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CITY OF GREATER GERALDTON

LOCAL GOVERNMENT ACT 1995

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW

LOCAL GOVERNMENT AND PUBLIC PROPERTY LOCAL LAW

LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2014

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LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

ANIMALS, ENVIRONMENT AND NUISANCE LOCAL LAW 2014

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Greater Geraldton resolved on the 25 March 2014 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Greater Geraldton Animals, Environment and Nuisance Local Law 2014*.

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The following local laws are repealed—

- (a) the *City of Geraldton-Greenough Removal of Refuse, Rubbish and Disused Materials Local Law 2008* published in the *Government Gazette* of 24 November 2008;
- (b) the *Town of Geraldton By-law Relating to Clearing and Removal of Refuse, Rubbish or Material from Land* published in the *Government Gazette* of 1 May 1962;
- (c) the *Town of Geraldton Adoption of By-laws Relating to Clearing and Removal of Trees, Scrub, Undergrowth, Refuse, Rubbish and Vehicle Bodies from Land* published in the *Government Gazette* of 2 July 1982; and
- (d) the *Shire of Mullewa By-law Relating to Clearing and Removal of Trees, Scrub, Undergrowth, Refuse, Rubbish and Other Material from Land* published in the *Government Gazette* of 23 June 1964 and as amended and published in the *Government Gazette* of 24 April 1980.

1.5 Interpretation

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

Act means the *Local Government Act 1995*;

affiliated person means a person who is a member of a poultry or pigeon club incorporated under the *Associations Incorporation Act 1987*;

amusement means anything conducted for amusement at a fair, a carnival or a show, whether conducted at a fair, a carnival or a show or elsewhere;

AS/NZS 3500: 2003 means the standard published by the Standards Association of Australia as AS/NZS 3500: 2003 called Plumbing and Drainage, “as amended from time to time”;

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;

aviary bird means any bird, other than poultry or pigeons, kept or usually kept in an aviary or cage;

birds includes poultry;

builder means the holder of a building permit issued in respect of building works on a building site or a person in control of a building site;

Building Code means the latest edition of the *National Construction Code* published by, or on behalf of, the Australian Building Codes Board—

building permit means a permit granted under section 20 of the *Building Act 2011*;

building site means any lot for which a building permit is current;

Class 6 building means any Class 6 building as defined by the Building Code;

Class 9 building means any Class 9 building as defined by the Building Code;

Code of Practice—Pigeon Keeping means the document entitled *A Code of Practice –for Pigeon Keeping and Racing in Western Australia* published by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation (Incorporated), as amended from time to time;

cow includes an ox, calf or bull;

development has the meaning given to it in the *Planning and Development Act 2005*;

development approval means a development approval under a local planning scheme;

development site includes any lot or lots for which there is currently a development or subdivision approval in place, and upon which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place pursuant to or in relation to that approval;

district means the district of the local government;

dust means any visible granular or particulate material which has become airborne or has the potential to become airborne and includes organic and non-organic matter and sand, but does not include smoke;

equipment means equipment, machinery or vehicles used for or in connection with the development of land;

farm animal includes a horse, cow, sheep, goat, pig or other ungulates and Alpacas and Llamas of the Camelidae family;

food premises means any premises or vehicle used by a “food business” as defined by section 10 of the *Food Act 2008*;

horse includes an ass, mule, donkey or pony;

land includes any building or structure on the land;

liquid waste means waste from any process or activity that is in liquid form and includes paint, fuel, grease, fat, oil, degreaser solvent, detergent, chemical, animal waste, food waste, effluent and all discharges of liquid to land, air or water that are not otherwise authorised by a written law but does not include uncontaminated stormwater;

livestock includes cattle, sheep, pigs, goats and horses;

livestock vehicle means a vehicle that contains livestock or previously has been used for the carriage of livestock;

local government means the City of Greater Geraldton;

local planning scheme has the meaning given to it by the *Planning and Development Act 2005*;

lot has the meaning given to it by the *Planning and Development Act 2005*;

manure receptacle means a receptacle of sufficient capacity to receive all manure produced in one week on premises upon which a farm animal or farm animals are kept, constructed of smooth, durable, impervious materials, fitted with a fly proof, hinged cover and with no part of the floor lower than the adjoining ground;

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 by 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;

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

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

pigeon includes homing pigeons and other domesticated breeds of the species *Columba livia*, but does not include native pigeons or doves whether or not the keeping of such birds is subject to the approval of the Department of Environment Regulation;

poultry includes fowls, roosters, ducks, peafowls, turkeys, geese, guinea fowls, pheasants and other birds commonly kept for the production of eggs or meat for domestic consumption;

refuse means any waste material including bricks, lime, cement, concrete, rubble, stones, iron, timber, tiles, bags, plastics, ashes, vegetation, timber, wood or metal shavings, sawdust, and waste food, and includes any broken, used, derelict or discarded matter;

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

residential building has the meaning given to it in the *Residential Design Codes of Western Australia*;

residential zone includes any area zoned “Residential” and “Urban Development” under a local planning scheme;

rural zone means any area zoned “Rural” or “Rural Residential” under a local planning scheme;

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

Schedule means a schedule to this local law;

stormwater means any naturally occurring water that results from rainfall on or around a site, or water flowing onto the site;

subdivision approval means a subdivision approval under the *Planning and Development Act 2005*;

thoroughfare means any highway or thoroughfare which the public are entitled to use, including the verge and other things including bridges and culverts appurtenant to it;

townsite means all townsites within the 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 Act.

truck means a motor vehicle having a tare weight in excess of 3000 kilograms;

unreasonable noise has the meaning given to it by the *Environmental Protection Act 1986*; and

vermin includes rats, mice, flies, fleas, mites, lice, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions.

(1) Any other expression used in this local law and not defined herein shall have the meaning given to it in the Act.

(2) Where in this local law a duty, obligation or liability is imposed on an “owner or occupier” the duty shall be deemed to be imposed jointly and severally on each owner and occupier.

(3) Where under this local law the local government is authorised to carry out actions or cause to be undertaken works as a consequence of the failure of any person to comply with the terms of a notice or other conduct, the right to enter land is at all times subject to the provisions of Part 3, Division 3, Subdivision 3 of the Act.

PART 2—KEEPING OF ANIMALS

Division 1- Keeping of birds

2.1 Keeping of poultry and pigeons in a residential zone

An owner or occupier of premises in a residential zone shall not keep or permit to be kept on the premises—

- (a) more than 12 poultry; or
- (b) more than 12 pigeons unless the owner or occupier is an affiliated person in which case the maximum number of pigeons may be increased to 100.

