

Local Government Act, 1960
(As Amended)

The Municipality of the Shire of Jerramungup

BY-LAWS RELATING TO RESERVES AND FORESHORES

Pursuant to the Powers conferred upon it by the abovementioned Act, and of all other powers enabling it, the Council of the above Municipality hereby records having resolved on 20th December, 1986., to make and submit for confirmation by the Governor the following By-laws :-

1. These By-laws apply to the Foreshores and Reserves and to the land within the area described in Schedule 2 and 3 of these By-laws.
2. In these By-laws unless the context otherwise requires "Act" means the Local Government Act, 1960 (as amended or re-enacted).

"Authorised Officer" means an officer of the Council who is authorised by the Council to serve notices and enforce these By-laws under Sections 669C and 669D of the Local Government Act, 1960 (as amended).

"Council" means the Council of the Municipality of the Shire of Jerramungup.

"Foreshore" means all land in the Shire of Jerramungup which lies between the low water mark and the high water mark of the Southern Ocean.

"Owner" in relation to a vehicle means the person who is the holder of the requisite vehicle licence under the Road Traffic Act, 1974., in respect of that vehicle or, if the vehicle is not licenced under that Act, the person who owns the vehicle or is entitled to its possession.

"Reserve" means parklands, squares, reserves vested in or under the care, control and management of the Council.

"Vehicle" has the same meaning as is given to that word in the Road Traffic Act as amended from time to time, but includes trail bikes, beach buggies, trailers, caravans and other vehicles licenced or unlicenced.

3. On a reserve or foreshore a person shall not;
 - a. Commit or cause a nuisance;
 - b. Be in a state of intoxication;
 - c. Behave in a disorderly manner, create or take part in a disturbance, use foul or indecent language or commit any act of indecency.

4. On a reserve or foreshore a person other than a Council Employee executing his normal duties or a person authorised by the Council shall not;
 - a. Throw or discharge any stone, arrow, bullet, speargun or other missile;
 - b. Climb over or upon a fence or gate;
 - c. Unlock or fasten a gate;
 - d. Enter or use any dressing room or training room or ablution block for any purpose other than that which it is intended;
 - e. Destroy, damage, injure or cause harm to any bird or animal;
 - f. Damage or injure any plant, lawn, flower, shrub or tree;
 - g. Cut or damage any soil or turf;
 - h. Climb any tree;
 - i. Deposit or leave any rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind whatsoever except in a receptacle provided for the purpose.
5. A person other than an employee of the Council executing his normal duties shall not without the consent of the Council;
 - a. Drive or ride or bring a vehicle onto a reserve or foreshore or permit any person to drive or ride or bring any vehicle onto a reserve or foreshore except on or over such parts of the reserve or foreshore as are set aside as roads or driveways or vehicle parking areas or as access to areas set aside for the use of a vehicle;
 - b. Park or stand any vehicle on a reserve except in an area set aside for that purpose;
 - c. This By-law shall not apply to a physically impaired person using a wheelchair or a motorised wheelchair.
6. On a foreshore or reserve a person shall not;
 - a. Sell, expose for sale or invite any offer to buy any goods, wares, food, refreshments, fruit or other merchandise or things (whether of the like as foregoing or not) except in an area set apart for the purpose by the Council and then only with the prior consent of the Council;

