



CITY OF VINCENT

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT PROPERTY LOCAL LAW
2008**

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LOCAL GOVERNMENT PROPERTY LOCAL LAW 2007

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LOCAL GOVERNMENT ACT 1995

CITY OF VINCENT

LOCAL GOVERNMENT PROPERTY 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 Vincent resolved on 26 February 2008 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Vincent Local Government Property Local Law 2008*.

1.2 Objective

- (1) The objective of this local law is to provide for the regulation, control and management of activities and facilities on local government property, thoroughfares and public places within the district.
- (2) The effect of this local law is to establish the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply.

1.3 Commencement

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

1.4 Repeal

- (1) The following local laws adopted by the City of Vincent –
 - (a) *Local Law Relating to Air-conditioning Units*, published in the *Government Gazette* on 4 November 1997;
 - (b) *Local Law Relating to Beatty Park Leisure Centre*, published in the *Government Gazette* on 30 April 1998;
 - (c) *Local Law Relating to Halls and Centres*, published in the *Government Gazette* on 30 April 1998;
 - (d) *Local Law Relating to Parks and Public Reserves*, published in the *Government Gazette* on 22 December 1998 and as amended and published in the *Government Gazette* on 23 March 2004;
 - (e) *Local Law Relating to Property Numbers*, published in the *Government Gazette* on 25 September 1998;
 - (f) *Local Law Relating to the Removal and Disposal of Obstructing Animals or Shopping Trolleys*, published in the *Government Gazette* on 22 December 1998;

- (g) *Local Law Relating to the Removal of Refuse, Rubbish and Disused Materials*, published in the *Government Gazette* on 1 May 1998;
- (h) *Local Law Relating to Street Lawns and Gardens*, published in the *Government Gazette* on 30 April 1998;
- (i) *Local Law Relating to Streets and Footpaths*, published in the *Government Gazette* on 14 June 2000; and
- (i) *Local Law Relating to Verandahs and Awnings over Streets*, published in the *Government Gazette* on 16 January 1998;

are repealed on the day this local law comes into operation.

1.5 Application

- (1) This local law applies throughout the district.
- (2) Notwithstanding anything to the contrary in this local law, the local government may -
 - (a) hire local government property to any person; or
 - (b) enter into an agreement with any person regarding the use of any local government property.

1.6 Definitions

In this local law unless the context requires otherwise -

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

“applicant” means a person who applies for a permit under clause 3.2;

“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;

“bathing” means the act of entering a swimming pool, or other water body, to swim or use a bathing appliance and includes the act of emerging therefrom;

“bicycle” means a vehicle with two or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor);

“boat” means any structure or vessel, capable of being used in navigation, whether motorised or not and made or used to travel or float on or through water or travel under water;

“carriageway” means the paved or made portion of a thoroughfare used or intended for use by vehicles;

“CEO” means the Chief Executive Officer of the local government;

“commencement day” means the day on which this local law comes into operation;

“community facility” means a facility being local government property operated for the benefit of the public, and includes a hall, public swimming pool, library, leisure centre, recreation centre, child care centre, infant welfare centre, aged persons centre and the like;

“Council” means the Council of the local government;

“date of publication” means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

“determination” means a determination made under clause 2.1;

“district” means the district of the local government;

“drip line” in relation to a street tree means the area of land under the perimeter of a street tree canopy;

“fence” means any artificially created barrier whether temporary or permanent including post and rails, chain, metal, wire or pipe;

“firework” means a device such as a catherine wheel, a roman candle, a rocket or the like, in which combustible materials are ignited and produce coloured smoke, flames, and sometimes an explosion or loud noise;

“fireworks display” means a show of a number of fireworks, on occasion set off over a pre-arranged period, for the purpose of providing enjoyment or entertainment to those persons able to view them;

“fishing” means to use any line, lure, rod, pot or other method for the purpose of catching marine life;

“footpath” means a path set aside for use by pedestrians and cyclists that is on a thoroughfare, and includes all that part of a thoroughfare lying between the edge of the carriageway and the property boundary nearest to that edge on the same side of the thoroughfare;

“function” means an event or activity characterised by all or any of the following –

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

“garden” means a verge planted, developed or treated, otherwise than as a lawn, with one or more plants;

“kerb” includes the edge of a carriageway;

“lawn” means a verge which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

“liquor” has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*;

“local government” means the City of Vincent;

“local government property” means anything except a thoroughfare –

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” under section 3.53 of the Act;

“lot” has the meaning given to it in the *Planning and Development Act 2005*;

“manager” means the person for the time being employed by the local government to control and manage a community facility or other facility which is local government property and includes the person’s assistant or deputy;

“nuisance” means –

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of the physical, mental or social well-being of another person of normal susceptibility;
- (b) anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or
- (c) anything a person does in or on a public place which unreasonably detracts from or interferes with the enjoyment or value of nearby land owned by another person, provided that any thing done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law;

“permit” means a permit issued under this local law;

“permit holder” means a person who holds a valid permit;

“person” does not include the local government;

“private property” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a person enabling its use for private purposes and includes any building or structure thereon;

“public place” includes any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes, parklands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including local government property, but does not include premises on private property from which trading is lawfully conducted under a written law;

“Regulations” means the *Local Government (Functions and General) Regulations 1996*;

“sign” includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

“street tree” means a tree in a thoroughfare;

“thoroughfare” has the meaning given it in section 1.4 of the Act;

“trading” includes –

- (a) the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of –
 - (i) offering them for sale or hire;
 - (ii) inviting offers for their sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them; and
- (c) the going from place to place, whether or not public places, and –
 - (i) offering goods or services for sale or hire;
 - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services; or
 - (iii) carrying out any other transaction in relation to goods or services,

“valid”, in relation to a permit issued under this local law means current, with all relevant conditions met and for which all the associated fees have been paid in full;

“vehicle” includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or by any means;
- (b) an animal being ridden or driven; and
- (c) a vehicle described in the *Road Traffic Act 1974*;

but excludes –

- (d) a wheel-chair or any device designed for use by physically impaired persons;
- (e) a pram, a stroller or similar device; and
- (f) a train, boat or aircraft; and

“verge” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

1.7 Interpretation

In this local law unless the context requires otherwise a reference to local government property includes a reference to any part of that local government property.

1.8 Fees and charges

All fees and charges applicable under this local law shall be determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1 - Determinations

2.1 Determinations as to use of local government property

- (1) The local government may make a determination in accordance with clause 2.2 –
 - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 2 –
 - (a) are to be taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6; and
 - (c) have effect on the commencement day.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
 - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) amend the proposed determination, in which case subclause (5) will apply; or
 - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the Council is to –
 - (a) consider those submissions; and
 - (b) decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

2.3 Discretion to erect sign

The local government may erect a sign on any local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person shall comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination, it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

Division 2 - Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
 - (a) bring, ride or drive an animal;
 - (b) take, ride or drive a vehicle, or a particular class of vehicle;
 - (c) fly or use a motorised model aeroplane;
 - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (e) launch, beach or leave a boat;
 - (f) take or use a boat, or a particular class of boat;
 - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
 - (h) play or practice –
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
 - (j) wear no clothing.

- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property -
- (a) smoking on premises;
 - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
 - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
 - (e) taking or using a boat, or a particular class of boat;
 - (f) the playing or practice of -
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
 - (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.
- (3) In this clause –

“**premises**” means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

2.9 Signs taken to be determinations

- (1) Where a sign erected on local government property has been erected under a by law or local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3 - PERMITS

Division 1 - Preliminary

3.1 Application of Part

- (1) This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government.
- (2) This Part applies to any application for a permit and any permit required under this local law.

Division 2 - Applying for a permit

3.2 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall –
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit –
 - (a) which is not in accordance with subclause (2);
 - (b) which, in the case of an application for a sign permit, is not in accordance with clause 3.2(2);
 - (c) which is not accompanied by the plans and specification and the application fee;
 - (d) which is not properly completed; or
 - (e) where any required plan, specification or photograph does not in the opinion of the CEO or an authorised person, contain sufficient information or is not sufficiently clear to enable the local government to properly consider the application.

3.2A Relevant considerations in determining application for permit

- (1) Where a clause of this local law refers to matters which the local government is to have regard to in determining an application for a permit, the local government shall have regard to those matters prior to making a decision on an application for a permit under clause 3.5 and, in addition, may have regard to the following matters:
 - (a) the desirability of the proposed activity;
 - (b) the location of the proposed activity;
 - (c) the principles set out in the Competition Principles Agreement; and
 - (d) such other matters as the local government may consider to be relevant in the circumstances of the case.

3.3 Decision on application for permit

- (1) The local government may –
 - (a) approve an application for a permit unconditionally or subject to any conditions; or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

3.3A Grounds on which an applicant may be refused

The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds:

- (a) that within the preceding 5 years the applicant has committed a breach of any provision of this local law, or of any other written law relevant to the activity in respect of which the permit is sought;
- (b) that the applicant is not a fit and proper person to hold a permit;
- (c) that –
 - (i) the applicant is an undischarged bankrupt or is in liquidation;
 - (ii) the applicant has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or
- (d) such other grounds as the local government may consider to be relevant in the circumstances of the case.

Division 3 - Conditions

3.4 Conditions which may be imposed on a permit

- (1) Without limiting the generality of clause 3.3 (1)(a), the local government may approve an application for a permit subject to conditions relating to –
 - (a) the payment of fees and charges;
 - (b) compliance with a standard or a policy of the local government adopted by the local government;
 - (c) the duration and commencement of the permit;
 - (d) the commencement of the permit being contingent on the happening of an event;
 - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit, bond or secure sum against such damage; and
 - (i) the obtaining of public liability insurance in an amount and on terms reasonably required by the local government.

- (2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –
 - (a) when fees and charges are to be paid;
 - (b) payment of a deposit, bond or secure sum against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;

- (i) whether or not the hire is for the exclusive use of the local government property;
- (j) the obtaining of a policy of insurance in the names of the hirer and the local government, indemnifying the local government in accordance with clause 13.4 in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

3.5 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4 - General

3.6 Agreement for building

Where a person applies for a permit to erect a building on local government property, the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

3.7 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.11.

3.8 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to the expiry of a permit for the renewal of the permit.
- (2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

3.9 Transfer of permit

- (1) An application for the transfer of a valid permit is to –
 - (a) be made in writing;
 - (b) be signed by the permit holder and the proposed transferee of the permit;
 - (c) provide such information as the local government may require to enable the application to be determined; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.
- (4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

3.10 Production of permit

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

3.11 Cancellation of permit

- (1) Subject to clause 12.1, a permit may be cancelled by the local government if the permit holder has not complied with a –
 - (a) condition of the permit; or
 - (b) determination or a provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder –
 - (a) shall return the permit as soon as practicable to the CEO; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

3.11A Suspension of permit holder rights and privileges

- (1) The rights and privileges granted to a permit holder on the issue of a permit, shall be automatically suspended, where the public liability insurance required as a condition of a permit, lapses, is cancelled or is no longer current.
- (2) The rights and privileges granted to a permit holder on the issue of a permit, may be suspended by the local government for the purpose of and during the carrying out of any works by or on behalf of the State, or an agency or instrumentality of the Crown, or the local government, in or adjacent to the area the subject of the permit.

3.11B Planning approval

The requirement for a permit under this local law, is additional to the requirement if any, for a planning approval.

Division 5 - When a permit is required

3.12 Activities needing a permit

- (1) A person shall not without a permit –
- (a) subject to subclause (3), hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
 - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) carry on any trading on local government property unless the trading is conducted –
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (g) unless an employee of the local government in the course of their duties or on an area set aside for that purpose –
 - (i) drive or ride or take any vehicle on to local government property;
 - (ii) park or stop any vehicle on local government property; or
 - (h) conduct a function or public gathering on local government property;
 - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
 - (j) light a fire on local government property except in a facility provided by the local government for that purpose;
 - (k) parachute, hang glide, abseil or base jump from or on to local government property;
 - (l) erect a building or a refuelling site on local government property;
 - (m) make any excavation on or erect or remove any fence on local government property;

- (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;
 - (p) light or set off any fireworks or conduct a fireworks display on local government property;
 - (q) operate any broadcasting or public address system or sound amplification equipment or apparatus on local government property;
 - (r) carry out any works in a thoroughfare or on local government property, including but not limited to –
 - (i) verge treatments;
 - (ii) vehicle cross overs;
 - (iii) crossing a footpath with a vehicle which is likely to cause, or causes damage to the footpath;
 - (s) erect, display, post, stick, stamp, stencil, paint or otherwise affix or cause to be erected, displayed, posted, stuck, stamped, stencilled, painted or otherwise affixed any sign, banner, placard, handbill, notice, advertisement, writing or picture whatsoever upon any tree, plant, building, structure, fitting or soil being local government property or on any other local government property; and
 - (t) carry out filming or shoot or take a recording on local government property where:
 - (i) any part of that film or recording may be broadcast or distributed or sold; and
 - (ii) it involves the substantial setting up of associated equipment on local government property;
- for reward or for the purpose of sale, without the prior approval of the CEO.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
 - (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.13 Permit required to camp outside a facility

(1) In this clause –

“facility” has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

(2) A person shall not without a permit -

- (a) Camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;
- (b) Erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day; or
- (c) Camp on or occupy any vehicle at night for the purpose of sleeping in a public place.