2.2 Conditions for keeping of poultry

A person who keeps poultry or permits poultry to be kept shall ensure that—

- (a) no poultry shall be kept less than 9 metres from any residential building;
- (b) no poultry is able to approach within 15 metres of a public thoroughfare, public building, commercial premises or food premises;
- (c) all poultry is kept in a properly constructed and securely fastened structure;
- (d) the structure has an impervious floor laid with a fall to the front of at least 1 in 50;
- (e) all structures or enclosures within which poultry are kept are maintained at all times in a clean condition; and
- (f) all poultry is kept continually confined.

2.3 Roosters, geese, turkeys and peafowl

Except on land with an area of 1 hectare or more or with the prior written permission of the local government, an owner or occupier of premises shall not keep any—

- (a) roosters;
- (b) geese;
- (c) turkeys; or
- (d) peafowls.

2.4 Conditions for keeping of pigeons

A person who keeps pigeons or permits pigeons to be kept shall ensure that—

- (a) all pigeons are kept in a properly constructed pigeon loft, except where registered homing pigeons are freed for exercise;
- (b) all structures or enclosures within which pigeons are kept are maintained at all times in a clean condition;
- (c) no opening to a pigeon loft, including openings for ventilation, is within 9 metres of any residential building; and
- (d) no opening to a pigeon loft, including openings for ventilation, is within 15 metres of a thoroughfare, public building, commercial premises or food premises.

2.5 Conditions of keeping aviary birds

A person who keeps, or permits to be kept, aviary birds shall ensure that the aviary or cage is kept in clean condition and good repair at all times.

2.6 Nuisance caused by birds

An owner or occupier of land shall not keep any bird or birds which—

- (a) are or create a nuisance; or
- (b) emit an unreasonable noise.

*Division 2—Keeping of farm animals***2.7 Keeping of farm animals**

Subject to clause 2.8, an owner or occupier of land shall not keep, or allow to be kept, any farm animal unless in a rural zone and in accordance with the provisions of any local planning scheme applicable to that zone.

2.8 Conditions for keeping farm animals

- (1) An owner or occupier of premises upon which a farm animal or farm animals are kept, shall maintain the place or places where the animals are kept in clean condition and good repair at all times.
- (2) An owner or occupier of premises in a rural zone shall not keep more than 1 pig other than on premises registered as a piggery pursuant to the provisions of the *Health Act 1911*, except with the express written approval of the local government.

PART 3—BUILDING, DEVELOPMENT AND LAND CARE*Division 1—Litter and refuse on building sites***3.1 Provision of refuse receptacles**

The owner or occupier of a building or development site shall at all times provide and maintain available for use on the site a refuse receptacle, to the satisfaction of an authorised person, and be of such design as will—

- (a) contain any refuse likely to be produced on the site; and
- (b) prevent refuse being blown from the receptacle by wind.

3.2 Control of refuse

(1) From the time of commencement of works on a building site or development site until the time of completion of such work, the owner or occupier of the site shall—

- (a) ensure all refuse on the site is placed and contained in the refuse receptacle and prevented from being blown from the site by wind;
- (b) keep the site as free as is reasonably practicable from any refuse;
- (c) maintain the thoroughfare verge, and any other reserve, immediately adjacent to the site free of refuse generated or originating from the building or development site; and
- (d) ensure the refuse receptacle is emptied when full.

(2) The owner or occupier of a building or development site shall ensure that within 2 days of completion of works on the site—

- (a) the site and the thoroughfare verge immediately adjacent to it is cleared of all refuse generated or originating from the building or development site; and
- (b) that all refuse receptacles are permanently removed from the site.

3.3 Unauthorised storage of materials

(1) No construction materials shall be stored on a building or development site without written approval of the local government.

(2) Written approval must be obtained from the local government prior to any proposal to store construction material on any thoroughfare verge.

*Division 2—Prevention of Dust and Liquid Waste***3.4 Prohibited activities**

(1) An owner and or occupier of land must take effective measures to—

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

(2) Where the local government forms the opinion that an owner or occupier has not complied with subclause (1), the local government may serve on the owner and/or occupier of the land a notice requiring the owner and or occupier to do one or more of the following—

- (a) comply with subclause (1)(a) or (1)(b);
- (b) clean up and properly dispose of any released or escaped dust or liquid waste;

- (c) clean up and make good any damage resulting from the released or escaped dust or liquid waste; and
 - (d) take effective measures to stop any further release or escape of dust or liquid waste.
- (3) Where a notice is issued under subclause (2), the requirements set out in the notice must be complied with in the period as is specified in the notice.
- (4) Where the local government is of the opinion that dust or liquid waste may be released or escape as a result of an activity which is likely to be carried on from any land, the local government may give to the owner and or occupier a notice providing that the activity may only be carried on subject to conditions specified in the notice.

Division 3—Smoke

3.5 Burning of cleared vegetation prohibited

An owner or occupier of any building or development site shall ensure that no vegetation or other material cleared from the site is burnt on the site unless authorisation in writing is given by the Chief Bushfire Control Officer.

Division 4—Unsightly land and disused materials

3.6 Storage of vehicles, vessels and machinery

The owner or occupier of a lot shall not—

- (a) store, or allow to remain, in public view on any lot more than 1 vehicle, vessel or machinery (whether licensed or not) in a state of disrepair;
- (b) store, or allow to remain, in public view on any lot any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month;
- (c) store, or allow to remain, in public view on any lot any vehicle, vessel or machinery parts (including tyres);
- (d) wreck, dismantle or break up any vehicle, part or body of a vehicle, vessel or machinery except where performed—
 - (i) inside a building; or
 - (ii) within an area enclosed by a fence or wall of not less than 1.8 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles, vessels or machinery from the street and from adjoining properties; or
- (e) wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance.

3.7 Disposing of disused refrigerators or similar containers

A person shall not place, leave or dispose of a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first—

- (a) removing every door and lid and every lock, catch and hinge attached to a door or lid or otherwise rendering every door and lid incapable of being fastened; and
- (b) removing any refrigerants as per requirements of the *Environment Protection (Ozone Protection) Policy 2000*.

PART 4—NUISANCES AND DANGEROUS THINGS

Division 1—Light

4.1 Use of exterior lights

An owner or occupier of land on which floodlights or other exterior lights are erected or used shall not allow the floodlights or other exterior lights to shine directly onto any other premises.

4.2 Emission or reflection of light

An owner or occupier of land shall ensure that—

- (a) artificial light is not emitted or reflected from anything on the land so as to illuminate premises outside that land to more than 50 lux; and
- (b) natural light is not reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare.

4.3 Notice may require specified action to prevent emission or reflection of light

(1) Where—

- (a) floodlights or other exterior lights shine directly onto any other premises;
- (b) artificial light is emitted or reflected from anything on the land so as to illuminate premises outside the land to more than 50 lux; or
- (c) natural light is reflected from anything on the land so as to create or cause a nuisance to the occupier of any other premises or to a person lawfully using a thoroughfare, the local government may by notice in writing direct the owner or occupier to take such actions as necessary within the time specified in the notice.

