

**LOCAL GOVERNMENT ACT 1995
CEMETERIES ACT 1986
BUSH FIRES ACT 1954**

SHIRE OF DANDARAGAN

GENERAL AMENDMENT LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995*, the *Cemeteries Act 1986*, the *Bush Fires Act 1954* and all other powers enabling it, the Council of the Shire of Dandaragan resolved on the 22 August 2019 to make the following local law.

1. Citation

The local law may be cited as the *Shire of Dandaragan General Amendment Local Law 2019*.

2. Commencement

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

3. Repeal

The *Shire of Dandaragan Local Law Relating to Beekeeping*, as published in the *Government Gazette* of 9 May 2001, is repealed.

4. *Shire of Dandaragan Local Government Property Local Law* amended

The *Shire of Dandaragan Local Government Property Local Law*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 4.1 In the Table of Contents after Schedule 1 – Prescribed Offences insert the words “and Modified Penalties”;
- 4.2 In clause 1.2 delete the definition of “**liquor**” and insert – “**liquor**” has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*.”;
- 4.3 In clause 3.4(2)(h) delete the word “*Licensing*” and insert the word “*Control*”;
- 4.4 In clause 3.15(1)(a) delete the word “*Licensing*” and insert the word “*Control*”;
- 4.5 In clause 3.16(d) delete the word “*Licensing*” and insert the word “*Control*”; and
- 4.6 Delete Schedule 1 and insert the following:

**“SCHEDULE 1
PRESCRIBED OFFENCES AND MODIFIED PENALTIES**

Clause	Nature of offence	Modified penalty \$
2.4	Failure to comply with determination	300
3.6	Failure to comply with conditions of permit	300
3.13(1)	Failure to obtain a permit	300
3.14(3)	Failure to obtain permit to camp outside a facility	300
3.15(1)	Failure to obtain permit for liquor	300
3.16	Failure of permit holder to comply with responsibilities	300
4.2(1)	Behaviour detrimental to property	300
4.4	Under influence of liquor or prohibited drug	300
4.6(2)	Failure to comply with sign on local government property	300
5.3	Failure to comply with sign or direction on beach	300
5.4	Unauthorized entry to fenced or closed local government property	300
5.5	Gender not specified using entry of toilet block or change room	300
5.6(1)	Unauthorized presence of animal on aerodrome	300
5.6(2)	Animal wandering at large on aerodrome – person in charge	500
5.6(3)	Animal wandering at large on aerodrome – owner	500
6.1(1)	Unauthorized entry to function on local government property	300
9.1	Failure to comply with notice	400

5. *Shire of Dandaragan Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* amended

The *Shire of Dandaragan Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 5.1 In the Table of Contents after Schedule 1 – Prescribed Offences insert the words “and Modified Penalties”;
- 5.2 In clause 1.2 delete the definition of “**built up area**” and insert – “**built up area**” has the meaning given to it in the *Road Traffic Code 2000*.” ;
- 5.3 In clause 1.2 delete the definition of “**intersection**” and insert – “**intersection**” has the meaning given to it in the *Road Traffic Code 2000*.” ;
- 5.4 In clause 1.2 delete the definition of “**liquor**” and insert – “**liquor**” has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*.” ;
- 5.5 In clause 1.2 insert the following definition in alphabetical order: “

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

- 5.6 In clause 1.2 delete the definition of **“lot”** and insert – “ **“lot”** has the meaning given to it in *Planning and Development Act 2005*;
- 5.7 In clause 1.2 delete the definition of **“town planning scheme”**;
- 5.8 In clause 2.1(a) delete the words “which exceeds or which may exceed 0.75m in height on a thoroughfare so that the plant is” and insert “(except grasses or a similar plant)”;
- 5.9 In clause 2.3(1)(a) delete the word *“Licensing”* and insert the word *“Control”*;
- 5.10 In clause 2.4(2)(a) delete “licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*” and insert “permit issued in accordance with the *Building Act 2011* and *Building Regulations 2012*”;
- 5.11 In clause 2.4(2)(b) delete “licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960*” and insert “permit has been issued in accordance with the *Building Act 2011* and *Building Regulations 2012*”;
- 5.12 In clause 2.6 delete the definition of **“acceptable material”** and insert – “ **“acceptable material”** means any of the following materials;
 - (a) brick, concrete, stone or other hard preformed paving materials;
 - (b) bitumen;
 - (c) cement-based materials, including concrete and poured limestone, and
 - (d) synthetic turf.”;
- 5.13 In clause 5.1 delete the definition of **“Roadside Conservation Committee”** and insert – “ **“Roadside Conservation Committee”** means the Roadside Conservation Committee appointed by the Minister for Environment; and”;
- 5.14 In clause 5.4 delete “ ‘Code of Practice for Roadside Conservation and Road Maintenance’ ” and insert “ ‘Handbook of Environmental Practice for Road Construction and Road Maintenance Works’ ”;
- 5.15 Delete clause 6.3(3);
- 5.16 In clause 6.8(1)(c) delete *“Weights and Measures Act 1915”* and insert *“National Measurement Act 1960 (Cth)”*;
- 5.17 In clause 6.8(2) delete paragraph (a) and renumber paragraphs (b) to (e) inclusive to “(a)” to “(d)” respectively;
- 5.18 Delete clause 6.11(a) and insert a new clause “6.11(a) the Facility is conducted in conjunction with and as an extension of a food business which abut on the Facility, and whether the applicant is the person conducting such food business”;
- 5.19 In clause 6.11(b) delete the word “premises” in both places where it appears and insert the word “business” and delete *“Health Act 1911”* and insert *“Food Act 2008”*;
- 5.20 Delete clause 6.11(c) and renumber paragraphs (d) to (f) inclusive to “(c)” to “(e)” respectively;