- b. Hire, expose for hire or invite any offer to take on hire any vehicle, boat or vessel or thing (whether of the kind as the foregoing or not) except in an area set apart for the purpose by the Council and then only with the prior consent of the Council.
7. On a foreshore or reserve a person shall not without the consent of Council;
 - a. Play or practice at golf or strike a golf ball except on an area set aside for that purpose;
 - b. Take part in a procession or demonstration;
 - c. Organise, address or participate in a political meeting or rally;
 - d. Use or install a loud speaker or amplifier;
 - e. Distribute or exhibit any printed or written pamphlet, hand bill, placard or notice in any manner whatsoever;
 - f. Stamp, pencil, affix, construct or erect or cause to be stamped, stencilled, affixed, constructed or erected any signboard, hoarding, placard, hand bill, notice, advertisement or document whatsoever;
 - g. Light a fire other than in compliance with the provisions of the Bush Fires Act;
 - h. Camp, lodge or tarry overnight, or frequent for the purpose of camping, lodging or tarrying overnight except with the approval of the Council;
 - i. Erect a tent or any other temporary cover for the purpose of entertainment or for the display of any merchandise.
 8. On a reserve or foreshore a person shall not practice or play in or at any game in such a way as to cause inconvenience or annoyance to any other person.
 9.
 - a. In this By-law reference to an "animal" does not include a dog.
 - b. The Council may set aside a reserve or foreshore or portion of a reserve or foreshore as an area upon which a person may ride or drive an animal or onto which a person may bring an animal.
 - c. A person shall not ride, drive, exercise, train or race any animal on any part of a reserve or foreshore in a manner so as to create or become a nuisance.
 10.
 - a. The Council may set aside a reserve of foreshore or portion thereof as an area from which the launching or recovery of boats is prohibited.

- b. A person shall not launch a boat from a reserve or foreshore or portion thereof from which the launching of boats has been prohibited pursuant to sub By-law (a) of this By-law.
 - c. The launching or recovery of boats by the use of a vehicle is prohibited from any reserve or foreshore except on or over such parts of the reserve or foreshore as are set aside for that purpose by the Council.
11. a. The Council may set aside a reserve or foreshore or portion thereof as an area from which the playing of ball games is prohibited.
- b. A person shall not play ball games in an area in which the playing of ball games has been prohibited pursuant to sub By-law (a) of this By-law.
12. a. The Council may set aside a reserve or portion of reserve as an area on which persons may fly mechanically operated model aeroplanes and the Council may define or limit the hours and days during which such model aeroplanes may be flown.
- b. A person shall not fly a mechanically operated model aeroplane on a reserve or portion of a reserve that has not been set aside pursuant to sub By-law (a) of this By-law or at a time or on a day defined or limited by the Council under sub By-law (a) of this By-law.
13. a. The Council may set aside a reserve or portion of a reserve as a children's playground.
- b. The Council may limit the ages of persons who are permitted to use a playground set aside under sub By-law (a) of this By-law and may erect a notice to that effect on the playground.
 - c. A person over the age specified in a notice erected on a playground set aside under sub By-law (a) of this By-law other than a person having the charge of a child or children in that playground shall not enter or use that playground, or interfere with the use of it by a child or children.
14. A person found in breach of these By-laws may be forthwith removed from a reserve or foreshore by a member of the Police Force or an authorised officer of the Council.
15. A person who is in breach of these By-laws commits an offence.
16. A person who commits an offence against these By-laws is liable on conviction to a maximum penalty of \$500.

17. The modified penalty for an offence against By-laws 5 and 10 of these By-laws if dealt with under Section 669D of the Act is \$50.
18. a. A notice served under subsection (2) of Section 669C of the Act in respect of an offence against these By-laws shall be in or to the effect of Form 1 of Schedule 1 of these By-laws.
- b. An infringement served under Section 669D of the Act in respect of an offence against these By-laws shall be in or to the effect of Form 2 of Schedule 1 of these By-laws.
- c. An infringement notice served under subsection 5 of section 669D of the Local Government Act withdrawing an infringement notice under that section in respect to an offence against these By-laws, shall be in or to the effect of Form 3 of Schedule 1 of these By-laws.
19. To the extent that there is an inconsistency between the provisions of these By-laws and any Act or regulation, the provisions of the latter shall prevail.