(2) The notice referred to in subclause (1) may direct that—

- (a) floodlights or other exterior lights are used only during the hours specified in the notice;

- (b) the direction in which the lights shine be altered as specified in the notice; or
- (c) any reflective surfaces be painted or otherwise treated so as to abate the nuisance;
- (d) any combination of these measures that the local government believes to be appropriate to the circumstances.

Division 2—Smoke, fumes, odours and other emissions

4.4 Burning rubbish, refuse or other material

(1) A person shall not on any land of an area 2000 square metres or less, set fire to rubbish, refuse or other materials on rural residential zoned property unless—

- (a) written approval has first been obtained from the local government;
- (b) the person demonstrates to the satisfaction of the local government that reasonable alternatives for the disposal of the rubbish, refuse or other material do not exist and the potential for pollution is low;
- (c) the material does not include any plastic, rubber, food scraps, green garden materials or other material likely to cause the generation of smoke or odour in such quantity as to cause a nuisance to other persons;
- (d) a haze alert has not been issued by the Bureau of Meteorology for the period during which burning is to take place; and
- (e) the burning complies with the *Bush Fires Act 1954*, any annual fire hazard reduction notice issued by the local government under that Act and any conditions of approval as determined by the local government.

(2) Subclause (1) shall not apply to any barbeque, solid fuel water heater, space heater or ovens fired with dry paper, dry wood, synthetic char or charcoal type fuel.

(3) Subclause (1) is subject to any fire danger rating as determined by the Bureau of Meteorology.

4.5 Escape of smoke, fumes, odours and other emissions

An owner or occupier of land or premises shall not cause or permit the escape of smoke, fumes or odours from the land so as to cause a nuisance to any person.

Division 3—Livestock carrying vehicles

4.6 Livestock vehicles

(1) A person shall not park a vehicle containing livestock in a townsite for a period in excess of 30 minutes.

(2) A person shall not park a vehicle which contains or has been used for the carriage of livestock so as to create or be a nuisance to any person, by reason of the odour emanating from the vehicle.

(3) If a person parks a vehicle containing livestock in a townsite in accordance with subclause (1), then the person does not contravene subclause (2).

4.7 Truck noise from residential land

A person shall not start or drive a truck on land or adjacent to land which is zoned, approved or used for residential purposes between the hours of 10.30 pm and 6.30 am on the following day without first obtaining the written consent of the local government.

Division 4—Stormwater management

4.8 Containment of stormwater

(1) Subject to subclause (2), the owner or occupier of a lot shall ensure that all stormwater received by any building, house, or other structure or any paved or sealed or other surfaced areas including any vehicle access ways on the lot is contained within the lot and is not permitted to discharge onto or run-off onto adjacent land so as to cause a nuisance, or cause damage to any structures situated on adjacent land.

(2) Subclause (1) shall not prevent the discharge of stormwater from a lot into a local government approved stormwater drain.

4.9 Guttering and downpipes

(1) The owner or occupier of a lot shall ensure that each building or house on the lot is provided with adequate guttering and downpipes sufficient to receive, without overflow, all stormwater from the roof of the building or house, in accordance with AS/NZS 3500.

(2) The owner or occupier of a lot shall ensure that all guttering and downpipes to each building or house on the lot are maintained in a good state of repair and free from obstruction.

4.10 Stormwater disposal systems

(1) The owner or occupier of a lot shall ensure that all stormwater from the roof of each building or house on the lot, or the overflow from rainwater storage tanks, is discharged into stormwater drainage system, or discharged by other methods approved by the local government, in accordance with AS/NZS 3500.

(2) The owner or occupier of a lot shall ensure that all stormwater from paved areas or other surfaced areas including any vehicle access ways of the lot is discharged into a stormwater drainage system of adequate capacity in accordance with AS/NZS 3500.

(3) The owner or occupier of a lot shall ensure that all stormwater drainage systems on the lot are maintained in a good state of repair and free from obstruction.

4.11 Containment and disposal of swimming pool and other wastewater

(1) The owner or occupier of a lot shall ensure that all wastewater and backwash water from swimming pool filtration systems or other water storage systems associated with a swimming pool shall be contained within, and disposed onto or into the lot on which the swimming pool is located.

(2) The owner or occupier of a lot shall ensure that the disposal of wastewater and backwash water from a swimming pool filtration system or other water storage system associated with a swimming pool into an approved disposal system or a soakwell system having a minimum capacity of 140 litres, and located a minimum of 1.8 metres away from any building or lot boundary, satisfies the requirement of subclause (1).

Division 5—Amusement activities

4.12 Nuisance

A person shall not, without written authorisation from the local government, provide or conduct any amusement on land so as to create or be a nuisance to any owner or occupier of land in the district.

4.13 Abatement by authorised person

Subject to Subdivision 3, of Division 3, of Part 3 of the Act, an authorised person may enter on any land where an amusement is provided or conducted and may do any act or thing reasonably required to abate a nuisance referred to in clause 4.12.

Division 6—Advertising, bill posting and junk mail

4.14 Placement of advertisement, bill posting or junk mail

(1) A person shall not without written approval from the local government, place or affix any letter, figure, device, poster, sign or advertisement on any building, fence or post.

(2) A person shall not place in or on any letter box, gate, fence or generally leave or distribute to any property in the district, any handbill, poster, pamphlet, flyer or other form of advertising or promotional material, where there is clearly displayed a sign or notice which states “no junk mail” or words of similar effect.

4.15 Exemptions

Clause 4.14 does not apply to—

- (a) delivery of articles by Australia Post;
- (b) documents issued under or for the purposes of an Act of Parliament;
- (c) an authorised person or member of the police force acting in the course of their duties;
- (d) electoral materials; or
- (e) the service of documents for the purposes of legal proceedings.

Division 7—Bird nuisance

4.16 Restrictions on feeding of birds

(1) A person shall not feed a bird—

- (a) so as to cause a nuisance, or
- (b) with a food or substance that is not a natural food of a bird.

(2) Where an authorised person forms the opinion that a person has not complied with subclause (1) the authorised person may serve the person a notice requiring the person to clean up and properly dispose of any feed or waste products specified in the notice.

PART 5—OBJECTIONS AND APPEALS

5.1 Objections and appeals

When the local government makes a decision under this local law as to whether it will—

- (a) grant a person a permit or authorisation;
- (b) vary or cancel a permit or authorisation; or
- (c) give a person a notice;

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations shall apply to that decision.