(3) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (2) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

(4) This clause does not apply to a facility operated by the local government.

3.14 Permit required for possession and consumption of liquor

(1) A person, on local government property, shall not consume any liquor or have in their possession or under their control any liquor, unless –

- (a) that is permitted under the *Liquor Control Act 1988*; and
- (b) a permit has been obtained for that purpose.

(2) Subclause (1) does not apply where –

- (a) the liquor is in a sealed container; or
- (b) the liquor is in small quantities, as determined by the CEO and is being brought to or consumed in the course of a bona fide picnic or gathering.

Division 6 - Responsibilities of permit holder

3.15 Responsibilities of permit holder

A holder of a permit shall in respect of local government property to which the permit relates –

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) ensure that the local government property is fully locked or secured after its use where it can be so locked or secured;
- (d) report any damage or defacement of the local government property to the local government; and
- (e) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

PART 4 - BEHAVIOUR ON LOCAL GOVERNMENT PROPERTY

Division 1 - Behaviour on and interference with local government property

4.1 Personal behaviour

A person shall not in or on any local government property behave in a manner which –

- (a) is likely to cause injury to, or to interrupt, disturb or interfere with the enjoyment of, a person who might use the property;
- (b) causes injury to, or interrupts, disturbs or interferes with the enjoyment of, a person using the property; or
- (c) may be considered disorderly or offensive by a person on the property.

4.2 Only specified gender to use entry of toilet block or change room

- (1) Where a sign on a toilet block or change room specifies that a particular toilet block or change room is to be used by –
 - (a) females, then a person of the male gender over the age of 6 years shall not use that toilet block or change room; or
 - (b) males, then a person of the female gender over the age of 6 years shall not use that toilet block or change room.

- (2) A person over the age of 6 years shall not on any local government property or public place –
- (a) loiter outside or act in an unacceptable manner, in any portion of a toilet block or change room; or
 - (b) enter, or attempt to enter a cubicle or compartment of a toilet block or change room which is already occupied or in use.

4.3 Proper and adequate clothing

- (1) A person over the age of 6 years shall not on any local government property or public place appear in public unless decently clothed.
- (2) Where an authorised person considers that a person on any local government property or public place appearing in public is not decently clothed, the authorised person may direct that person to put on clothing so as to be decently clothed, and that person shall comply with the direction immediately.
- (3) In this clause, ***“decently clothed”*** means the wearing of proper and adequate clothing for the occasion, so as to prevent indecent exposure.

4.4 Behaviour detrimental to property

- (1) A person shall not behave in or on any local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) –
- “detrimental to the property”*** includes –
- (a) removing any thing from local government property such as a sign, rock, plant or seat provided for the use of any person;
 - (b) destroying, defacing or damaging any thing on the local government property, such as a sign, plant or tree or a seat provided for the use of any person; and
 - (c) climbing on or over local government property.

4.5 Taking or injuring any fauna

- (1) A person shall not, on or above any local government property, unless that person is authorised under a written law to do so –
- (a) take, injure or kill or attempt to take, injure or kill any fauna; or
 - (b) take on to, set or use or attempt to take on to, set or use any animal trap, bird trap, fish trap, net or similar device.

(2) In this clause –

“animal” means any living thing that is not a human being or plant; and

“fauna” means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

4.6 Intoxicated persons not to enter local government property

A person shall not enter or remain on any local government property while under the influence of liquor or a prohibited drug or substance.

4.7 No prohibited drugs or substances

A person shall not take a prohibited drug or substance on to, or consume or use a prohibited drug or substance on any local government property.

Division 2 - Signs

4.8 Signs

- (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
 - (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1 - Community facilities

5.1 Definitions

In this Division –

“pool premises” means the place or premises provided for the purpose of swimming or bathing and known as Beatty Park Leisure Centre constructed on part of the land being Perth Location 1618, Reserve Number 884, Vesting Order Number 10803/99 and having an address of 220 Vincent Street, North Perth, and includes all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the place or premises or used in connection with it.

5.2 Direction of manager or authorised person to be observed

- (1) The manager or an authorised person may refuse admission to, may direct to leave or may remove or cause to be removed from the pool premises, a person who –
- (a) in her or his opinion is –
 - (i) under the age of 12 years and who is unaccompanied by a responsible person 16 years or older; or
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint; or
 - (iii) in an unclean condition; or
 - (iv) under the influence of liquor or a prohibited mind altering drug or substance;
 - (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.
- (2) A person shall, on being requested by the manager or an authorised person to leave the pool premises, subject to subclause (1), do so immediately, quietly and peaceably.
- (3) A person who fails to comply with a request under subclause (2) may be removed from the pool premises, by the manager, an authorised person or a Police Officer.

5.3 Responsibilities of users of a community facility

A person while in the pool premises or a community facility shall not –

- (a) smoke, consume foodstuffs or drinks in any specific area in which smoking or food consumption is prohibited;
- (b) climb up or upon any roof, fence, wall or partition on the pool premises or a community facility; or
- (c) whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition, enter or use or attempt to enter or use the pool premises or a community facility;

- (d) use soap or shampoo in any part of the pool premises other than in a change-room;
- (e) use any detergent or any substance or oil in any pool or spa on the pool premises whereby the water may be discoloured or contaminated or rendered turbid or, in the opinion of the Manager or authorised person, in anyway unfit;
- (f) foul or pollute the water in any shower, pool or spa in the pool premises;
- (g) bring into any part of the pool premises or place thereon any chemical substance, liquid or powder;
- (h) bring into any part of the pool premises any glass containers;
- (i) smoke tobacco or any other substance in or about a community facility;
- (j) deliberately waste or wastefully use fresh or potable water in a community facility;
- (k) spit or expectorate in any part of a community facility, other than in a water closet; and
- (l) enter a pool or spa on the pool premises in a dirty or unclean condition.

Division 2 - Fishing and boat launching

5.4 Definition

In this Division –

“river” means the Swan River as referred to in the *Swan and Canning Rivers Management Act 2006*.

5.5 Boat launching

- (1) A person shall not launch a boat into the river other than at a boat launching ramp designed, constructed and approved for that purpose, or from the river where this activity is permitted and designated by signs.
- (2) A person shall not launch a personal water craft into the river other than at a boat launching ramp designed, constructed and approved for the purpose.

5.6 Fishing

- (1) A person shall not fish on or from any local government property where fishing is prohibited or restricted and the prohibition or restriction is designated by signs.
- (2) A person shall not on any local government property whether fishing is permitted or not –
 - (a) clean fish or cut bait such that it may cause a nuisance to river users; or
 - (b) leave or deposit fish offal or bait on land or in the river.

