

LOCAL GOVERNMENT ACT 1995

Shire of Derby/West Kimberley

**ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND
PUBLIC PLACES AMENDMENT LOCAL LAW 2011**

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Derby/West Kimberley resolved on 16th December, 2010 to make the following local law.

1. Citation

This local law is the *Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law amended

The *Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* on 28 August 2001 is referred to as the principal local law. The principal local law is amended.

4. Preliminary

(1) Delete “authorized” wherever it is mentioned in the local law and substitute “authorised”.

(2) Delete “town planning scheme” wherever it is mentioned in the local law and substitute “local planning scheme”.

(3) Delete “*Road Traffic Code 1975*” wherever it is mentioned in the local law and substitute “*Road Traffic Code 2000*”.

(4) Delete “*Liquor Licensing Act 1988*” wherever it is mentioned in the local law and substitute “*Liquor Control Act 1988*”.

(5) Delete “*Town Planning and Development Act 1928*” wherever it is mentioned in the local law and substitute “*Planning and Development Act 2005*”.

5. Clause 1.2 corrections

In clause 1.2—

(a) in the definition “authorised person” delete “person authorised by the local government” and insert “person appointed by the local government”.

(b) delete the definition “town planning scheme” and insert in the correct alphabetical order—

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

6. Clause 2.1 amended

In clause 2.1(a) delete “6 metre” and insert “6 metres”.

7. Clause 6.3 amended

Delete clause 6.3(3)

8. Clause 6.8 amended

In clause 6.8(1)(d) delete “*Weights and Measures Act 1915*” and insert “*Trade Measurement Administration Act 2006*”.

9. Clause 6.17 amended

(a) In clause 6.17(b) delete “*Health Act 1911*” and insert “*Food Act 2008*”.

(b) In clause 6.17(c) delete “any local law made under section 172 of the *Health Act 1911*” and insert “the requirements of the *Food Act 2008*”.

10. Clause 6.18 amended

In clause 6.18(1)(a) delete “any local law made under section 172 of the *Health Act 1911*” and insert “the *Food Act 2008*”.

11. Clause 7.7 amended

In clause 7.7(2)(b) delete “*mutatis mutandis*” and insert “with appropriate modifications”.

12. Clause 8.1 amended

In clause 8.1 delete “regulations 33 and 34” and insert “regulation 33”.

13. Schedule 1 amended

Delete Schedule 1 and insert—

Schedule 1—Prescribed Offences

[cl 10.4(1)]

Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

MODIFIED OFFENCES AND PENALTIES

Clause	Description	Modified Penalty \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 6m of intersection	150
2.1(b)	Damaging lawn or garden	150
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	150
2.1(d)	Placing hazardous substance on footpath	150
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	150
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	150
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	150
2.2(1)(b)	Throwing or placing anything on a verge without a permit	150
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	150
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	150
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	150
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	150
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	150
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	150
2.3(1)	Consumption or possession of liquor on thoroughfare	150
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	150
2.11	Failure to comply with notice to rectify default	150
2.17(2)	Failure to comply with sign on public place	150
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any	150

Clause	Description	Modified Penalty \$
	advertisement on a thoroughfare without a permit	
3.2(3)	Erecting or placing of advertising sign in a prohibited area	150
4.1(1)	Animal or vehicle obstructing a public place or local government property	150
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	150
4.2(2)(b)	Animal on public place with infectious disease	150
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	150
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	150
4.6	Person leaving shopping trolley in public place other than trolley bay	150
4.7(2)	Failure to remove shopping trolley upon being advised of location	150
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	150
6.8(1)(b)	Stallholder or trader not displaying valid permit	150
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	150
6.8(2)(a)	Attempting to sell goods or services within 300m of any open permanent shop or place of business selling goods or services of that kind	350
6.8(2)(b), (c), (d) & (e)	Stallholder or trader engaged in prohibited conduct	150
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	150
6.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	75
6.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	75
7.5	Failure to comply with a condition of a permit	150
7.9	Failure to produce permit on request of authorised person	150
10.1	Failure to comply with notice given under local law	150

Dated: 31st March, 2011.

The Common Seal of the Shire of Derby/West Kimberley was affixed under the authority of a resolution of Council in the presence of—

**E. M. ARCHER, Shire President.
S. BURGE, Chief Executive Officer.**