PART 6—ENFORCEMENT

Division 1—Notice of breach

6.1 Notice of breach

(1) Where a breach of any provision of this local law has occurred, the local government may give a notice in writing to the person alleged to be responsible for such breach.

(2) A notice issued pursuant to subclause (1) shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and

- (c) state the manner in which the recipient is required to remedy the breach to the satisfaction of the local government within a time period stipulated in the notice which shall be not less than 14 days from the giving of the notice.

(3) It is an offence to fail to comply with a notice issued by the local government pursuant to subclause (1).

6.2 Form of notices

Where this local law refers to the giving of a notice other than the giving of an infringement notice and no particular form is prescribed, it will be sufficient that the notice be in writing giving sufficient details to enable the owner, occupier or other person to whom the notice is issued to know the offence committed and the measures required to be taken or conditions with which compliance is required, as the case may be.

Division 2—Offences and Penalties

Subdivision 2—General

6.3 Offences and penalties

(1) A person who—

- (a) fails to do anything required or directed to be done under this local law;
- (b) fails to comply with the requirements of a notice issued under this local law by an authorised person; or
- (c) does anything which under this local law that person is prohibited from doing;

commits an offence.

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

(3) A person who commits an offence under this local law is liable to a maximum penalty of \$5000 and a maximum daily penalty of \$500 in respect of each day or part of a day during which the offence has continued.

Subdivision 3—Infringement notices and modified penalties

6.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 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 1—

- (a) in the case of a first offence the modified penalty will be that prescribed in column 4 of Schedule 1; and
- (b) in the case of a subsequent offence the modified penalty will be that prescribed in column 4 of Schedule 1.

6.5 Form of infringement notices

For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice given under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the Regulations.
-

Schedule 1
PRESCRIBED OFFENCES

[cl. 6.5]

Item	Clause	Description of offence	Modified penalty— first offence	Modified penalty— subsequent offence
1	2.1(a)	Keeping more than 12 poultry	\$250	\$500
2	2.1(b)	Keeping more than 12 pigeons	\$250	\$500
3	2.2(a)	Keeping poultry within 9 metres of a residential building	\$250	\$500
4	2.2(b)	Poultry approaching within 15 metres of a building or thoroughfare	\$250	\$500
5	2.2(c)	Poultry not kept in a secure structure	\$250	\$500
6	2.2(d)	Poultry structure not having an impervious floor	\$250	\$500
7	2.2(e)	Not maintaining a poultry structure in a clean condition	\$250	\$500
8	2.2(f)	All poultry not being continually confined	\$250	\$500
9	2.3(a)	Keeping of roosters on land under 1 hectare	\$250	\$500
10	2.3(b)	Keeping of geese on land under 1 hectare	\$250	\$500
11	2.3(c)	Keeping of turkeys on land under 1 hectare	\$250	\$500
12	2.3(d)	Keeping of peafowls on land under 1 hectare	\$250	\$500
13	2.4(a)	Pigeons not being kept in a properly constructed pigeon loft	\$250	\$500
14	2.4(b)	Not maintaining a structure for pigeons in a clean condition	\$250	\$500
15	2.4(c)	Keeping of pigeons with 9 metres of a residential building	\$250	\$500
16	2.4(d)	A pigeon loft being within 15 metres of a thoroughfare or commercial building	\$250	\$500
17	2.5	Aviary cage not being kept in a clean condition	\$250	\$500
18	2.6(a)	Bird causing a nuisance	\$250	\$500
19	2.6(b)	Bird emitting and unreasonable noise	\$250	\$500
20	2.7	Keeping of a farm animal other than in a rural zone	\$250	\$500
21	2.8(1)	Fail to keep a place where farm animals are kept in a clean condition & good repair	\$250	\$500
22	2.8(2)	Keeping more than one pig other than on premises registered as a piggery	\$250	\$500
23	3.1	Failure to provide or maintain a refuse receptacle on a building or development site	\$250	\$500
24	3.2	Failure to control refuse on a building or development site	\$250	\$500
25	3.2(2)(a)	Failure to clear all refuse generated by building site.	\$250	\$500
26	3.2(2)(b)	Failure to remove refuse receptacles from site	\$250	\$500
27	3.3	Unauthorised storage of materials	\$250	\$500
28	3.4	Release or escape of dust or liquid waste from land	\$250	\$500
29	3.5	Burning cleared vegetation or other material on site	\$250	\$500
30	3.8(a)	Store or allow to remain on land more than one vehicle, vessel or machinery in a state of disrepair	\$250	\$500

Item	Clause	Description of offence	Modified penalty— first offence	Modified penalty— subsequent offence
31	3.6(b)	Store or allow to remain on land any vehicle, vessel or machinery in a state of disrepair for a period in excess of 1 month	\$250	\$500
32	3.6(c)	Store or allow to remain on land any vehicle, vessel or machinery parts (including tyres)	\$250	\$500
33	3.6(d)(i)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not inside a building	\$250	\$500
34	3.6(d)(ii)	Wreck, dismantle or break up any vehicle part or body, vessel or machinery not behind a sufficient fence or wall	\$250	\$500
35	3.6(e)	Wreck, dismantle or break up a vehicle, vessel or machinery so as to cause a nuisance	\$250	\$500
36	3.7(a)	Disposing of disused refrigerator or similar container with door or lid that can be fastened	\$250	\$500
37	3.7(b)	Disposing of disused refrigerator or similar container without removing refrigerant	\$250	\$500
38	4.1	Erection or use of lighting installations other than in accordance with requirements	\$250	\$500
39	4.2	Emitting or reflecting excessive artificial light, or reflecting natural light that causes nuisance	\$250	\$500
40	4.4(1)	Set fire to rubbish, refuse or other materials	\$250	\$500
41	4.5	Cause or permit the escape of smoke, fumes, odours and other emissions so as to cause a nuisance	\$250	\$500
42	4.6(1)	Parking a livestock vehicle in a townsite in excess of 30 minutes	\$250	\$500
43	4.7	Starting or driving a truck on residential land, or adjoining residential land, without consent	\$250	\$500
44	4.8(1)	Failure to ensure that all rainwater or storm water received by a lot and any building, house or structure on the lot, is contained within the lot	\$250	\$500
45	4.9(1)	Failure to have adequate guttering and downpipes sufficient to receive all stormwater	\$250	\$500
46	4.9(2)	Failure to maintain all guttering and down pipes in a good state of repair and free from obstruction	\$250	\$500
47	4.10 (3)	Failure to maintain all subsurface stormwater disposal systems in a good state of repair and free from obstruction	\$250	\$500
48	4.11(1)	Failure to contain or dispose of swimming pool wastewater on the lot on which the swimming pool is located	\$250	\$500
49	4.11(2)	Failure to have approved disposal system or soakwell with minimum capacity of 140 litres	\$250	\$500
50	4.12	Conducting an amusement so as to create a nuisance	\$250	\$500
51	4.14(1)	Unauthorised placement of advertisement, bill posting or junk mail	\$250	\$500
52	4.14(2)	Placement of advertisement, bill posting or junk mail where a “no junk mail”, or equivalent, sign is displayed	\$250	\$500

Item	Clause	Description of offence	Modified penalty— first offence	Modified penalty— subsequent offence
53	4.16(1)(a)	Feeding a bird causing a nuisance	\$250	\$500
54	4.16(1)(b)	Feeding a bird a food/substance that is not a natural food	\$250	\$500
55	6.1(3)	Failure to comply with notice	\$250	\$500
56		All other Offences	\$250	\$500

Dated: 8th April 2014.