Division 3 - Fenced or closed property

5.7 No entry to fenced or closed local government property

A person shall not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 4 - Air conditioning units over thoroughfares

5.8 Definition

In this Division –

“air conditioning unit” means any machine, device, equipment, plant or part thereof which constitutes or is part of any mechanical system of ventilation or air conditioning; and

“thoroughfare” includes a pedestrian way that is local government property.

5.9 Siting and design of air conditioning units

- (1) A person shall not install an air conditioning unit on or over a thoroughfare without the approval of the local government.
- (2) No air conditioning unit shall –
 - (a) project over any part of a thoroughfare unless provision is made, to the satisfaction of the CEO or an authorised person, for the collection of water discharged from such unit and for its disposal into the stormwater drainage system provided that where such unit is installed above a verandah, balcony or awning no such provision shall be necessary;
 - (b) project over any part of a thoroughfare unless the bottom of such unit is not less than 2,750 millimetres above such thoroughfare;
 - (c) project more than 300 millimetres over any part of a thoroughfare not more than 10 metres in width;
 - (d) project more than 450 millimetres over any part of a thoroughfare more than 10 metres in width.
- (3) No air conditioning unit which exhausts foul or vitiated air over or into a thoroughfare shall be installed under a verandah, balcony or awning which projects over any part of a thoroughfare.

Division 5 - Awnings, balconies and verandahs over thoroughfares

5.10 Definitions

In this Division –

“awning” means a roof-like covering to shelter persons or protect parts of a building from the effects of sun or rain, which extends or can be made to extend over any part of a thoroughfare;

“balcony” means an open or covered platform attached to an upper part of a building, projecting from or recessed into the face of a wall and protected by a railing or balustrade and accessible from an adjacent room;

“thoroughfare” includes a pedestrian way that is local government property; and

“verandah” means a roofed structure attached to a building with the outer edge supported on posts, and covered either by the main roof or a separate, lower roof, of which any part extends over any part of a thoroughfare.

5.11 Approval to erect or maintain

A person shall not erect or maintain an awning, balcony or verandah over a thoroughfare without the approval of the local government.

5.12 Dimensions of awnings, balconies and verandahs

A person shall not erect an awning, balcony or verandah over a thoroughfare unless it complies with the following dimension requirements:

- (a) a minimum clearance of 2,750 millimetres above the thoroughfare;
- (b) a maximum fascia depth of 300 millimetres; and
- (c) a minimum distance of 500 millimetres from the kerb.

5.13 Design of awnings, balconies and verandahs

A person shall not erect an awning, balcony or verandah over a thoroughfare unless it complies with the following design requirements:

- (a) the design, colour and materials shall be compatible with the aesthetics and character of the thoroughfare, in the opinion of the local government;
- (b) the height and width shall be uniform with other verandahs and awnings over the thoroughfare;
- (c) the form shall be cantilevered or suspended, unless otherwise approved by the local government; and
- (d) the design shall not allow water to be retained on the structure or allow water to fall onto the thoroughfare.

5.14 Maintenance and public safety

The owner and occupier for the time being of any building to which any awning, balcony or verandah is attached shall keep the awning, balcony or verandah clean, painted, watertight and in a sound and safe structural condition and in good and substantial repair.

PART 6 - ADVERTISING SIGNS ON THOROUGHFARES

Division 1 - Preliminary

6.1 Definitions

In this Part, unless the context otherwise requires -

“advertisement” means the use or intention of use for the purpose of advertising any premises, services, business, function, event, product or thing;

“advertising sign” means a free-standing sign which may or may not be permanently attached to a structure or fixed to the ground, and includes a ground based sign, a sandwich board sign and an “A” frame sign, that is used or intended to be used for the purpose of advertising any premises, services, business, function, event, product or thing;

““A” frame sign” means a folding sign which is hinged at the top to provide a stable structure when open;

“direction sign” means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

“election sign” means a sign which advertises any aspect of a forthcoming Federal, State or Local Government election;

“permit holder” means the person to whom a sign permit has been issued;

“portable direction sign” means a portable free standing direction sign;

“portable sign” means a portable free standing advertising sign;

“sign” includes a notice, poster, flag, mark, word, letter, model, placard, board, structure, device or representation;

“sign permit” means a permit to display a sign.

6.1A Permit period

The local government may grant approval for the erection or display of an advertising sign for one year or three years, whichever the applicant chooses on the application for a sign permit.

6.1B Sign permit

- (1) A person shall not display an advertising sign on a footpath unless that person is the holder of a valid sign permit.
- (2) Every application for a sign permit shall –
 - (a) state the full name and address of the applicant;
 - (b) specify the proposed permitted area of the advertising sign;
 - (c) be accompanied by an accurate plan and description of:
 - (i) the proposed advertising sign; and
 - (ii) the proposed location of the proposed advertising sign and the area in a radius of approximately 10 metres around that location showing on a scale of approximately 1:100 the location of all carriageways, footpaths, verges, street furniture, bins, light poles, parking signs, traffic lights, other impediments to pedestrian traffic and premises abutting any verge or footpath.
 - (d) a colour photograph or similar representation of the advertising sign.”

Division 2 - Permit

6.2 Permit required for advertising signs and portable direction signs

- (1) A person shall not, without a permit –
 - (a) erect or place an advertising sign on a thoroughfare; or
 - (b) post any bill or paint, place or affix any advertisement on a thoroughfare.
- (2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500mm in height nor 0.5m² in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.
- (3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign -
 - (a) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2,700 millimetres;
 - (b) on or within 500 millimetres from the kerb;
 - (c) in any other location where, in the opinion of the local government or an authorised person, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
 - (d) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

6.3 Matters to be considered in determining application for permit

In determining an application for a permit for the purpose of clauses 3.3 and 6.2(1), the local government is to have regard to -

- (a) any other written law regulating the erection or placement of advertising signs or advertisements within the district;
- (b) the dimensions of the advertising signs or advertisements;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the advertising signs or advertisements;
- (d) whether or not the advertising signs or advertisements will create a hazard to persons using a thoroughfare;
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant;
- (f) the advertising sign would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
- (g) the advertising sign, may obstruct or impede the use of the footpath for the purpose for which it was designed.

Division 3 – Conditions on permit

6.4 Conditions on portable sign

- (1) If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions –
 - (a) the portable sign shall -
 - (i) not exceed 1,000 millimetres in height;
 - (ii) not exceed an area of 0.8 square metres on any side;
 - (iii) relate only to the business activity described on the permit;
 - (iv) not be placed in any position other than immediately in front of the building or the business to which the sign relates and be located not closer than 500 millimetres to the kerb or further than 1200 millimetres from the kerb so as to ensure the free passage of persons using the footpath;
 - (v) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
 - (vi) be secured in position in accordance with any requirements of the local government;

- (vii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person or the sight line of any vehicle drivers; and
 - (viii) be maintained in good condition; and
 - (b) no more than one portable sign shall be erected in relation to the one building or business.
- (2) The permit holder of a permit for a portable sign shall comply with each of the conditions in subclause (1) in addition to any other conditions imposed on the permit by the local government.