Schedule 1
Form 1
Reserves and Foreshores By-law

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

To	Brief No.
The Owner of a Vehicle Make	Date
Plate No.	Type

You are hereby notified that it is alleged that on the day of 19 at about am/pm the driver or person in charge of the above vehicle did on (description of place of offence including Reserve No. if any) in contravention of the provisions of By-law 5 and 10 of the Shire of Jerramungup By-laws relating to Reserves and Foreshores.

You are hereby required to identify the person who was the driver or person in charge of the above vehicle at the time when the above offence is alleged to have been committed.

Unless within 21 days after the date of the service of this notice you :-

- (a) inform the Shire Clerk of the Shire of Jerramungup designation(s) or authorised Officer(s) as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time of the above offence;
- (b) satisfy the Shire Clerk that the vehicle had been stolen or unlawfully taken or was being unlawfully used at the time of the above offence;

Schedule 2

All the portion of land bounded by lines starting at the intersection of the low water mark of Dillon Bay and the southern most eastern boundary of A Class Reserve 31737 and extending northerly, easterly, again northerly, again easterly, again northerly, again easterly, generally northerly and generally north-westerly along boundaries of that reserve to the south-eastern corner of Kent Location 117; thence northerly along the eastern boundary of that location and onwards to the south-western corner of Location 109; thence northerly and easterly along boundaries of that location to the prolongation southerly of the eastern boundary of the eastern severance of Location 1212; thence northerly to and northerly and westerly along boundaries of that severance and onwards to the north-eastern corner of the western severance of Location 1212; thence westerly along the northern boundary of that severance to the eastern boundary of Location 1321; thence northerly and westerly along boundaries of that location to the southern most south-western corner of Location 2089 (Reserve 33258); thence northerly, north-westerly, westerly, south-westerly and north-westerly along boundaries of that location to the southern corner of Location 1923; thence north-easterly, northerly, generally north-westerly, westerly and onwards along boundaries of that location to the prolongation southerly of a western boundary of Location 2088 (Reserve 33258); thence northerly to and northerly, north-westerly, again northerly, again north-westerly, again northerly, easterly, again northerly, again easterly, southerly, south-easterly, south-westerly and generally south-easterly along boundaries of that location to the southern corner of Location 1919; thence north-easterly and easterly along boundaries of that location to its northern most south-eastern corner; thence north-easterly to the south-western corner of Location 1921; thence south-easterly and north-easterly along boundaries of that location to the north-eastern corner of Location 2089 (Reserve 33258); thence southerly along the eastern boundary of that location to the western corner of Reserve 22355; thence generally north-easterly and generally south-easterly along boundaries of that reserve to its south-eastern corner; thence easterly along the prolongation easterly of the southern boundary of Location 98 (Reserve 22355) to the western boundary of Location 105 (Reserve 32666); thence northerly and easterly along boundaries of that location to the western boundary of Location 2013 (Reserve 2524); thence northerly, easterly, southerly, westerly and again southerly along boundaries of that location to the low water mark of Bremer Bay; thence generally south-westerly, generally south-easterly, again generally south-westerly, again generally south-easterly, again generally south-westerly and generally north-westerly along that mark and the low water mark of Dillon Bay to the starting point.

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Schedule 3

All that portion of land comprising Reserves 14988 and 21647 excluding Kent Location 839.

Department of Land Administration Public Plans:

Bremer Bay and Pt. Cape Knob 1:50000
Warramurrup and Pt. Smooth Rocks 1:50000
Darlingup 1:50000
Mount Groper and Pt. Cape Riche 1:50000
Bremer Bay Regional Pt. 4.6 and 4.7

Dated this twentieth day of December, 1986.

The Common Seal of the Municipality of the Shire of Jerramungup was hereunto affixed in the presence of :-

[L.S.]

G.L. HOUSTON, J.P.
President

F.J. PECZKA
Shire Clerk

Recommended -

KAY HALLAHAN
Minister for Local
Government

Approved by His Excellency The Lieutenant-Governor and Administrator in Executive Council this 28th day of November, 1989.

G. PEARCE
Clerk of the Council.