Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Mindarie Regional Council resolved on **17 December 2020** to make the following local law.

1. **Title Citation**
   This local law may be cited as the *Mindarie Regional Council Waste Facility Site Amendment Local Law 2020*.

2. **Commencement**
   This local law will come into operation **14 days after the day on which it is published in the Government Gazette**.

3. **Principal Local Law Amended**
   This local law amends the Mindarie Regional Council Waste Facility Site Local Law 2013 as published in the *Government Gazette* on **12 May 2012** and as amended in the *Government Gazette* on **15 March 2013**.

4. **Clause 4**
   In clause 4 amend the following definition in alphabetical order—
   (a) **Insert** “contamination in relation to land, water or a site, means having a substance present in or on that land, water or site at above background concentrations that presents, or has the potential to present, a risk of harm to human health, the environment or any environmental value”;
   (b) **Insert** “disability parking permit has the meaning given to it by the Local Government (Parking for People with Disabilities) Regulations 2014”;
   (c) **Delete** “ACROD sticker has the same meaning as given in the Local Government (Parking for Disabled Persons) Regulations 1988”.

5. **Clause 5**
   Clause 5 is amended as follows—
   (a) **Delete** “Lot 9504 on Plan 52070” and replace with “Parcel 39285 = Part Lot 9026 on Deposited Plan 415564 as known on certificate of title 2971/931”;
   (b) **Delete** “Mindarie” and replace with “Tamala Park”.

6. **Clause 7**
   In clause 7(1) delete “thinks” and replace with “considers”.

7. **Clause 11**
   In Clause 11 delete “an ACROD sticker” and replace with “a disability parking permit”.

8. **Clause 13**
   In Clause 13 amended as follows—
   (a) **Removed** item 3 “1” and “2” inserted “a” and “b”,
   (b) **Removed** “around or near”.

9. **Clause 15**
   In Clause 15 amended as follows—
   (a) **Inserted** to the clause title “culture heritage”
   (b) **Insert** “(d) intentionally disturb and/or remove cultural significant artefacts from the site”.

10. **Clause 16**
    In Clause 16 amended as follows—
    (a) **Inserted** to clause title “Environmental spill”
    (b) **Insert** (c) “discharge liquids/ rubbish to the environment that cause, or are known to cause contamination to the soil, water and/or air
    (c) **Delete** (2) “Any person found littering under this local law is liable, upon conviction, to a penalty not exceeding $1000, and if the offence is of a continuing nature, to an additional
penalty not exceeding $100, for each day or part of a day during which the offence has continued”.

11. Clause 21
In Clause 21 delete “Any person found lighting fires under this local law is liable, upon conviction, to a penalty not exceeding $1000”.

12. Part 7—Waste Disposal Services
Insert “Part 7—Waste Disposal Services”
Insert Clause 27 as follow—
(a) Inserted “Hours of operation
The local government may from time to time determine the hours of operation of a waste facility”.
(b) Inserted 27A “Depositing Waste—
(1) A person must not deposit waste at a waste facility other than—
(a) at a location determined by a sign and in accordance with the sign; and
(b) in accordance with the direction of an authorised person.
(2) The local government may determine the classification of any waste that may be deposited at a waste facility”.
(c) Insert 27B “Fees and charges—
(1) A person must, on or before entering a waste facility or on demand by the local government or an authorised person, pay the fee or charge as assessed by an authorised person.
(2) An authorised person may assess the fee or charge in respect of a particular load of waste at a rate that applies to any part of that load, even if that rate is higher than the rate that would apply to any other part of the load.
(3) Subclause (1) does not apply—
(a) to a person who disposes of waste in accordance with the terms of—
(i) a credit arrangement with the local government; or
(ii) any other arrangement with the local government to pay the fee or charge at a different time or in a different manner; and
(b) to the deposit of waste owned by the local government, or in the possession of an employee on behalf of the local government.
(4) All fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with 6.16 to 6.19 of the Act”.

