

**CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT 1978
LOCAL GOVERNMENT ACT 1995**

SHIRE OF GINGIN

CONTROL OF VEHICLES (OFF-ROAD AREAS) AMENDMENT LOCAL LAW 2025

Under the powers conferred by the *Control of Vehicles (Off-road Areas) Act 1978*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Gingin resolved on _____ to make the following local law.

1. Citation

This local law may be cited as the *Shire of Gingin Control of Vehicles (Off-road Areas) Amendment Local Law 2025*.

2. Commencement

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

3. Principal local law

This local law amends the *Shire of Gingin Control of Vehicles (Off-road Areas) Local Law 2020* published in the *Government Gazette* on 31 March 2021.

4. Title amended

In the title of the local law delete the date “2020” and replace with “2021”.

5. Clause 1.1 amended

In clause 1.1 delete the date “2020” and replace with “2021”.

6. Clause 1.4 amended

In clause 1.4 –

- (a) in the definition of “*authorised person*” after the words “this local law” insert the words “and includes the CEO”;
- (b) in the definition of “*fauna*” italicise the word “*fauna*”;
- (c) in the definition of “*infrastructure*” replace the word “curb” with the word “kerb”;
- (d) in the definition of “Local Government Regulations” italicise the words “*Local Government Regulations*”;
- (e) delete the definition “*local public notice*”;
- (f) in the definition of “nuisance” italicise the word “*nuisance*”;
- (g) in the definition of “*owner*” –
 - (i) at the end of subclause (b), insert the word “or”; and
 - (ii) after subclause (b) insert –
 - (c) if the case requires, the person in charge of the vehicle, whether with or without the consent of a person in subclause (a) or (b);
- (h) after the definition of “*public authority*” insert the following definition –

public notice means such notice as the local government considers necessary –

- (a) stipulating duration and placement of notices as is considered relevant to inform the community,
- (b) not requiring compliance with local public notice under section 1.7 of the Local Government Act; and
- (c) the local government may place the notice given as a public notice on the local government’s website or other means of informing the public;

7. Clause 2.1 amended

In clause 2.1(1)(a) after the words “local government” insert the words “under sections 6.16 to 6.19 of the *Local Government Act 1995*”.

8. Clause 2.5 amended

In clause 2.57 delete the number “16” replace with the number “17”.

9. Clause 2.7 amended

In clause 2.7 delete the words “the local government” replace with the words “an authorised person”.

10. Clause 2.8 amended

In clause 2.8(1) delete the words “the local government or”.

11. Clause 2.9 amended

In clause 2.9 –

- (a) in subclause (1)(a) insert the words “naturally occurring, growing, placed or” prior to the word “provided”;
- (b) in subclause (1)(b) insert the words “naturally occurring, growing, placed or” prior to the word “provided”;
- (c) in subclause (1)(d) delete the words “environmental harm” and replace with the words “may change or disturbance to the environment”; and
- (d) in subclause (2) delete the words “the local government or”.

12. Clause 3.1 amended

In clause 3.1 –

- (a) in subclause (2)(a) delete the word “CEO” and replace with the word “local government” and
- (b) in subclause (4) delete the word “local”.

13. Clause 3.2 amended

In clause 3.2(2) delete the word “CEO” and replace with the word “local government”.

14. Clause 3.3 amended

In clause 3.3 –

- (a) delete subclause (1) and replace with –

- (1) The CEO or an authorised person must not grant a permit if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute –
 - (a) an unacceptable risk to the safety of the public;
 - (b) an unreasonable inconvenience to the public; or
 - (c) a nuisance to the public.

(b) In subclause (2)(d) after the word “is” insert the words “considered to be”.

15. Clause 3.6 amended

In clause 3.6(1)(d) delete the word “CEO” and replace with the word “local government”.

16. Clause 3.7 amended

In clause 3.7 –

- (a) in the clause title delete the words “or suspension”; and
- (b) in subclause (1) delete the words “the local government” and replace with the words “an authorised person”.

17. Clause 3.8 amended

In clause 3.8 delete the words “the local government” and replace with the words “an authorised person”.

18. Clause 3.9 inserted

After clause 3.8 insert new clause –

3.9 False or misleading statement

A person shall not make a false or misleading statement in connection with an application in respect of a licence under this local law.

19. Clause 5.1 amended

In clause 5.1(1) –

- (a) after the words “Off-road Vehicle Area,” delete the words “the local government or”; and
- (b) after the words “option of” delete the words “the local government”; and replace with the words “an authorised person”.

20. Clause 5.2 amended

- (a) amend numbering of existing text to subclause (1);
- (b) in subclause (1) delete the words “the local government or”; and
- (c) insert new subclause –
 - (2) If a person fails to comply with a written notice referred to in clauses 5.2(1) the local government may –
 - (a) do or cause to be done, the thing specified in the written notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference;
 - (b) execute the work required by the written notice; and
 - (c) recover all costs from the person, as a debt, in addition to any penalty for which that person may be liable under this local law.

21. Schedule 1 amended

(a) After item 17 insert the following new item -

17A	3.9	Making a false or misleading statement	\$50
-----	-----	--	------

(b) After item 19 insert the following new item -

20	5.3(1)(c)	Offence not elsewhere specified	\$20
----	-----------	---------------------------------	------

Dated _____ 202.....

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

COUNCILLOR WAYNE FEWSTER
SHIRE PRESIDENT

AARON COOK
CEO