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

IAN CARPENTER, Mayor.
KEN DIEHM, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

CITY OF GREATER GERALDTON

**LOCAL GOVERNMENT AND PUBLIC PROPERTY
LOCAL LAW 2014**

Under the powers of the *Local Government Act 1995* and by all other powers, the Council of the City of Greater Geraldton resolved to make the following local law on the 25 March 2014.

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Schedule 1	

PART 1—PRELIMINARY

1. Title

This local law may be cited as the *City of Greater Geraldton Local Government and Public Property Local Law 2014*.

2. Commencement

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

3. Purpose and intent

(1) The purpose of this local law is to provide for the regulation, control and management of activities and facilities on local government buildings and land and public property within the district.

(2) The effect of this local law is to establish the requirements with which any person using or being on local government and public property within the district, must comply.

4. Repeal

The following local laws are repealed—

- (a) *Municipality of the Town of Geraldton By-laws for the Prohibition of Playing Golf on Reserves* published in the *Government Gazette* on the 9 December 1977;
- (b) *City of Geraldton Local Government Property Local Law* published in the *Government Gazette* on the 7 November 2001;
- (c) *Greenough Road Board By-laws for the Control and Management of Halls* published in the *Government Gazette* on the 17 June 1938;
- (d) *Shire of Greenough Reserves, Rivers and Foreshores Local Law*, published in the *Government Gazette* on 6 December 2001;
- (e) *Mullewa Road Board By-laws relating to the Management and Use of the Town Hall and Other Buildings under the Control of the Board* published in the *Government Gazette* on 8 December 1939 and amended and published in the *Government Gazette* on 5 January 1961, 23 January 1973, 13 February 1981 and 19 August 1988; and
- (f) *Municipality of the Shire of Mullewa By-laws relating to Swimming Pool* published in the *Government Gazette* on 28 May 1969 and amended and published in the *Government Gazette* on 23 January 1973, 17 January 1975, 29 July 1977, 28 October 1983, 10 July 1987 and 2 September 1988.

5. Definitions

In this local law unless the context otherwise requires—

Act means the *Local Government Act 1995*;

adjacent owner means the owner of any property or lot adjoining a thoroughfare which is subject to a verge treatment;

applicant means a person who has lodged an application for an approval, or certificate, required for any activity under this local law;

application means the completed form lodged by an applicant as required by this local law;

approval holder means the person issued with an approval;

article in respect of lost property, includes money;

attendant means an employee of the local government duly authorised to perform duties in connection with a pool premises, or other recreational facility;

authorised person means a person authorised by the local government under section 9.10 of the Act;

bathing means the act of entering the sea, a swimming pool, or other water body, to swim or use a bathing appliance and includes the act of emerging therefrom;

bathing appliance means a float of any material, including kick boards, paddle boards, body boards, or any other device used or capable of being used for the purpose of bathing;

boat means any structure or vessel, excluding personal watercraft, whether motorised or not and made or used to travel or float on water or travel under water;

camp has the same meaning as defined in the *Caravan Parks and Camping Grounds Act 1995*;

CEO means the chief executive officer of the local government;

Code means the road Traffic Code 2000;

decency means wearing of proper and adequate clothing for the occasion, so as to prevent indecent exposure;

district means the district of the local government;

firework means a device like a Catherine wheel, roman candle, or rocket in which combustible materials are ignited and produce coloured flames, smoke and are sometimes accompanied by a bang;

fireworks display means a show of a number of fireworks set off over a pre-arranged time period, for the purpose of providing enjoyment to those persons able to view them;

fishing means to use any line, lure, rod, pot or other method for the purpose of catching marine life;

function means an event or activity characterised by any or all of the following—

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) it is organised by or on behalf of an association or other body;
- (d) payment of a fee is required for attendance; and
- (e) there is systematic recurrence in relation to the day, time and place;

lifesaving club means a lifesaving club affiliated with Surf Lifesaving WA Inc. or any branch;

lifesaving gear means any gear or appliance for use in the provision of life saving or for training of life saving club members in their duties;

lifesaving patrol means a patrol comprising such members of a lifesaving club as are appointed by that club from time to time to provide lifesaving services in a defined area and the term includes an employee of the local government appointed as a beach patrol officer or inspector;

liquor has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*;

local government means the City of Greater Geraldton;

local government building means a structure, hall, room, corridor, stairway or annex, and includes all plumbing, electrical installations, fixtures, fittings, furniture and other contents, owned or under the care, control and management of the local government;

local government property means anything which belongs to, is owned by or is under the care control and management of the local government, other than a thoroughfare;

lot means a defined portion of land for which a separate certificate of title has been issued and includes a strata lot;

manager means the person for the time being employed by the local government to manage a swimming pool premises or recreation centre and includes any assistant or deputy;

nuisance means—

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or

- (c) anything a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that anything done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

patrol flag means a flag or notice erected at the limits of a bathing area to indicate the extremities of that area;

person means any person, company, employer and includes an owner, occupier, licensee and approval holder;

personal watercraft means any vessel designed for the transport of 1, 2, or 3 persons that—

- (a) is propelled by means of an inboard motor powering a water jet pump; and
(b) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it;

pool premises means and includes any swimming pool for the time being under the control and management of the local government and all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the swimming pool or used in connection with it;

Prohibited drug is given its meaning under section 4 of the *Misuse of Drugs Act 1981*;

public place means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes, parklands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the care, control or management of the local government;

public property means any real property, land, lot, or reserve which is open and available for use by the public for public purposes, whether through payment of a fee or not and includes any building or structure thereon;

retailer means a proprietor of a shop which provides shopping trolleys for the use of customers of the shop;

sand board means a board designed to be used for sliding down a slope of land and sand boarding has a correlative meaning;

schedule means a schedule in this local law;

shopping trolley means a container or receptacle on wheels provided by a retailer for customers to transport goods;

sign includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

surf board means a flotation device designed and used for riding or surfing waves, including surf skis or any other device used or capable of being used for the purpose;

thoroughfare means any street, way or place that is designed and used for the passage of vehicles and includes the shoulders and embayment's at the side or centre of the carriageway used for the parking of vehicles;

vehicle has the same meaning given in the Code;

vehicle crossing specification means the design details, measurements and materials, approved by the local government as the standard vehicle crossing, which when first constructed on any land in the district, will be eligible for a subsidy as determined by the local government.

verge means that portion of land that lies between the front of a property and the edge of the thoroughfare and between imaginary lines extended at a 90 degree angle with the thoroughfare, from the edge of the thoroughfare to meet the side boundaries at the front of the property;

verge treatment means any of the treatments permitted by this local law and includes any reticulation pipes and sprinklers;

zoned means zoned under a town planning scheme of the local government.

