of Wanneroo Penalty Units Local Law 2015*; and

Regulations means the *Local Government (Functions and General) Regulations 1996*.

1.7 Interpretation

(1) A term used in this local law that is not defined in clause 1.5 is to have the meaning given to it in the Act.

(2) Where, under this local law a duty, obligation or liability is imposed on an 'owner or occupier', the duty is taken to be imposed jointly and severally on each owner and occupier.

(3) Where under this local law an act is required to be done or forbidden to be done in relation to any land, an owner or occupier of the land has the duty of causing to be done the act so required to be done, or preventing from being done the act forbidden to be done.

(4) Where this local law refers to the giving of a notice, other than the giving of an infringement notice, no particular form is prescribed and it is sufficient if the notice is in writing giving sufficient details to enable the owner or occupier to know the offence (if any) committed and the measures required to be taken or conditions to be complied with, as the case may be.

PART 2—SITE EROSION AND DUST

2.1 Prevention of erosion and the escape of sand and dust

An owner or occupier of land must take reasonable measures to—

- (a) stabilise sand on the land; and
- (b) ensure no sand or dust is released from or escapes from the land, whether by means of wind, water or any other cause.

2.2 Notice may require specified action to prevent

(1) Where the local government or an authorised person is satisfied that—

- (a) an owner or occupier of land has not complied with clause 2.1; or
- (b) sand or dust is escaping, being released or being carried, or is likely to escape, be released or be carried, from any land,

the local government or an authorised person may, by notice in writing, direct the owner or occupier, within a time specified in the notice—

- (c) to comply with clause 2.1;
- (d) clean up and make good any damage resulting from the release or escape of dust or sand from the land; or
- (e) take such other actions or comply with such other conditions as the local government or authorised person considers necessary to prevent or stop the escape, release or carriage of sand or dust from the land, as stipulated in the notice.

(2) An owner or occupier of land to whom a notice is issued under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

PART 3—OBJECTIONS AND REVIEW

3.1 Objections and review

If the local government or an authorised person gives a person notice under clause 2.2(1), Division 1 of Part 9 of the Act and regulation 33 of the Regulations are to apply.

PART 4—OFFENCES AND PENALTIES

4.1 Offences

(1) Any person who—

- (a) fails to comply with a notice under clause 2.2(2);
- (b) fails to do anything required or directed to be done under this local law; or
- (c) does anything which under this local law that person is prohibited from doing,

commits an offence.

(2) Any person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

4.2 Prescribed offences

(1) An offence against a clause specified in the Schedule is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The number of modified penalty units for a prescribed offence is the number specified adjacent to the clause in Schedule 1.

4.3 Form of notices

(1) The form of the infringement notice give under section 9.16 of the Act is Form 2 in Schedule 1 of the Regulations.

(2) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

Schedule 1
PRESCRIBED OFFENCES

[clause 4.2]

Item No	Clause	Description	Penalty Unit
1	4.1(1)(a)	Failure to comply with a notice	20
2	4.1(1)(b)	Failure to comply with a direction given	20
3	4.1(1)(c)	Prohibited action under local law	20

Note: Penalty Units are prescribed in the City of Wanneroo Penalty Units Local Law. As at 30 October 2015 one penalty unit was \$10.00.

The Common Seal of the City of Wanneroo was affixed by authority of a resolution of the Council in the presence of—

T. ROBERTS, Mayor.
D. SIMMS, Chief Executive Officer.

Date: 11 July 2016.