- 5.21 In clause 6.12(1)(a) delete the words “and any local law made under section 172 of the *Health Act 1911*”;
- 5.22 In clause 7.7(2)(b) delete the words “*mutatis mutandis*” and insert the words “with all the necessary changes as required.”;
- 5.23 In clause 8.1 delete the words “and regulations 33 and 34” and insert “regulation 33”; and
- 5.24 Delete Schedule 1 and insert the following:

Schedule 1
Prescribed Offences and Modified Penalties

[Clause 10.4]

Clause	Nature Of Offence	Modified Penalty \$
2.1(a)	Plant other than grass or a similar plant	300
2.1(b)	Damaging lawn or garden	300
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	300
2.1(d)	Placing hazardous substance on footpath	300
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	500
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	300
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	300
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	300
2.2(1)(b)	Throwing or placing anything on a verge without a permit	300
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	300
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	400
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	300
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	500
2.2(1)(h)	Felling tree onto thoroughfare without a permit	300
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	300
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	500
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	300
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	300
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	300
2.3(1)	Consumption or possession of liquor on thoroughfare	300
2.4(1)	Failure to obtain permit for temporary crossing	400

2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	500
2.9(1)	Installation of verge treatment other than permissible verge treatment	400
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	300
2.11	Failure to comply with notice to rectify a verge treatment	300
2.17(2)	Failure to comply with sign on public place	300
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	500
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	300
3.2(3)	Erecting or placing of advertising sign in a prohibited area	300
4.1(1)	Animal or vehicle obstructing a public place or local government property	300
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	300
4.2(2)(b)	Animal on public place with infectious disease	300
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	300
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	300
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	400
5.9	Planting in thoroughfare without a permit	400
5.11	Failure to obtain permit to clear a thoroughfare	500
5.13	Burning of thoroughfare without a permit	500
5.17	Construction of firebreak on thoroughfare without a permit	500
5.19	Commercial harvesting of native flora on thoroughfare	500
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	500
6.2(1)	Conducting of stall in public place without a permit	500
6.3(1)	Trading without a permit	500
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	300
6.8(1)(b)	Stallholder or trader not displaying valid permit	300
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	300
6.8(2)	Stallholder or trader engaged in prohibited conduct	300
6.10	Conducting a facility without a permit.	500
6.12	Failure of permit holder of outdoor eating facility to comply with obligations	300
6.14(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	100

6.14(2)	Failing to leave a facility when requested to do so by permit holder	100
7.5	Failure to comply with a condition of a permit	300
7.9	Failure to produce permit on request of authorized person	300
10.1	Failure to comply with notice given under local law	300

6. *Shire of Dandaragan Extractive Industries Local Law amended*

The *Shire of Dandaragan Extractive Industries Local Law*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 6.1 At the end of the Table of Contents delete the words “Part 9 Modified Penalties” and “Schedule” and insert “Schedule 1 - Prescribed Offences and Modified Penalties”;
- 6.2 In clause 8.1 delete the words “and regulations 33 and 34” and insert “regulation 33”; and
- 6.3 Delete the existing Schedule of Prescribed Offences at the end of the local law and insert the following;

**“Schedule 1
Prescribed Offences and Modified Penalties**

[Clause 9.1]