PART 2—APPROVALS AND FEES

6. Application for approval

An application for a written approval required in accordance with clause 10 shall be made on the form provided for the purpose.

7. Determination of application

The local government may, in respect of an application for an approval—

- (a) refuse the application; or
(b) approve the application with or without conditions.

8. Term and validity of approval

Subject to clause 9, an approval remains valid until—

- (a) the expiration date and time detailed in the approval is reached;

- (b) the activity or function for which the approval was issued is changed to the extent that it is no longer consistent with the original purpose or intent for which the approval was given;
- (c) the approval is cancelled by the local government; or
- (d) the public liability and/or indemnity insurance required as a condition of an approval lapses, is cancelled or is no longer current.

9. Cancellation of approval

(1) The local government may cancel an approval if—

- (a) anything purporting to be done in accordance with the approval is not done in conformity with the conditions of the approval;
- (b) the approval holder is convicted of an offence against this local law; or
- (c) the approval holder fails to abide by a notice served in accordance with Part 9 of the Act.

(2) In the event of cancellation of an approval, the approval holder shall not be entitled to a refund of the approval fees if any, for the remainder of the approval period.

PART 3—GENERAL

10. Activities requiring approval

A person shall not on or from any local government property, without having first obtained a written approval from the local government to do so—

- (a) consume any liquor;
- (b) erect a structure for public amusement or for any performance for personal gain or otherwise;
- (c) conduct any function;
- (d) light or set off any fireworks or conduct a fireworks display;
- (e) light any fire;
- (f) erect any tent, camp, hut or other structure, other than a beach umbrella or other portable item used for protection from the elements between sunrise and sunset on any day;
- (g) carry out any works in a street, thoroughfare or other public place, including but not limited to—
 - (i) verge treatments;
 - (ii) vehicle crossing treatments; and
 - (iii) includes crossing a footpath with a vehicle which is likely to or does cause damage to the footpath;
- (h) hire or use a building, reserve or other local government facility;
- (i) plant any plant or sow any seeds;
- (j) coach, teach, instruct or train for a fee, any person on or in a swimming pool, tennis court, or other recreation facility;
- (k) charge a person for entry;
- (l) make an excavation on, or erect or remove, any fence or other structure;
- (m) operate any broadcasting or public address system or apparatus, other than those used by a life saving club in the performance of its functions;
- (n) cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass or plant of any kind;
- (o) cut, collect, or remove any timber, firewood, stone, sand or other materials, other than seaweed; or
- (p) erect or display any sign.

11. Personal behavior

A person on any local government property shall not behave in a manner which causes a nuisance.

12. Decency and adequate clothing

(1) A person over the age of 6 years shall not—

- (a) expose their genitals on any reserve, beach or other public place;
- (b) appear in public unless properly dressed in a bathing costume or other clothing which covers the body to prevent indecent exposure;
- (c) loiter outside or act in an unacceptable manner, in any portion of a toilet or dressing room set aside for the opposite or same sex; or
- (d) without the consent of the occupier, enter or attempt to enter any dressing room or other compartment which is already occupied.

(2) Where an authorised person considers that the clothing of any person on local government property is not proper and adequate to secure decency, the authorised person may direct that person to put on adequate clothing or leave that area and that person shall comply with the direction immediately.

13. Property loss

A person shall not remove from any local government property any fixtures, fittings, chattels or things provided for the safety, enjoyment or use by another person.

14. Property damage

A person shall not damage, destroy, deface or interfere with in any way, any local government property provided for the safety, enjoyment or use by another person.

15. Actions of authorised person

A manager, controller, attendant or authorised person may direct any person on local government property to—

- (a) stop doing anything which they are in the process of doing, which is contrary to this local law or any other local law applying in the district, or
- (b) leave that property.

16. Direction of authorised person to be obeyed

(1) A person on or in local government property that is given a lawful direction by an authorised person shall comply with that direction.

(2) A person shall not obstruct or hinder an authorised person in the performance of that person's duties.

PART 4—USE OF LOCAL GOVERNMENT PROPERTY**17. Setting aside property**

(1) The local government may set aside any local government property, local government building or reserve or portion of such for a specific use or uses and may designate by signs that use and conditions of use, including but not limited to any areas where—

- (a) the entry of persons is restricted or prohibited;
- (b) bathing is permitted at all times or is restricted or prohibited;
- (c) boats, personal watercraft or surfboards, either generally or of a particular class are permitted, restricted or prohibited;
- (d) boats and/or personal watercraft may be launched or retrieved;
- (e) motorised vehicles of a particular class or classes are permitted;
- (f) the speed limit at which vehicles generally or of a particular class, must travel;
- (g) the age of persons permitted, restricted or prohibited, from playing on children's play equipment;
- (h) motorised model aeroplanes may be flown;
- (i) the practice or playing of games of any type is permitted, restricted or prohibited;
- (j) riding a bicycle, skateboards, rollerblades or sand boards or similar devices are permitted, restricted or prohibited; and
- (k) fishing is permitted, prohibited or restricted to fishing in a particular manner.

(2) In the process of setting aside property, the local government may specify the extent to which and the manner in which a use or activity in sub clause (1) may be pursued and in particular—

- (a) the days and times during which the use or activity may be pursued;
- (b) that a use or activity may be pursued on a class of local government property, specified local government property or all local government property;
- (c) that a use or activity is taken to be prohibited on all local government property other than that set aside for the specific use or activity;
- (d) may limit the use or activity to a class of vehicles, boats, equipment or things or may extend it to all vehicles, boats, equipment or things;
- (e) may specify that the use or activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of use or activity.

(3) Where local government property, a local government building or reserve has been set aside for a specific use in accordance with sub clause (1), a person shall not use that property other than for its specific use and in accordance with any conditions imposed.

(4) The local government may permit a local government property, local government building or reserve to be temporarily used for a use or activity other than that for which it has been set aside, provided written approval is first obtained from the local government for that temporary use or activity.