6.5 Conditions on election sign

- (1) If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign –
- (a) being erected at least 30 metres from any intersection;
 - (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
 - (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person;
 - (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
 - (e) being maintained in good condition;
 - (f) not being erected until the election to which it relates has been officially announced;
 - (g) being removed within 24 hours of the close of polls on voting day;
 - (h) not being placed within 100 metres of any works on the thoroughfare;
 - (i) being securely installed;
 - (j) not being an illuminated sign;
 - (k) not incorporating reflective or fluorescent materials; and
 - (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.
- (2) The permit holder of a permit for the erection or placement of an election sign shall comply with each of the conditions in subclause (1) in addition to any other conditions imposed on the permit by the local government.

6.6 Obligations of permit holder

The permit holder shall –

- (a) maintain the advertising sign in a safe and serviceable condition at all times;
- (b) display the permit number provided by the local government in a conspicuous place on the advertising sign and whenever requested by an authorised person to do so, produce the sign permit to that person;
- (c) ensure that the sign is of a stable design and is not readily moved by the wind, and does not by the nature of its design or anything else cause any hazard or danger to any person using a thoroughfare;
- (d) display an advertising sign on a footpath in the location approved by the local government and as specified in the permit; and
- (e) ensure the free passage of persons using the footpath at all times.

6.7 Safety of persons

A person shall not cause or permit an advertising sign to be erected or displayed in such a condition, which in the opinion of an authorised person, causes or is likely to cause injury or danger to any person or damage to the clothing or possessions of any person.

6.8 Removal of sign for works

A permit holder shall ensure that an advertising sign, is removed from any footpath to permit the footpath to be swept or to permit any other authorised work to be carried out when directed to do so by an authorised person.

6.9 Removal of sign which does not comply

A person shall remove any advertising sign or item which does not comply with the requirements of this local law, from any footpath when directed to do so by an authorised person.

6.10 Unlawful placement of signs

A person who places, causes or permits to be placed on any footpath any advertising sign or item which does not comply with the requirements of this local law, commits an offence.

PART 7 - OBSTRUCTING ANIMALS OR SHOPPING TROLLEYS

Division 1 - Animals

7.1 Leaving animal in a public place

- (1) A person shall not leave an animal on a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

7.2 Prohibitions relating to animals

- (1) In subclause (2), "owner" in relation to an animal includes –
 - (a) an owner of it;
 - (b) a person in possession of it;
 - (c) a person who has control of it; and
 - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal shall not –
 - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

Division 2 - Shopping trolleys

7.3 Definitions

In this Part –

“retailer” means a proprietor of a shop which provides shopping trolleys for the use of customers of the shop;

“shopping trolley” means a container or receptacle on wheels provided by a retailer for the transport of goods.

7.4 Name of owner of shopping trolley

A retailer shall clearly mark its name or trading name on any shopping trolley made available for the use of customers and which may be left in a public place by the customer.

7.5 Shopping trolleys in public places

- (1) A person shall not leave a shopping trolley in a public place or on local government property, other than in an area set aside for the storage of shopping trolleys.
- (2) A shopping trolley left in a public place or on local government property is not obstructing unless it is left for a period exceeding three (3) hours.

PART 8 - BOND OR SECURITY

8.1 Security for restoration and reinstatement

- (1) The local government may require an applicant to pay a bond, bank guarantee or security of a kind and to a value determined by the local government as a condition of an approval or permit and payable before the issue of an approval or permit, or where a land owner proposes to develop, amalgamate or subdivide the land for the purpose of ensuring that –
 - (a) hired local government property, including fixtures and fittings can be cleaned, replaced or repaired;
 - (b) a footpath or local government property damaged, removed or destroyed during the construction of any building on an adjacent lot, can be repaired or reinstated;
 - (c) a footpath or local government property damaged, removed or destroyed during the amalgamation or subdivision of adjacent land, can be repaired or reinstated;
 - (d) conditions of an approval or permit insofar as they relate to local government property or a thoroughfare, are complied with.
- (2) A bond or security required under subclause (1) is to be paid into an account established by the local government for the purposes of this clause.

8.2 Use by local government of bond or security

- (1) If a permit or approval holder or adjacent owner or occupier fails to carry out or complete the reinstatement works required by the permit or approval conditions, or by a notice served by the local government, either –
 - (a) within the time specified in those conditions; or
 - (b) where no such time has been specified, a reasonable time from the expiration of the permit or approval; or

- (c) within 14 days or such time as specified in the notice given by the local government,

then, the local government may carry out or cause to be carried out, the required restoration and reinstatement works or as much work as remains undone.

- (2) The permit or approval holder, owner or occupier shall pay to the local government on demand all administrative, legal, contractor and other costs including, but not limited to loss of income, estimated or incurred by the local government to restore and reinstate the site or which the local government may be required to pay under this clause.
- (3) The local government may apply the proceeds of any bond, bank guarantee or security obtained under clause 8.1 to meet any costs incurred under this clause.
- (4) The liability of the applicant, permit or approval holder, adjacent owner or occupier to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 8.1.

PART 9 - WORKS ON OR AFFECTING A THOROUGHFARE

Division 1 - Works affecting a thoroughfare

9.1 No damage to thoroughfare

A person shall not damage, without lawful authority, a thoroughfare or anything belonging to or under the care, control or management of the local government that is on a thoroughfare, including but not limited to a footpath, verge or street tree.

9.2 Footpath, verge and street tree protection

- (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a footpath, verge or street tree, shall –
 - (a) take all necessary precautions to ensure that the footpath, verge or street tree is not damaged during the course of the works;
 - (b) take all necessary action to ensure that the footpath remains in a safe functional state suitable for use by the public; and
 - (c) notify the local government of any existing damage to the footpath, verge or street tree prior to the commencement of the works.
- (2) A person who carries out any building or other operations or works on private property necessitating the crossing of a footpath with vehicles that may cause damage to the footpath, verge or a street tree, shall ensure that –
 - (a) all reasonable precautions are taken to prevent damage to the footpath, verge or street tree during the course of the works; and
 - (b) heavy vehicles that access the private property, are to cross the footpath at the designated area for the proposed vehicle crossing for that private property.

