

City of Vincent

Local Government Act 1995

Local Government Property Amendment Local Law 2022

LOCAL GOVERNMENT ACT 1995

CITY OF VINCENT

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022

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 July 2022 to make the following amendment local law.

1. Citation

This local law may be cited as the *City of Vincent Local Government Property Amendment Local Law 2022*.

2. Objective

- (a) The objective of this amendment local law is to amend certain provisions of the *City of Vincent Local Government Property Local Law 2021*.
- (b) The effect of this amendment local law is to provide further clarity of the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply.

3. Commencement

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

4. Principal Local Law

This amendment local law amends the *City of Vincent Local Government Local Law 2021*, published in the *Government Gazette* on 30 November 2021.

5. Clause 1.6 amended

Clause 1.6 is amended by:

- (a) inserting the following words after the definition of ‘**e-cigarette**’:

election day means the date of voting or polling for a Federal, State or local government election (as the case may be);

election period means the period of sixty (60) days prior to a State or Federal election or from the close of candidate nominations for a local government election (which occurs 37 days prior to the local government election day), and two (2) days after that election day;

election sign means any sign which advertises any aspect of a forthcoming Federal, State or local government election and may include promoting a registered candidate or political party;

- (b) amending paragraph (f) of the definition of **vehicle** by replacing the word ‘and’ with the word ‘or’.

6. Clause 4.4(2) amended

In clause 4.4(2) insert the word 'on' after the words 'behave in or'.

7. Clause 5.3(1) replaced

Clause 5.3(1) is replaced with:

- (1) use any device or equipment (whether electronic or otherwise) to take images or recordings of any person in a change room without that person's prior expressed consent.

8. Clause 5.13 amended

In clause 5.13 delete the word 'are' after the words 'over a thoroughfare'

9. Clause 5.14 replaced

Clause 5.14 is replaced with:

5.14 Maintenance and public safety

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

10. Clause 5.16(c) and (d) replaced

Clause 5.16(c) and (d) are replaced with:

- (c) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where there is activity that caters for children and/or young people; or
- (d) A thoroughfare (but does not include vehicles within the thoroughfare) adjacent to a business or facility where trading with an outdoor eating area as an extension of food premises or licensed premises.

11. Clause 6.1(e) replaced

Clause 6.1(e) is replaced with:

(e) **minor sign** means a sign that does not require development approval in accordance with the City of Vincent's Local Planning Scheme No. 2 or local planning policies and is characterised as:

- (i) not exceeding 500mm in height nor 0.5m² in area, on any side;

- (ii) of a temporary nature occurring on one-off occasions (although may occur on a number of days) but not of any permanent nature or reoccurrence; and
- (iii) not adversely affecting the amenity, streetscape or day-to-day activities of the local government property or any other use which, in the opinion of the local government, constitutes a minor use;

12. Clause 6.2(2)(a) amended

Clause 6.2(2)(a) is amended by deleting the words ‘nature development’ and replace with the word ‘sign’.

13. Clause 6.3(2)(a) amended

Clause 6.3(2)(a) is amended by:

- (a) deleting the words ‘nature development’ and replace with the word ‘sign’; and
- (b) inserting the word ‘or’ after the semicolon at the end of the paragraph.

14. Clause 6.8 replaced

Clause 6.8 is replaced with:

6.8 Election signs

- (1) A person must not erect or display an election sign on local government property without a permit unless the election sign is:
- (a) only displayed during the election period and removed within 48 hours after the election day;
 - (b) free standing and no affixed to any existing tree, sign, post, power or light pole, or similar structure;
 - (c) at least 3 metres from the edge of the carriageway and 0.5 metres from the footpath;
 - (d) erected at least 10 metres from any intersection of thoroughfares;
 - (e) not closer than 50 metres to a signalised intersection or before any speed indicator sign;
 - (f) not placed on a median strip, roundabout or other traffic control device;
 - (g) not placed within an intersection;
 - (h) not located in, or within 50 metres of, a 40kph school zone;
 - (i) not places so as to obstruct or impede:
 - (i) a footpath, thoroughfare or carriageway;

- (ii) the reasonable and/or safe use of a thoroughfare or local government property;
 - (iii) access to a place by any person;
 - (j) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
 - (k) not placed within 100 metres of any works on a thoroughfare or local government property;
 - (l) maintained in good condition;
 - (m) securely installed;
 - (n) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message; and
 - (o) not located in a position which would suggest that the sign has the endorsement of the local government, including and local government property leased to third party.
- (2) In determining an application for a permit for an election sign, the local government is to have regard to –
- (a) any other written law or policy regulating the erection or placement of election signs within the district;
 - (b) the dimensions of the election sign;
 - (c) whether or not the election sign will create a hazard to persons using a thoroughfare;
 - (d) whether the election sign would –
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
 - (e) whether the election sign may obstruct or impede the use of the footpath for the purpose for which it is used.

15. Clause 9.3(2) amended

In clause 9.3(2) insert the word ‘it’ after the words ‘as a debt due to’.

16. Clause 9.7(1)(f) replaced

Clause 9.7(1)(f) is replaced with:

‘only be solar lighting;’

17. Clause 9.11(1) replaced

Clause 9.11(1) is replaced with:

(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 –

- (a) dig up all or part of a thoroughfare; or
- (b) disturb any verge treatment placed there by an owner or occupier of adjacent land.

18. Clause 13.2(1) replaced

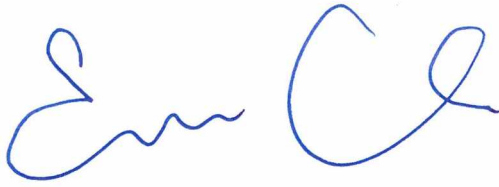
Clause 13.2(1) is replaced with:

(1) Subject to subclause (2), an authorised person or Manager may refuse to allow entry, suspend admission or direct a person to leave local government property where the authorised person or Manager reasonably suspects that the person has –
:

- (a) contravened a provision of this local law;
- (b) behaved in a disorderly manner;
- (c) used indecent, offensive, profane or insulting language;
- (d) created or taken part in any disturbance whereby a crowd has gathered;
or
- (e) committed an act of indecency.

Dated: 2 August 2022

The Common Seal of The City of Vincent was affixed in the presence of—



EMMA COLE, Mayor



DAVID MACLENNAN, Chief Executive Officer.