

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

EXTRACTIVE INDUSTRIES AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the following local law.

1. Citation

This local law may be cited as the *City of Wanneroo Extractive Industries Amendment Local Law 2008*.

2. Commencement

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

3. Principal Local Law

In this local law, the *City of Wanneroo Extractive Industries Local Law 1998* as published in the *Government Gazette* on 8 March 1999 is referred to as the principal local law. The principal local law is amended as follows.

4. Entire document

Delete the word “Shire” and insert the word “City” wherever it appears throughout the document.

5. Clause 5 amended

(a) Insert in alphabetical order—

“administration fee” means a fee applicable under this local law as determined by the local government from time to time in accordance with section 6.16 of the Act;

“person” means any person, company, employer and includes the owner, licensee and previous licensee;”.

(b) In the definition “local government” delete “ “person” means any person, company, employer and includes the owner, licensee and previous licensee”.

6. Clause 6 amended

In subclause (e)(i) after “subdivision” insert—

“or development approval”.

7. Clause 8 amended

(a) In subclause (1)(b)(ix) after “buildings,” insert—

“water supply,”;

(b) In subclause (1)(b)(xi) after “minimise” insert—

“sand drift,”;

(c) In subclause (1)(f) delete “clause 9(a) and (b)” and insert—

“clause 9(1)(a) and clause 9(1)(b)”;

(d) In subclause (1)(j) delete “1992.” and insert—

“1992;”.

(e) After subclause (j) insert—

“(k) copies of any environmental approval required under any environmental legislation;

(l) copies of any geotechnical information relating to the excavation site.”

8. Clause 9 amended

In subclause (1)(a)(ii) delete “every relevant statutory authority including, but not limited to, the Water & Rivers Commission, the Department of Environmental Protection, the Department of Minerals & Energy and person” and insert—

“every authority or person”.

9. First Schedule amended

Delete the First Schedule and insert—

“CITY OF WANNEROO
EXTRACTIVE INDUSTRIES LOCAL LAW 1998
FIRST SCHEDULE
OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	7(a)	Excavate without a licence	500
2	7(b)	Carry on an extractive industry not in accordance with conditions	500
3	11(2)	Failure to pay the administration fee	500
4	17(1)(a)	Excavate without approval within 20 metres of adjacent property boundary	500
5	17(1)(b)	Excavate without approval within 20 metres of any land affected by a registered grant of easement	500
6	17(1)(c)	Excavate without approval within 40 metres of any thoroughfare	500
7	17(1)(d)	Excavate without approval within 50 metres of any watercourse, wetland, swamp or other water reserve	500
8	17(1)(e)	Excavate without approval within 3 metres of the estimated maximum water table level	500
9	17(2)(a)	Removal of trees or shrubs within 40 metres of the boundary of any thoroughfare reserve	500
10	17(2)(b)	Failure to securely fence and/or keep gateways locked	500
11	17(2)(c)	Failure to erect and maintain warning signs	500
12	17(2)(d)	Failure to drain and keep drained any excavation to which the licence applies	500
13	17(2)(e)	Store or permit to store explosives or explosive devices without approval	500
14	17(2)(f)	Not fill or excavate contrary to the terms and conditions of the licence	500
15	17(2)(g)	Failure to restore and reinstate the excavation site in accordance with conditions of the licence	500
16	17(2)(h)	Failure to take all reasonable steps to prevent the emission of dust, noise, vibration and other forms of nuisance from the excavation site	500
17	17(2)(i)	Failure to comply with conditions of the licence imposed by the local government	500
18	17(2)(j)	Failure to cease excavating and undertake restoration and reinstatement as required by notice issued by the local government	500
19	17(3)(a)	Carry out or permit to be carried out blasting without approval	500
20	17(3)(b)	Carry out or permit to be carried out blasting outside hours approved by the local government	500
21	17(3)(d)	Failure to comply with conditions imposed by the local government relating to blasting	500
22	17(4)	Carry out or permit to be carried out any blasting on a Saturday, Sunday or Public Holiday without approval	500
23		Other offences not specified	300”

Dated: 4 March 2009.

The Common Seal of the City of Wanneroo was affixed by authority of a resolution of the Council in the presence of—

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.