(5) A person who uses a local government property, local government building or reserve for any use or activity other than that for which the local government property, local government building or reserve has been set aside, without first obtaining written approval, commits an offence.

(6) A condition of use specified on a sign erected under sub clause (1) is—

- (a) not to be inconsistent with any provision of this local law; and
- (b) for the purpose of giving notice of the effect of a provision of this local law.

18. Restrictions on or in local government property and buildings

While on or in any local government property or local government building, a person shall not—

- (a) sell, supply or consume liquor unless a liquor licence has been obtained under the Liquor Licensing Act 1988 for that purpose and the local government has issued an approval for the consumption of liquor;

- (b) act in a way that endangers themselves or any person;
- (c) be under the influence of liquor or a prohibited drug;
- (d) use any volatile, explosive or flammable matter;
- (e) smoke inside a building where smoking is prohibited;
- (f) take any prohibited drug onto, or consume or use any prohibited drug;
- (g) enter any place that has been fenced off or closed to the public; or
- (h) carry firearms unless specifically authorised to do so under the Firearms Act 1973.

19. Prohibited activities

Unless indicated by a sign that any of the following activities are permissible on any reserve or other local government property set aside for the purpose, a person shall not—

- (a) play or practice golf, archery, pistol or rifle shooting;
- (b) ride a skateboard or roller blades;
- (c) ride a sand board or similar device; or
- (d) launch a personal watercraft or boat.

20. Entry to local government property and buildings

A person, other than an authorised person or contractor appointed by the local government carrying out their normal duties, shall not—

- (a) enter or leave any local government property or local government building other than by the public entrance or exit ways, except in an emergency; or
- (b) enter or remain on any local government property or local government building except on those days and during those times when access is available to the public.

21. Payment of applicable fees

Where a fee or charge applies to the entry to or participation in an activity on or in any local government property or building, a person shall not enter that property or building without first paying the applicable fee or charge, unless that person has been exempted by the local government in writing from paying that fee or charge.

22. No refund of fees

A person will not be entitled to a refund of any fee paid for—

- (a) bathing, swimming or using any facilities provided for public use in a pool premises; or
- (b) where a booking for the use of a local government building, property or facility is cancelled by a hirer, provided that in special circumstances the local government may authorise repayment of a part or all of the amount paid.

23. Application for hire

An application for the hire and use of a local government property or building shall be in the form provided for the purpose and shall be forwarded to the local government together with the application and hire fees.

24. Conditions of hire and use

The conditions that may relate to an approval for hire and use of a local government property or building include—

- (a) when fees and charges are to be paid and the amount;
- (b) the purpose for which the building may be used;
- (c) the duration of the hire;
- (d) payment of a bond against possible damage, cleaning or other expenses;
- (e) restrictions on the erection of decorations inside the building and externally;
- (f) restrictions on use of furniture, plants and effects;
- (g) the number of persons that may attend any function in a building;
- (h) the right of the local government to cancel a booking at any time during the course of an annual or seasonal booking;
- (i) the prohibition of the consumption of liquor unless an approval has been issued by the local government;
- (j) the prohibition of the sale and supply of liquor unless a liquor licence has been obtained under the Liquor Licensing Act 1988, for that purpose;
- (k) securing the building at the end of each hire period;
- (l) the prohibition on the conduct of gaming unless a gaming approval has been obtained under the Gaming and Wagering Act 1987;
- (m) restrictions on the type of container (glass, metal, plastic or other) that drinks may be provided and served in or consumed from;
- (n) the amplification of, or any noise complies at all times with the Environmental Protection (Noise) Regulations 1997; and
- (o) any other condition that the local government considers fit.

25. Responsibilities of hirer

The hirer of a local government property or building shall—

- (a) maintain law and order and decent behaviour by all in attendance at any function for which the local government property or building has been hired;
- (b) make good any damage to the local government property which occurs during the term of hire, or at the option of the local government, pay to the local government the costs of the repair and replacement of any such property;
- (c) ensure that an authorised person has unobstructed access to the property for the purpose of inspecting the property or enforcing any provision of this local law;
- (d) prevent overcrowding;
- (e) leave the local government property or building in a clean and tidy condition after its use;
- (f) prevent the sale and consumption of any liquor unless a licence has been obtained under the Liquor Licensing Act 1988 for that purpose and the local government has issued an approval for consumption;
- (g) report any damage or defacement to the local government; and
- (h) comply with all conditions that are imposed on the hire and use of the local government property or building.

PART 5—SWIMMING POOLS**26. Directions of manager and attendant to be observed**

(1) Every person, coach and spectator at a pool premises shall at all times observe any reasonable direction given by the manager or attendant.

(2) The manager or attendant may at any time, refuse admission to or remove, or cause to be removed from the pool premises, any person who, in the opinion of the manager or attendant is—

- (a) under the age of 10 years and is unaccompanied by a responsible person over the age of 18 years;
- (b) under the age of 4 years not being supervised in the water by a responsible person over the age of 18 years;
- (c) apparently suffering from a contagious, infectious or cutaneous disease or skin complaint; or
- (d) under, or apparently under, the influence of intoxicating liquor or drugs.

(3) A person shall on being requested by the manager or attendant to leave the pool premises, quietly and peaceably, do so immediately.

(4) The manager or attendant may temporarily suspend admission to, or remove from the pool premises or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.

(5) At the discretion of the manager, the pool premises or any part thereof, may at any time be set aside for the use of certain persons to the exclusion of others.

27. Swimming carnivals

(1) A person, club, organisation or association shall not conduct controlled swimming or diving events, carnivals or competitions without the prior approval of the manager.

(2) A person, club, organisation or association conducting a carnival or event at the pool premises shall be responsible for the conduct of the competitors and spectators during the carnival or event and shall take reasonable steps to prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the pool premises and that this local law is observed by all competitors, officials and spectators attending the carnival or event.

28. Responsibilities of swimming pool users

A person while in the swimming pool premises shall not—

- (a) smoke, consume foodstuffs or drinks in any specific area in which smoking or food consumption prohibited;
- (b) climb up or upon any roof, fence, wall or partition on the pool premises; or
- (c) whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition, enter or use or attempt to enter or use the swimming pool, spa or pool premises.

PART 6—RESERVES, BEACHES AND BATHING**29. Beaches, reserves and sand dune protection**

A person shall not—

- (a) use a sand board or any other board or thing to slide down sand dunes;
- (b) take onto any sand dunes a sand board or other thing used for sliding down sand dunes;
- (c) traverse sand dunes except along pathways designated by signs or fences for the purpose; or
- (d) unless authorised in writing by the local government to do so in the course of their duties, or otherwise permitted by a sign, take a vehicle of any kind onto any public property, beach, reserve or sand dune.