13. Schedule 1
In Schedule 1, delete the existing table and replace with the following—

<table>
<thead>
<tr>
<th>Item Number.</th>
<th>Clause No.</th>
<th>Nature of offence</th>
<th>Modified Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>7(4)(a) and (b)</td>
<td>Enter the site or any part of the site that is closed; or drive a vehicle on a road, track or path that is closed.</td>
<td>100</td>
</tr>
<tr>
<td>2</td>
<td>8</td>
<td>Enter the site other than through an entrance without permission.</td>
<td>100</td>
</tr>
<tr>
<td>3</td>
<td>11(1) (a)</td>
<td>Park a vehicle, or cause or permit it to be parked, on the site without permission in a place, other than a parking area, that is off a carriageway.</td>
<td>100</td>
</tr>
<tr>
<td>4</td>
<td>11(1)(b)</td>
<td>Park a vehicle, or cause or permit it to be parked, on the site without permission on part of a carriageway, if the parking of vehicles on that part of the carriageway is prohibited by a traffic sign.</td>
<td>100</td>
</tr>
<tr>
<td>5</td>
<td>11(1)(c)</td>
<td>Park a vehicle, or cause or permit it to be parked, on the site without permission during a period when the person is not on the site, whether or not the vehicle is parked in a parking area.</td>
<td>100</td>
</tr>
<tr>
<td>6</td>
<td>11(1)(d)</td>
<td>Park a vehicle, or cause or permit it to be parked, on the site without permission in a place that is marked with parking bays, unless it is entirely within the confines of a parking bay.</td>
<td>100</td>
</tr>
<tr>
<td>7</td>
<td>11(1) (e)</td>
<td>Park a vehicle or vehicles in an area designated for a person or persons with a disability, unless the person or persons with a disability is the driver of, or a passenger in, the vehicle and an disability parking permit is displayed in a prominent position on the vehicle.</td>
<td>100</td>
</tr>
<tr>
<td>Item Number.</td>
<td>Clause No.</td>
<td>Nature of offence</td>
<td>Modified Penalties</td>
</tr>
<tr>
<td>-------------</td>
<td>------------</td>
<td>--------------------------------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>8</td>
<td>13(2)</td>
<td>Damage, destroy or take away flora without permission.</td>
<td>$100</td>
</tr>
<tr>
<td>9</td>
<td>14(2)</td>
<td>Injure, take, or interfere with any fauna without permission.</td>
<td>$100</td>
</tr>
<tr>
<td>10</td>
<td>15(d)</td>
<td>Damage, destroy or take cultural sensitive items</td>
<td>$100</td>
</tr>
<tr>
<td>11</td>
<td>16(1)</td>
<td>Deposit litter other than in a litter receptacle</td>
<td>$100</td>
</tr>
<tr>
<td>12</td>
<td>16(d)</td>
<td>Environmental Contamination, discharge liquids/rubbish to the environment that cause, or are known to cause contamination to the soil, water and/or air.</td>
<td>$100</td>
</tr>
<tr>
<td>13</td>
<td>20(a)</td>
<td>Place any notice, advertisement or document on any structure, object or natural surface on the site without permission.</td>
<td>$100</td>
</tr>
<tr>
<td>14</td>
<td>20(b)</td>
<td>Paint, mark or deface any structure, object or natural surface on the site without permission.</td>
<td>$100</td>
</tr>
<tr>
<td>15</td>
<td>21</td>
<td>Light a fire (minor impact, managed on site) or use a gas barbecue or other cooker without permission.</td>
<td>$100</td>
</tr>
<tr>
<td>16</td>
<td>21</td>
<td>Light a fire—(significant impact e.g. call of DFES)</td>
<td>$100</td>
</tr>
<tr>
<td>17</td>
<td>24(1)</td>
<td>Disturb or remove property from the site without permission.</td>
<td>$100</td>
</tr>
<tr>
<td>18</td>
<td>27A(1) (2)</td>
<td>Fail to comply with a sign or direction</td>
<td>$100</td>
</tr>
<tr>
<td>19</td>
<td>27B(1) (2)</td>
<td>Disposing waste without payment of fee or charge</td>
<td>$100</td>
</tr>
<tr>
<td>20</td>
<td>27A(1) (2)</td>
<td>Depositing waste contrary to sign or direction</td>
<td>$100</td>
</tr>
</tbody>
</table>

The Common Seal of the Mindarie Regional Council was affixed by authority of a resolution of the Council in the presence of—

DAVID BOOTHMAN, Chairperson.
GÜNTHER HOPPE, Chief Executive Officer.