- (3) If a person fails to comply with subclause (1) or (2) and a footpath, verge or street tree is thereby damaged, the local government may by notice in writing to that person require that person within the time stated in the notice to pay the costs of reinstating or repairing the footpath, verge or street tree.
- (4) On a failure to comply with a notice issued under subclause (3), the local government may recover the costs referred to in the notice as a debt due to it in a court of competent jurisdiction.

9.3 Liability for damage to thoroughfare

- (1) Where a person unlawfully damages a thoroughfare or any thing belonging to or under the care, control or management of the local government that is on a thoroughfare, the local government may by notice in writing to that person require that person within the time stated in the notice to, at the option of the local government, pay the costs of –
 - (a) reinstating the thoroughfare or thing to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that thing.
- (2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it in a court of competent jurisdiction.

Division 2 - Verge treatments

9.4 Transitional provision

- (1) In this Division –

“former provisions” means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.
- (2) A verge treatment which –
 - (a) was installed prior to the commencement day; and
 - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,

is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

9.5 Interpretation

In this Division:

“acceptable material” means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government;

“permissible verge treatment” means any one of the 4 treatments described in clause 9.7(2), and includes any reticulation pipes and sprinklers.

9.6 Verge treatment

The owner or occupier of land adjacent to any thoroughfare may only treat the verge in front of such land with a permissible treatment and in any event shall not –

- (a) alter the finished level of the verge;
- (b) excavate the verge within the drip line of any street tree; or
- (c) cover or obstruct any manholes, gullies or inspection pits which are serviced from time to time by the local government.

9.7 Permissible verge treatments

- (1) The owner or occupier of land adjacent to a thoroughfare may on the verge in front of such land, install a permissible verge treatment.
- (2) The permissible verge treatments are for the purpose of subclause (1) –
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that -
 - (i) it is in accordance with the local government's "Verge Treatments, Plantings and Beautification" specifications;
 - (ii) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare;
 - (iii) clear sight visibility is maintained at all times for a person using the driveway on the land adjacent to permissible verge treatment for access to or from the abutting thoroughfare; and
 - (iv) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 1,500 millimetres along that part of the verge immediately adjacent to the kerb;
 - (c) the installation of an acceptable material;
 - (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) to a maximum 7.5 metres of the frontage of the property of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b); or

9.8 Only permissible verge treatments to be installed

The owner or occupier of land adjacent to a thoroughfare shall not install or maintain on the verge in front of such land a verge treatment other than a permissible verge treatment.

9.9 Owner's or occupier's responsibility for verge treatments

An owner or occupier of land adjacent to a thoroughfare who installs or maintains a permissible verge treatment on the verge in front of such land shall –

- (a) repair and make good any damage to the verge treatment at such owner's or occupier's expense;
- (b) keep the verge treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn, that no obstruction of any sort (physical, sight or other) is caused to any accessway, footpath or thoroughfare;
- (c) not place any obstruction on or around any verge treatment;
- (d) not water or maintain a verge treatment in such a manner as to cause a nuisance or hazard to any person using a footpath, accessway or thoroughfare;
- (e) not extend the verge treatment beyond the verge immediately adjacent to the land owned or occupied, without the written approval of the owner of the adjoining property, immediately adjacent to the verge to be treated.

9.10 Enforcement

The local government may give a notice in writing to the owner or occupier of land adjacent to a thoroughfare who has installed or maintained a treatment on the verge in front of such land, requiring that owner or occupier, within the time specified in the notice, to make good any breach of this Division, or to remove all or any part of a verge treatment that does not comply with this Division.

Division 3 - Public works

9.11 Public works on verges

- (1) For the purpose of carrying out any works the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works on a thoroughfare, may without notice and without being liable to compensate any person, dig up all or part of a thoroughfare and disturb any verge treatment placed there by an owner or occupier of adjacent land.
- (2) Where the local government digs up or carries out any works in a verge which has a verge treatment which complies with Division 2, then the local government shall use its best endeavours to –
 - (a) replace and restore any reticulation pipes and sprinklers; and
 - (b) back fill with sand any garden or lawn,

but otherwise shall not be liable to replace or restore any verge treatment and in particular any plant, or other vegetation or any surface or in any event, shall not be liable to any person for any damage or disturbance caused.

9.12 Contribution towards construction of standard vehicle crossings

For the purpose of determining the local government's contribution towards the construction of a standard vehicle crossing as stipulated in regulation 15 of the *Local Government (Uniform Local Provisions) Regulations 1996*, a "standard crossing" is a standard vehicle crossing for a residential area.

9.13 Temporary vehicle crossings

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where –
 - (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The "person responsible for the works" in subclause (1) is to be taken to be –
 - (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
 - (b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

9.14 Removal of redundant vehicle crossings

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government may give written notice to the owner or occupier of a lot requiring her or him to –
 - (a) remove any part or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

PART 10 - ACTIVITIES ON THOROUGHFARES AND LOCAL GOVERNMENT PROPERTY

10.1 General prohibitions

A person shall not –

- (a) plant any tree or plant which exceeds or which may exceed 500 millimetres in height on a thoroughfare so that the plant is within 10 metres from the truncation point of an intersection;
- (b) damage a lawn or a garden or remove a plant or part of a plant from a lawn or a garden unless –
 - (i) the person is the owner or the occupier of the land abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (d) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;
- (e) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare;
- (f) within a mall, arcade or verandah of a shopping centre, ride any wheeled recreational device or similar device; or
- (g) damage or remove any street tree or part thereof without the approval of the local government.

10.2 Activities allowed with a permit

(1) A person shall not, without a permit –

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) subject to Part 9 of this local law, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection by the local government;
- (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;
- (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;

- (f) damage a thoroughfare;
 - (g) light any fire or burn any thing on a thoroughfare;
 - (h) fell any tree onto a thoroughfare;
 - (i) unless installing a permissible verge treatment –
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
 - (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
 - (k) on a public place use anything or do anything so as to create a nuisance;
 - (l) place or cause to be placed on a thoroughfare a bulk rubbish container;
 - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare; or
 - (n) place or cause to be placed on a footpath or thoroughfare, a planter box or pots.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

PART 11 - NOTICES OF BREACH

11.1 Offence to fail to comply with notice

Whenever the local government serves a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

11.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 11.1, the local government may by its employees, agents or contractors carry out the works and do all things specified in the notice and may recover from that person, as a debt, the costs incurred in so doing.

11.3 Notice to redirect or repair sprinkler

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government or an authorised person may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

11.4 Hazardous plants

Where a plant or tree in a garden creates or may create a hazard for any person using a thoroughfare, the local government or an authorised person may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.

11.5 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare, verge or footpath has been damaged, or is in the opinion of an authorised person, dangerous to the public, the local government or an authorised person may by notice to the person who caused the damage or dangerous condition, order the person to repair or replace that portion of the thoroughfare, verge or footpath to the satisfaction of the local government.