Clause	Nature of Offence	Modified Penalty \$
2.1	Carry on extractive Industry without licence or in breach of terms and conditions	500
6.1	Excavate near boundary	200
6.2(a)	Gateways not kept locked where required	500
6.2(b)	Warning signs not erected or maintained as required	300
6.2(c)	Excavation not drained as required	500
6.3(a)	Remove trees or shrubs near boundary without approval	500
6.3(b)	Store without required approval explosives or explosive devices	300
6.3(c)	Fill or excavate in breach of licence	500
6.4(1)(a)	Blasting without approval of the local government	400
6.4(1)(b)	Blasting outside times authorised	500
6.4(1)(d)	Blasting in breach of conditions imposed by the local government	400
6.4(2)	Blasting without approval on Saturday, Sunday or public holiday	300

7. *Shire of Dandaragan, Local Laws Relating to Fencing amended*

The *Shire of Dandaragan, Local Laws Relating to Fencing*, as published in

the *Government Gazette* of 9 May 2001, is amended as follows—

- 7.1 In clause 4 insert the following definition in alphabetical order:
“**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;
 - 7.2 In clause 4 delete the definition of “**Building Surveyor**”;
 - 7.3 In clause 4 insert the following definition in alphabetical order “**Local Planning Scheme**” means a local planning scheme of the local government made under the *Planning and Development Act 2005*;
 - 7.4 In clause 4 delete the definition of “**lot**” and insert - “**lot**” has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;
 - 7.5 In clause 4 delete the definition of “**Special Rural Lot**” and insert - “**Special Rural Lot**” means a lot where a special rural use -
 - (a) is or may be permitted under the town planning scheme; and
 - (b) is or will be the predominant use of the lot; and
 - 7.6 In clause 4 delete the definition of “**sufficient fence**” and insert - “**sufficient fence**” means a fence described in clause 6.
 - 7.7 In clause 4 delete the definition of “**Town Planning Scheme**”;
 - 7.8 In clause 6(4) and every subsequent place where they appear delete the words “the Building Surveyor” and insert “an authorised person”;
 - 7.9 In clause 7(2) delete the words “The Building Surveyor” and insert “An authorised person”;
 - 7.10 In clause 13(2) delete the year “1994” and insert “2002”; and
 - 7.11 in clause 18(2) delete “\$100” and insert “\$300”.
8. *Shire of Dandaragan, Parking and Parking Facilities Local Law 2010* amended

The *Shire of Dandaragan, Parking and Parking Facilities Local Law 2010*, as published in the *Government Gazette* of 21 December 2010, is amended as follows—

- 8.1 In the Table of Contents after Schedule 2 – Prescribed Offences insert the words “and Modified Penalties”;
- 8.2 In clause 1.2 delete the definition of ‘**symbol**’ and insert - ‘**symbol**’ includes any symbol specified by Australian Standard 1742.11-2016 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;
- 8.3 In clause 6.15(2)(d) delete “*Local Government (Parking for Disabled Persons) Regulations 1988*” and insert “*Local Government (Parking for People with Disabilities) Regulations 2014*”.
- 8.4 Delete Schedule 2 and insert the following;

**“Schedule 2
Prescribed Offences and Modified Penalties**

[Clause 8.1]

Clause	Nature of Offence	Modified Penalty \$
2.2	Failure to park wholly within parking stall	50
2.2(3)	Failure to park wholly within parking area	50
2.3(1)(a)	Causing obstruction in parking station	70
2.3(1)(b)	Parking contrary to sign in parking station	70
2.3(1)(c)	Parking contrary to directions of Authorized Person	70
2.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	50
3.1(1)(a)	Parking wrong class of vehicle	50
3.1(1)(b)	Parking by persons of a different class	60
3.1(1)(c)	Parking during prohibited period	60
3.1(3)(a)	Parking in no parking area	70
3.1(3)(b)	Parking contrary to signs or limitations	50
3.1(3)(c)	Parking vehicle in motor cycle only area	50
3.1(4)	Parking motor cycle in stall not marked 'M/C'	50
3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	60
3.2(1)(a)	Failure to park on the left of two-way carriageway	50
3.2(1)(b)	Failure to park on boundary of one-way carriageway	50
3.2(1)(a) or 3.2(1)(b)	Parking against the flow of traffic	60
3.2(1)(c)	Parking when distance from farther boundary less than 3 metres	60
3.2(1)(d)	Parking closer than 1 metre from another vehicle	50
3.2(1)(e)	Causing obstruction	70
3.3(b)	Failure to park at approximate right angle	50
3.4(2)	Failure to park at an appropriate angle	50
3.5(2)(a) and 6.2	Double parking	60
3.5(2)(b)	Parking on or adjacent to a median strip	50
3.5(2)(c)	Denying access to private drive or right of way	60
3.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	70
3.5(2)(e)	Parking within 10 metres of traffic island	60
3.5(2)(f)	Parking on footpath/pedestrian crossing	70
3.5(2)(g)	Parking contrary to continuous line markings	60
3.5(2)(h)	Parking on intersection	60
3.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	70
3.5(2)(j)	Parking within 3 metres of public letter box	60

