

LOCAL GOVERNMENT ACT 1995

SHIRE OF NORTHAM

OPERATION OF WASTE DISPOSAL FACILITIES LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and of all the powers enabling it, the Council of the Shire of Northam hereby records having resolved on the 23rd July 2008 to make the following local law.

1 This local law may be cited as the *Shire of Northam Operation of Waste Disposal Facilities Local Law 2008*.

2. In this local law, unless the context otherwise require—

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

“**authorised person**” means a person authorised by the local government to carry out duties and functions at or in respect of the facility;

“**CEO**” means the Chief Executive Officer of the Shire of Northam;

“**Council**” means the Council of the Shire of Northam;

“**facility**” means the property and buildings at the Old Quarry Road Waste Disposal Facility, the Inkpen Road Waste Disposal Facility and any other Shire operated Waste Disposal Facility used for the disposal, treatment and recycling of waste material;

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

“**local government**” means the Shire of Northam;

“**sewage**” means any kind of sewage, nightsoil, faecal matter or urine, and any waste composed wholly or in part of liquid;

“**toxic, poisonous or prohibited waste**” means and includes all items listed under Schedule 1 of the *Environmental Protection (Controlled Waste) Regulations 2004*; and

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

3. The *Town of Northam By-laws Relating to the Operation of the Colebatch Road Northam Waste Disposal Facility* as published in the *Government Gazette* on 30 April 1993 are repealed.

4. All persons using or entering upon a facility shall be subject to the provisions of this local law.

5. The drivers of all vehicles entering a facility shall observe the speed limits as depicted on standard signs erected in proximity to the access roadways.

6. All persons using or entering a facility shall act in accordance with any lawful instruction given by an authorised person.

7. In the event of a person contravening any clause of this local law or failing to obey the instructions of an authorised person then, and in addition to any penalty imposed by this local law, an authorised person may request the person to leave the facility and failure to do so shall constitute a contravention of this local law.

8. No person shall place or dispose of waste at a facility other than at a place designated by notice or by an instruction of an authorised person.

9. No person shall remove or carry away from a facility any waste unless authorised to do so by an authorised person.

10. No person shall damage, deface or otherwise cause a loss in value in any building, sign, plant and equipment of the local government situated on a facility.

11. No person shall light any fire within the precincts of a facility unless so authorised by an authorised person for purposes of protection or lessening of a fire hazard.

12. No person shall dig up, remove or otherwise damage native flora and growth at a facility unless so authorised by an authorised person.

13. No person shall trap, chase, worry or otherwise injure or maim any native fauna at a facility unless so authorised by an authorised person.

14. The local government may from time to time set and amend the hours of operation of a facility and such hours will be displayed for public information.

15. The local government may, under and in accordance with sections 6.16 to 6.19 of the Act, from time to time set and amend a scale of fees and charges payable for admission to dispose of or dump waste at a facility and such scale may specify classes and differing classes to which differing fees and charges shall apply.

16. No person shall enter a facility to dispose of or dump waste without paying the appropriate admission fee or charge except in those circumstances where so authorised by the local government.

17. It shall be an offence for any person to enter upon a facility and dump any sewage or waste without paying the appropriate charge.

18. No person shall dispose of or dump at a facility any sewage, toxic, poisonous or prohibited waste that does not comply with the facility operating licence or registration.

19. No person shall dispose of or dump at a facility tyres of any kind, except for the purpose of recycling.

20. Any person who contravenes or fails to comply with any clause of this local law commits an offence and is liable on conviction to a maximum penalty of five thousand dollars (\$5,000.00).

Dated this 23rd July 2008.

The Common Seal of the Shire of Northam was affixed by the authority of a resolution of the Council in the presence of—

Cr S. B. POLLARD, Shire President.
G. BRENNAN, Acting Chief Executive Officer.