11.6 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the land abutting on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, requiring that person or the owner or occupier, as the case may be, to remove the thing within the time specified in the notice.

PART 12 - OBJECTIONS AND REVIEW

12.1 Application of Division 1, Part 9 of the Act

When the local government makes a decision as to whether it will –

- (a) grant a person a permit, approval or consent under this local law; or
- (b) renew, vary or cancel a permit, approval or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

PART 13 - MISCELLANEOUS

13.1 Authorised person to be obeyed

A person on local government property shall obey any lawful direction of a manager or an authorised person.

13.2 Persons may be refused admission or directed to leave local government property

- (1) An authorised person may refuse admission or direct a person to leave local government property where:
 - (a) the authorised person reasonably suspects that the person has –
 - (i) contravened a provision of this local law;
 - (ii) behaved in a disorderly manner;
 - (iii) used indecent, offensive, profane or insulting language;
 - (iv) created or taken part in any disturbance whereby a crowd has gathered;
 - (v) committed an act of indecency; or
 - (b) the person has been deemed undesirable by the local government or the authorised person by reason of his or her past conduct.
- (2) A person shall, on being requested by the authorised person to do leave the local government property, do so immediately, quietly and peaceably.
- (3) A person who fails to comply with a request under subclause (2) may be removed from the local government property by an authorised person or a Police Officer.

13.3 Liability for damage to local government property

- (1) Where a person unlawfully damages or causes damage to or detrimentally affects the appearance or nature of any local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –
 - (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
 - (b) replacing that property.
- (2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it in a court of competent jurisdiction.

13.4 Public liability insurance and indemnity

- (1) Where, as a condition of a permit, the permit holder is required to obtain and maintain a public liability insurance policy, the permit holder shall –
 - (a) enter into an agreement with the local government to provide and maintain the required public liability insurance cover during the entire time that the license is in place;
 - (b) take out a public liability insurance policy in the name of the permit holder, covering the Permit holder's legal liabilities in respect of the permit holder's usual business activities;
 - (c) advise the local government should the permit holder cancel or modify or fail to renew the public liability insurance cover during the period of the license;
 - (d) provide the local government with a Certificate of Currency confirming that public liability insurance cover is in place as per clause 13.4(1) prior to issuing of the license;
 - (e) ensure that, as a minimum, the permit holder's public liability insurance policy has a limit of liability of \$10 million (ten million dollars), or such other amount as the local government considers appropriate to the risk and liability involved. At the discretion of the local government, the limit of liability required may be increased at the policy renewal date;
 - (f) ensure that the public liability insurer of the permit holder is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority (APRA).
- (2) A permit or approval holder who refuses to or cannot provide a current certificate of insurance 14 days prior to the commencement of any activity, action or thing performed or erected in accordance with the permit, as required in accordance with subclause (1) commits an offence.

13.5 Payment of applicable fees

Where a fee or charge applies to the entry to, use of or participation in an activity on or in any local government property, a person shall not enter that property without first paying the applicable fee or charge, unless that person has been exempted by the local government from paying that fee or charge.

13.6 No unauthorised entry to function

- (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except –
 - (a) through the proper entrance for that purpose; and
 - (b) on payment of the fee chargeable for admission at the time.
- (2) The local government may exempt a person from compliance with subclause (1)(b).

PART 14 - OFFENCES

Division 1 - Offences and penalties

14.1 Offences and general penalties

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not less than \$300 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

14.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

14.3 Infringement and infringement withdrawal notices

- (1) For the purposes of this local law –
 - (a) where a vehicle is involved in the commission of an offence, the form of the infringement notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice referred to in sections 9.16 and 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Division 2 – Evidence in legal proceedings

14.4 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a copy of an extract from the register certified as a true copy by the CEO.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

SCHEDULE 1**PRESCRIBED OFFENCES**

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
1.8	Failure to pay the fees and charges fixed by the local government from time to time	100
2.4	Failure to comply with determination	100
3.5 (1)	Failure to comply with conditions of a permit	100
3.5 (2)	Failure to comply with conditions of a permit as varied	100
3.10	Failure to produce Permit when required by an authorised person	100
3.12 (1)	Failure to obtain a permit	250
3.13 (2)	Failure to obtain a permit to camp outside a facility or erect structure	100
3.14 (1)	Consumption or possession of liquor without a permit	100
3.15	Failure of permit holder to comply with responsibilities	100
4.1 (c)	Disorderly or offensive conduct, or use of indecent or improper language	100
4.2 (1)	Gender not specified using toilet block or change room	100
4.2 (2) (a)	Loiter outside or act in an unacceptable manner in any toilet block or change room	100
4.2 (2) (b)	Enter or attempt to enter an occupied cubicle or compartment	100
4.3 (1)	Failure to wear adequate clothing to secure decency	100
4.3(2)	Failure to comply with direction of authorised person, to wear adequate clothing	250
4.4 (1)	Behaviour detrimental to property	100
4.5 (1) (a)	Take, injure or kill, or attempt to take, injure or kill any fauna	250
4.5 (1) (b)	Take onto, set or use any animal, bird or fish trap while on any local government property	250
4.6	Under influence of liquor or prohibited drug or substance	100
4.7	Take, consume or use a prohibited drug or substance on local government property	250
4.8 (2)	Failure to comply with sign on local government property	100
5.3 (a)	Smoke or consume food or drink in a prohibited area	100
5.3 (b)	Climbing up or upon a community facility	100
5.3 (c)	Enter or use, or attempt to enter or use a community facility whilst unclean or suffering from a contagious, infectious or cutaneous disease	100
5.3 (d)	Using soap or shampoo in any part of the pool area other than in the changerooms	100
5.3 (e)	Using any detergent or any substance or oil in any pool or spa whereby the water may be discoloured or contaminated or rendered turbid or, in the opinion of the Manager or authorised person, in anyway unfit;	100
5.3 (f)	Fouling or polluting the water in any shower, pool or spa in the pool area;	100
5.3 (g)	Bringing into any part of the pool area or place thereon any chemical substance, liquid or powder	100
5.3 (h)	Bringing into any part of the pool area any glass containers;	100
5.3 (i)	Smoking tobacco or any other substance in or about the community facility;	100
5.3 (j)	Deliberately waste or wastefully use fresh or potable water in the pool area;	100

