

LOCAL GOVERNMENT ACT 1995

Shire of Goomalling

REFUSE DISPOSAL FACILITIES LOCAL LAW 2007

Under powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Goomalling resolved on the 22 May 2007 to make the following local law.

1.1 CITATION

This local law may be cited as “*Shire of Goomalling Refuse Disposal Facilities Local Law 2007*”.

1.2 GENERAL APPLICATION

This local law shall apply to the whole of the district of the Shire of Goomalling unless otherwise stated.

Division 1 - Preliminary

1.3 DEFINITIONS

“**Act**” means the *Local Government Act 1995*.

“**Authorised Person**” means a person authorised 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. “**CEO**” means the Chief Executive Officer of the Council.

“**Council**” means the Council of the Shire of Goomalling.

“**Facility**” means the property and buildings at the Shire of Goomalling Refuse Disposal Sites at Reserve 4547 Dew Road, Konnongorring and Lot 3001 Reserve 31090 Waterhouse Way, Goomalling.

“**Fauna**” and “**flora**” have the meaning given to them in Section 6 of the *Wildlife Conservation Act 1950*.

“**To deposit Waste**” includes to dump, to dispose of or in any way to place or leave waste at the Facility.

“**Waste**” means all manner of material discarded as being no longer required by the person owning or in possession of that material.

Division 2 - User Obligations

- 2.1 Any person using, or on, the Facility shall comply with any lawful direction given to that person by an Authorised Person.
- 2.2 Each load of refuse is subject to the payment of a fee set by the Council under the annual schedule of fees.
- 2.3 No person shall deposit any waste at the Facility other than:
 - (a) at a location designated by notice; or
 - (b) as directed by an Authorised Officer.
- 2.4 No person shall remove any waste from the Facility without prior written authorisation from an Authorised Person.
- 2.5 No person shall deposit fencing wire.
- 2.6 No person shall deposit vehicle tyres unless shredded or crumbed.

- 2.7 No person shall deposit any liquid waste at the Facility unless authorised in writing by the CEO.
- 2.8 No person shall deposit at the Facility any waste which is toxic, poisonous or hazardous, or the depositing of which is regulated or prohibited by any statute.
- 2.9 Any person convicted of an offence against clauses 2.7 or 2.8 of this local law shall pay to the Council any penalty imposed and costs awarded by a court of competent jurisdiction.

Division 3 - Care of Facility

- 3.1 No person shall light a fire within the Facility unless authorised to do so by an Authorised Person.
- 3.2 No person shall remove from or otherwise damage flora on the Facility unless authorised by an Authorised Person.
- 3.3 No person shall trap, chase, worry or otherwise injure or maim any fauna at the Facility, unless authorised by an Authorised Person.
- 3.4 No person shall damage, deface or destroy any building, sign, plant or equipment or property of the Council situated in and on the Facility.

Division 4 - Conduct on Facility

- 4.1 All persons entering the Facility shall be subject to this local law.
- 4.2 The drivers of all vehicles entering the Facility shall comply with any speed limit signs erected by the Council on the Facility.

Division 5 - Council Exemption

- 5.1 The provisions of this local law requiring payment of fees, do not apply to the deposit of waste, owned by, or in the possession of Council.

Division 6 - Objections & Appeals

- 6.1 When Council makes a decision under this local law as to whether it will –
- (a) grant a person an authorisation; or
 - (b) renew, vary, or cancel an authorisation that a person has under this local law,

The provisions of Part 9 Division 1 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply.

Division 7 - Enforcement of Local Law

- 7.1 An Authorised Person appointed under Section 9.10 of the *Local Government Act 1995* for the purposes of performing particular functions under this local law and a person shall not hinder or interfere with an Authorised Person in the course of that person's duties.
- 7.2 An Authorised Person shall on demand show an identification of that person as such.

Division 8 - General Offence and Penalty Provisions

- 8.1 Any person failing to do any act directed to be done, or doing any act forbidden to be done by this local law, or any notice or order under this local law commits an offence.
- 8.2 Subject to clause 8.1 any person who commits an offence against this local law shall be liable to a penalty not exceeding a fine of \$5,000.00, and if the offence is of a continuing nature, to a daily penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.
- 8.3 The offences and modified penalties prescribed, with respect to offences against this local law, shall be as specified in Schedule 1.
- 8.4 For the purposes of this local law –

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the notice sent under section 9.20 of the Act withdrawing an infringement notice is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*

SCHEDULE 1

ITEM NO.	LOCAL LAW	OFFENCE	MODIFIED PENALTY \$
1	2.3	Depositing waste in undesignated location	100.00
2	2.7	Depositing Liquid Waste	350.00
3	2.8	Depositing toxic, poisonous, hazardous or prohibited waste	450.00
4	3.1	Lighting a fire	350.00
5		All other offences not specified	100.00

Dated this nineteenth day of June 2007

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

 President
 John Herbert Bird

 Chief Executive Officer
 Cornelis Clement John Kerp