

Local Government Act 1995

Shire of Gingin

Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018

Under the powers conferred on it by the *Local Government Act 1995* and all other relevant powers, the Council of the Shire of Gingin resolved on 20 November 2018 to make this local law.

1. Title

This local law may be cited as the *Shire of Gingin Activities in Thoroughfares and Public Places and Trading Amendment Local Law 2018*.

2. Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

3. Principal Local Law

This local law amends the *Shire of Gingin Activities in Thoroughfares and Public Places and Trading Local Law 2004* as published in the *Government Gazette* on 13 September 2004.

4. Clause 1.2 amended

In Clause 1.2 –

- (a) In the definition for “**authorized person**”, delete “authorized” and insert “authorised” wherever it appears in the definition;
- (b) In the definition for “**liquor**” delete “Licensing” and insert “Control”;
- (c) Insert a new definition in alphabetical order as follows –

“**local planning scheme**” means a local planning scheme of the local government made under the *Planning and Development Act 2005*;
- (d) In the definition for “**lot**”, delete “*Town Planning and Development Act 1928*” and insert “*Planning and Development Act 2005*”; and
- (e) Delete the definition for “**Town Planning Scheme**”.

5. Clause 2.4 amended

In Clause 2.4 -

- (a) In clause 2.4(2)(a) –
 - (i) delete “building licence” and insert “building permit”; and

(ii) delete "*Local Government (Miscellaneous Provisions) Act 1960*" and insert "*Building Act 2011*"; and

(b) In clause 2.4(2)(b) –

(i) delete "building licence" and insert "building permit"; and

(ii) delete "*Local Government (Miscellaneous Provisions) Act 1960*" and insert "*Building Act 2011*".

6. Clause 3.1 amended

In Clause 3.1 in the definition for "**election sign**" delete "and".

7. Clause 4.1 amended

In Clause 4.1(1) delete "authorized" and insert "authorised".

8. Clause 5.1 amended

In Clause 5.1 in the definition for "**Roadside Conservation Committee**" delete "established under the Land Resource Policy Council within the Office of Premier and Cabinet" and insert "appointed by the responsible Minister".

9. Clause 5.4 amended

In Clause 5.4 delete "'Code of Practice for Roadside Conservation and Road Maintenance' prepared by the Roadside Conservation Committee" and insert "Handbook of Environmental Practice for Road Construction and Maintenance Works".

10. Clause 5.16 amended

In Clause 5.16 –

(a) In subclause 5.16(b), delete "." and insert ","; and

(b) Insert "unless the Council deems it necessary to remove a significant fire risk." at the end of the clause.

11. Clause 6.3 amended

In Clause 6.3(1) insert "on a public place" between "trading" and "unless".

12. Clause 6.6 amended

In Clause 6.6 –

(a) Delete clause 6.6(1)(k) and insert the following –

(k) the requirement to vacate and leave in a clean condition the location to which the licence applies –

(i) at the conclusion of the permitted hours of operation specified in the licence; and

(ii) whenever the trading is not taking place on the location to which the licence applies;

(b) After clause 6.6(1)(n) insert the following –

(o) the requirement for the stallholder to ensure a minimum width of 2m measured from the road kerb is kept clear for pedestrian access.

13. Clause 6.8 amended

In Clause 6.8(1)(c) delete “*Weights and Measures Act 1915*” and insert “*National Measurement Act 1960 (Cth)*”.

14. Clause 6.13 amended

In Clause 6.13 delete “authorized” and insert “authorised”.

15. Clause 6.17 amended

In Clause 6.17 –

(a) In subclause 6.17(b) –

(i) delete “*Health Act 1911*” and insert “*Food Act 2008*”; and

(ii) delete “town” and insert “local”; and

(b) Delete clause 6.17(c).

16. Clause 6.18 amended

In Clause 6.18(1)(a) delete “and any local law made under section 172 of the *Health Act 1911*”.

17. Clause 6.19 amended

In Clause 6.19 delete “authorized” and insert “authorised”.

18. Clause 6.21 amended

In Clause 6.21(1) delete “authorized” and insert “authorised”.

19. Clause 7.7 amended

In Clause 7.7(2) delete “mutatis mutandis” and insert “with all the necessary changes as required”.

20. Clause 7.9 amended

In Clause 7.9 delete “authorized” and insert “authorised”.

21. Clause 7.10 amended

In Clause 7.10 –

(a) Renumber clause 7.10(1)(i) as 7.10(1)(a); and

(b) Renumber clause 7.10(1)(ii) as 7.10(1)(b).

22. Clause 8.1 amended

In Clause 8.1 delete “and 34”.

23. Clause 10.4 amended

In Clause 10.4 delete clause 10.4(3).

24. Schedule 1 amended

Delete Schedule 1 and insert the following:

Schedule 1

PRESCRIBED OFFENCES

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 10m of intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	125
2.1(d)	Placing hazardous substance on footpath	125
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	125
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125
2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	125
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	125
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	125
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	125
2.3(1)	Consumption or possession of liquor on thoroughfare	125
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350

2.9(1)	Installation of verge treatment other than permissible verge treatment	250
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
2.11	Failure to comply with notice to rectify verge treatment	125
2.17(2)	Failure to comply with sign on public place	125
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
3.2(3)	Erecting or placing of advertising sign in a prohibited area	125
4.1(1)	Animal or vehicle obstructing a public place or local government property	125
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
4.2(2)(b)	Animal on public place with infectious disease	125
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
4.5	Person leaving shopping trolley in public place other than trolley bay	125
4.6(2)	Failure to remove shopping trolley upon being advised of location	125
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250
5.9	Planting in thoroughfare without a permit	250
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	350
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	125
6.8(1)(b)	Stallholder or trader not displaying valid permit	125
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
6.8(2)	Stallholder or trader engaged in prohibited conduct	125
6.10	Performing in a public place without a permit	125
6.11(2)	Failure of performer to move onto another area when directed	125
6.14	Failure of performer to comply with obligations	125
6.16	Establishment or conduct of outdoor eating facility without a permit	350
6.18	Failure of permit holder of outdoor eating facility to comply with obligations	125
6.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	60
6.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	60
7.5	Failure to comply with a condition of a permit	125
7.9	Failure to produce permit on request of authorised person	125
10.1	Failure to comply with notice given under local law	125

Dated this TWENTIETH day of NOVEMBER 2018

The Common Seal of the Shire of Gingin)
was affixed by authority)
of a resolution of the Council in the)
presence of:)



I. B. Collard

I B COLLARD
Shire President

A. Cook

A COOK
Chief Executive Officer