5.3 (k)	Spitting or expectorating in any part of the community facility, other than in a water closet	100
5.3 (l)	Entering a pool or spa in a dirty or unclean condition.	100
5.5 (1)	Launch a boat into river other than from an approved boat launching ramp or area permitted by signs	100
5.5 (2)	Launch personal water craft into river other than from a boat launching ramp	100
5.6 (1)	Fishing in an area where fishing is prohibited or restricted by signs	100
5.6(2) (a)	Clean fish or cut bait that causes a nuisance to river users	100
5.6(2) (b)	Leave or deposit fish offal on land or in river	100
5.7	Unauthorised entry to and area fenced off or closed to the public	250
5.9 (1)	Installing an air conditioning unit without approval	250
5.11	Erecting or maintaining an awning, balcony or verandah without a permit	250
5.12	Erecting an awning, balcony or verandah with incorrect dimensions	250
5.13	Erecting an awning, balcony or verandah with incorrect design	250
6.2 (1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	250
6.2 (3)	Erecting or placing of advertising sign in a prohibited area	250
6.4(2)	Failure to comply with conditions for portable sign	250
6.5(2)	Failure to comply with conditions for election sign	250
6.1B (1)	Displaying advertising sign on a footpath without a permit	250
6.6 (a)	Failing to maintain an advertising sign in a safe and serviceable condition at all times	100
6.6 (b)	Refusing to conspicuously display the permit number on an advertising sign	50
6.6 (c)	Failure to display a sign in accordance with conditions of permit	100
6.6 (d)	Failing to display the advertising sign in the approved location	100
6.6 (e)	Failing to ensure the free passage of persons using the footpath	100
6.7	Permitting an advertising sign to be displayed in an unsafe or dangerous manner	250
6.8	Refusing or failing to remove an advertising sign to allow sweeping or cleaning	100
6.9	Refusing or failure to remove an advertising sign or item when requested to do so	250
6.10	Placing or permitting an advertising sign contrary to the requirements of the local law	250
7.1(1)	Leaving an animal on a public place without permit	100
7.1(2)	Leaving an animal secured or tethered for in excess of 1 hour	100
7.2(2)(a)	Allowing an animal enter or remain on a thoroughfare or public place without authority, unless it is led, ridden or driven	100
7.2(2)(b)	Allowing an animal which has a contagious or infectious disease to be on a thoroughfare	250
7.2(2)(c)	Training or racing an animal on a thoroughfare	
7.2(3)	Leading driving or riding a horse on a thoroughfare in a built-up area without a permit	100
7.5(1)	Leaving shopping trolley in public place other than trolley bay	100
7.5(2)	Leaving a shopping trolley for a period in excess of 3 hours	100
9.1	Damaging a thoroughfare or anything belonging to or under the care control and management of the local government that is on a thoroughfare	200
9.2 (1) (a)	Failing to take necessary precautions to ensure footpath, verge	200

	or tree is not damaged during works	
9.2 (1) (b)	Failing to ensure footpath remains in a safe function state suitable for use by the public	200
9.2 (1) (c)	Failing to notify local government of existing footpath damage prior to commencement of works	50
9.2 (2) a)	Failing to take reasonable precautions to prevent damage to footpath, verge or street tree	200
9.6 (a)	Altering finished level of a verge	100
9.6 (b)	Excavating verge within the drip line of street tree	100
9.6 (c)	Covering or obstructing any manholes, gullies or inspection pits	100
9.8	Installing verge treatment other than permissible verge treatment	200
9.9 (a)	Failing to repair and make good any damage to the verge treatment	100
9.9 (b)	Failing to keep verge treatment in good or tidy condition and avoid obstruction of any sort	100
9.9 (c)	Placing any obstruction on or around any verge treatment	100
9.9 (d)	Not to water or maintain a verge treatment so as to cause a nuisance or a hazard to any person using footpath, accessway or thoroughfare	100
9.9 (e)	Extending the verge treatment without written approval	200
9.13(1)	Failing to obtain permit for temporary crossing	200
9.14 (2)	Failing to comply with notice to remove crossing and reinstate kerb	250
10.1 (a)	Planting of tree or plant which exceeds 0.75metres in height on local government property within 10metres from the truncation of an intersection	100
10.1 (b)	Damaging lawn or garden, or remove any plant without authority	100
10.1 (c)	Placing any fruit, substance or fluid on footpath which may create a hazard	100
10.1 (d)	Damaging or interfering with signpost or structure on thoroughfare	200
10.1 (e)	Playing games so as to endanger any person or thing or impede vehicles or persons on thoroughfare	200
10.1 (f)	Riding any wheeled recreational device in a mall, arcade or verandah of a shopping centre	100
10.1 (g)	Damaging or removing a tree or part thereof without the approval of the local government	300
10.2(1)(a)	Digging a trench through a kerb or footpath without a permit	200
10.2(1)(b)	Throwing or placing anything on a verge without a permit	200
10.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200
10.2 (1)(d)	Causing obstruction to water channel on thoroughfare without a permit	200
10.2 (1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	200
10.2 (1)(f)	Damaging a thoroughfare	200
10.2 (1)(g)	Lighting a fire on a thoroughfare without a permit	200
10.2 (1)(h)	Felling tree onto thoroughfare without a permit	200
10.2 (1)(i)	Installing pipes or stone on thoroughfare without a permit	200
10.2 (1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	200
10.2 (1)(k)	Creating a nuisance on a public place without a permit	200
10.2 (1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	100

10.2 (1)(m)	Interfering with anything on a thoroughfare without a permit	200
10.2 (1)(n)	Placing a planter box or pot on a footpath or thoroughfare	100
11.1	Failing to comply with notice given under local law where not specified in Schedule 1	250
13.5	Failing to pay the applicable fee to enter, use or participate in an activity on local government property	100
13.6 (1)	Entering local government property or building other than through the proper entrance or without payment of the admission fee	100
14.1 (1)	Other offences not specified	100

SCHEDULE 2

DETERMINATIONS

The following determinations are to be taken to have been made by the local government under clause 2.1.

PART 1 – PRELIMINARY

1.1 Definitions

In these determinations unless the context requires otherwise—

"local law" means the *City of Vincent Local Government Property Local Law 2008*.

1.2 Interpretation

Unless the context requires otherwise, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

1.3 Determinations

As at the date of gazettal of this local law, the local government has not made any determinations.

This local law was made by the City of Vincent at an Ordinary Meeting held on the 26th day of February 2008.

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

NICK CATANIA, JP, Mayor

JOHN GIORGI, JP, Chief Executive Officer

SCHEDULE OF AMENDMENTS

Date of Council Resolution	Date of Gazettal	Details of Amendment
08.07.08	07.10.08	<p><i>Title and Schedule 2, Clause 1.1</i> – delete 2007 and replace it with 2008</p> <p><i>Clause 5.2</i> – subclause (1) delete “or a community facility” also delete subclauses (1)(c), (1)(d), (4) and (5).</p> <p><i>Clause 13.4</i> – amended to be brought in line with the current standard wording for public liability insurance policies.</p>
10.02.09	27.02.09	To amend the process for applications and permits, specify obligations of permit holders and conditions for signs.