3.5(2)(k)	Parking within 10 metres of intersection	60
3.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	70
3.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	70
3.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	70
3.6	Parking contrary to direction of Authorized Person	70
3.7(2)	Removing mark of Authorized Person	80
3.8	Moving vehicle to avoid time limitation	50
3.9(a)	Parking in thoroughfare for purpose of sale	50
3.9(b)	Parking unlicensed vehicle in thoroughfare	50
3.9(c)	Parking a trailer/caravan on a thoroughfare	50
3.9(d)	Parking in thoroughfare for purpose of repairs	50
3.10(1) or (2)	Parking on land that is not a parking facility without consent	60
3.10(3)	Parking on land not in accordance with consent	50
3.11	Driving or parking on reserve	50
4.1(1)	Stopping contrary to a 'no stopping' sign	50
4.1(2)	Parking contrary to a 'no parking' sign	50
4.1(3)	Stopping within continuous yellow lines	50
5.1	Stopping unlawfully in a loading zone	50
5.2	Stopping unlawfully in a taxi zone or bus zone	50
5.3	Stopping unlawfully in a mail zone	50
5.4	Stopping in a zone contrary to a sign	50
6.1	Stopping in a shared zone	50
6.3	Stopping near an obstruction	60
6.4	Stopping on a bridge or tunnel	50
6.5	Stopping on crests/curves etc	80
6.6	Stopping near fire hydrant	80
6.7	Stopping near bus stop	60
6.8	Stopping on path, median strip or traffic island	50
6.9	Stopping on verge	50
6.10	Obstructing path, a driveway etc	50
6.11	Stopping near letter box	50
6.12	Stopping heavy or long vehicles on carriageway	60
6.13	Stopping in bicycle parking area	50
6.14	Stopping in motorcycle parking area	50
6.15	Stopping in disabled parking area	100

7.6	Leaving vehicle so as to obstruct a public place	70
	All other offences not specified	40

9. *Shire of Dandaragan Cemeteries Local Law 2001* amended

The *Shire of Dandaragan Cemeteries Local Law 2001*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 9.1 In the title of the local law delete the words “Local Laws Relating to the” and insert “Local Law 2001” after the word “Cemeteries”;
- 9.2 In clause 1.1 after “Dandaragan” insert the words “Badgingarra, Dandaragan and Jurien Bay Public”;
- 9.3 In clause 1.2 at the end of each existing definition with a colon, delete the colon and insert a semicolon;
- 9.4 In clause 1.2 insert in the appropriate alphabetical order the following definition – “**Act**” means the Cemeteries Act 1986;
- 9.5 In clause 1.2 delete the definition of ‘**single funeral permit**’ and insert “‘**single funeral permit**’ means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit;” ;
- 9.6 In clause 1.2 delete the definition of ‘**vault**’ and insert – “‘**vault**’ means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board; and”;
- 9.7 In clause 1.2 insert in the appropriate alphabetical order the following definition - ‘**vehicle**’ has the same meaning as is given to that word in the Road Traffic (Administration) Act 2008 (as amended from time to time), and includes trail bikes, beach buggies and other recreational vehicles licenced or unlicensed, but excludes a wheelchair being used by a physically impaired person.”;
- 9.8 In Part 3 renumber clause “3.3” to “3.2” and each subsequent clause in numerical order;
- 9.9 In Part 5 renumber clause “5.12” to “5.7”; and
- 9.10 In Part 7 renumber clause “7.15” to “7.13” and each subsequent clause in numerical order.

10. *Shire of Dandaragan, Bush Fire Brigades Local Law* amended

The *Shire of Dandaragan Bush Fire Brigades Local Law*, as published in the *Government Gazette* of 9 May 2001, is amended as follows—

- 10.1 In clause 1.2 delete the definition of “**Authority**”;
- 10.2 In clause 1.2 insert the following definition in alphabetical order – “**Department**” means the Department of the Public Service principally assisting in the administration of the Fire and Emergency Services Act 1998;” ;
- 10.3 In clause 4.4(f) delete “Authority’s” and insert “Department’s”;

- 10.4 In the heading of clause 2.6 of the First Schedule delete “FESA” and insert “Department”;
- 10.5 In clause 2.6 of the First Schedule delete “Authority” in both places that it appears and insert “Department”;
- 10.6 In clause 3.3(1)(e) of the First Schedule delete “Authority” in both places that it appears and insert “Department”.

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

.....L. Holmes, Shire President.

.....B Bailey, Chief Executive Officer.

Dated 2019.