30. Boat Launching

(1) A person shall not launch a boat into the sea other than at a boat launching ramp designed, constructed and approved for the purpose, or from the beach where this activity is permitted and designated by signs.

(2) subclause (1) does not apply to any member of a surf lifesaving club or lifesaving patrol in the course of their duties, training or in competition.

31. Surf lifesaving activities

An authorised person or a member of surf lifesaving club may perform all or any of the following functions in the interests of maintaining safety at beaches in the district—

- (a) patrol any beach;
- (b) take onto any beach any lifesaving gear including vehicles or boats that are used for lifesaving activities;
- (c) indicate by signs or patrol flags, any areas of a beach and the adjacent water beyond the beach, where bathing is permitted;
- (d) indicate by signs any areas of a beach and the adjacent water beyond the beach where—
 - (i) riding of surfboards or any other bathing appliance is prohibited;
 - (ii) driving of boats is prohibited; and
 - (iii) fishing is prohibited;
- (e) regulate, prohibit, restrict or set aside by signs, rope, wire, cloth or other flexible sheeting, any areas for the following activities—
 - (i) entry by any persons;
 - (ii) playing of games;
 - (iii) conduct of training or surf club carnivals; and
 - (iv) establishing a first aid or command post;
- (f) direct any person to—
 - (i) bathe within the designated permitted bathing area indicated by signs or patrol flags; or
 - (ii) leave the water adjacent a beach during any period of potential dangerous conditions or sighting of a shark.

32. Identification of life saving patrol

(1) A member of a lifesaving patrol on duty at any beach shall wear a red and yellow quartered swimming cap for the time they are on patrol.

(2) A person who is not a member of and on duty lifesaving patrol shall not wear a red and yellow quartered swimming cap or give the impression they are a member of an on duty lifesaving patrol.

33. Compliance with signs and directions

A person attending any beach in the district shall—

- (a) comply with any sign erected on the beach;
- (b) comply with any lawful direction given by a patrolling member of a surf lifesaving club patrolling the beach or authorised person; and
- (c) not enter any area set aside for any lifesaving activity, training, competition or carnival.

34. Fishing

(1) A person shall not fish in any area—

- (a) where fishing is prohibited and the prohibition is designated by signs; or
- (b) set aside by a beach inspector or member of a lifesaving patrol as a designated permitted bathing area.

(2) A person shall not at any place whether fishing is permitted or not—

- (a) clean fish or cut bait on any seat or hand rail;
- (b) leave or deposit fish offal on any reserve.

35. Surf boards and boats

A person shall not ride a surfboard or drive a personal watercraft or boat in any area set aside by a member of a surf lifesaving patrol or authorised person, as a designated permitted bathing area.

PART 7—SHOPPING TROLLEYS**36. Name of owner of shopping trolley**

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

37. Shopping trolleys in public places

A person shall not leave a shopping trolley in a public place, other than in the area set aside for the storage of shopping trolleys.

38. Shopping trolley to be removed by owner

Where a shopping trolley is found abandoned in a public place and the owner has been advised verbally or in writing of its location by the local government, the owner shall remove the shopping trolley from the public place within 24 hours of being advised.

39. Retailer taken to own shopping trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to be owned by a retailer whose name is marked on the trolley.

PART 8 —OFFENCES AND PENALTIES**40. Offences**

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

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5000, 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.

41. Infringement and infringement withdrawal 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 the First Schedule 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 the First schedule of the *Local Government (Functions and General) Regulations 1996*.

42. Offence description and modified penalty

The amount appearing in the final column in Schedule 1 directly opposite an offence described in that schedule is the modified penalty for that offence.

43. Prosecution for offences

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Magistrates Court.

44. Review—Right of Appeal

When the local government makes a decision as to whether it will—

- (a) grant a person a licence under this local law; or
- (b) renew, vary, or cancel a licence that a person has under this local law;

and the provisions of Division 1 of Part 9 of the Act and regulations 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

Schedule 1

CITY OF GREATER GERALDTON
Local Government and Public Property Local Law 2014
OFFENCES AND MODIFIED PENALTIES

Clause	Description of offence	Modified penalty— first offence	Modified penalty— subsequent offence
10	Failure to obtain a written approval.	100	200
11	Behaviour likely to cause a nuisance.	100	200
12(1)(d)	Without consent of the occupier, enter or attempt to enter a dressing room already occupied.	100	200
16 (1)	Fail to comply with a lawful direction of an authorised person.	250	500
18 (c)	Be under the influence of liquor or a prohibited drug.	100	100
18 (d)	Use any volatile, explosive or flammable matter.	250	500
18 (e)	Smoke inside a building where smoking is prohibited.	100	200
18 (g)	Enter any place that has been fenced off, obstructed or closed to the public.	100	200
19 (a)	Play/practice golf, archery, pistol or rifle shooting.	250	500

Clause	Description of offence	Modified penalty— first offence	Modified penalty— subsequent offence
19 (b)	Ride a skateboard or roller blades.	100	200
20 (a)	Enter or leave any local government property or building other than by the public entrance or exit ways.	100	200
20 (b)	Enter or remain on any local government property or building except during times access is available to the public.	100	200
21	Enter local government property or building without first paying the applicable fee or charge.	100	200
25	Fail to meet responsibilities of hirer of local government property or building.	250	500
26(1)	Failure to observe a reasonable direction given by the manager or attendant.	100	200
26(3)	Fail to leave pool premises quietly and peaceably when requested to do so.	250	500
28	Fail to meet responsibilities of swimming pool users.	100	200
29(a)	Use a sand board, other board or thing to slide down a sand dune.	100	200
29(b)	Take onto any sand dune a sand board or other thing used for sliding down sand dune.	100	200
29(c)	Traverse sand dunes other than along designated paths.	250	500
29(d)	Take a vehicle onto any beach or sand dune.	250	500
30(1)	Launch a boat into sea from area not approved or not permitted by signs.	250	500
33(a)	Fail to comply with a sign erected on a beach.	100	200
33(b)	Fail to comply with a lawful direction given by a patrolling member of a surf life saving.	100	200
33(c)	Enter an area set aside for lifesaving activities.	100	200
34(1)(a)	Fish in an area set aside as designated permitted bathing area.	100	200
34(2)(a)	Clean fish or cut bait on any seat or handrail.	100	200
34(2)(b)	Leave or deposit fish offal on any reserve.	100	200
35	Ride a surf board, drive a personal watercraft or boat in a designated permitted bathing area.	250	500
37	Leave a shopping trolley in a public place.	200	400
38	Failure of owner to remove shopping trolley within 24 hours of being advised by local government.	250	500

Dated: 8th April 2014.

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

IAN CARPENTER, Mayor.
KEN DIEHM, Chief Executive Officer.