



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

5287



PERTH, FRIDAY, 14 OCTOBER 1994 No. 147 SPECIAL

PUBLISHED BY AUTHORITY G. L. DUFFIELD, GOVERNMENT PRINTER AT 4.15 PM

LOCAL GOVERNMENT ACT 1960

**CITY OF COCKBURN
(LOCAL GOVERNMENT ACT)
BY-LAWS**

LOCAL GOVERNMENT ACT 1960*The Municipality of the City of Cockburn***CITY OF COCKBURN (LOCAL GOVERNMENT ACT) BY-LAWS**

In pursuance of the powers conferred by the abovementioned Act and all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on 5th July 1994, to make and submit for confirmation by the Governor the following By-law.

PART 1—REVOCATION AND CITATION AND APPLICATION OF BY-LAWS**1.1 REVOCATION**

The following By-laws are hereby revoked:

- By-law Relating to Disabled Parking published in the *Government Gazette* 6th February 1987
- By-law Relating to the Parking of Vehicles on Street Verges published in the *Government Gazette* 16th May 1986
- By-law Relating to Fencing published in the *Government Gazette* 19th February 1964
- By-law Relating to Animals and Vehicles on Roads and the Deposit of Rubbish and Other Materials on Streets and Public Places published in the *Government Gazette* 16th September 1963
- By-law Relating to Street Lawns and Gardens published in the *Government Gazette* 4th October 1985
- By-laws for Regulating the Management and Use and for Prescribing the Fees and Charges to be Paid for the Use of any Public Reserves Common to Public Building, Public Works and on things under the Control of the Board made under Section 201 of the Road Districts Act published in the *Government Gazette* 9th August 1955
- By-law Relating to Parking published in the *Government Gazette* 28th February 1986
- By-laws for the Control and Management of Halls and Equipment and Property under the Control of the Council published in the *Government Gazette* 23rd March 1965
- By-laws for the Prevention of Damage to Footpaths and Kerbing published in the *Government Gazette* 19th December 1960
- By-law Relating to Extractive Industries published in the *Government Gazette* 3rd August 1984
- By-laws Relating to Hawkers and Stallholders published in the *Government Gazette* 12th April 1979
- By-laws Regulating the Construction, Establishment, Operation and Maintenance of Motels published in the *Government Gazette* 6th October 1960.
- By-laws Relating to Signs, Hoardings and Billposting published in the *Government Gazette* on 6th September 1985
- By-laws Relating to Refuse Adversely Affecting Neighbours published in the *Government Gazette* 5th February 1971
- By-law for Prevention and Abatement of Nuisances published in the *Government Gazette* 26th February 1959
- Local Government Model By-laws (Holiday Accommodation) No. 18 published in the *Government Gazette* 20th February 1987
- By-law Relating to Old Motor Vehicles published in the *Government Gazette* 7th September 1966
- Local Government Model By-law (Old Refrigerators and Cabinets) No. 8 published in the *Government Gazette* 29th November 1962
- Local Government Model By-laws (Safety, Decency, Convenience and Comfort of Persons in Respect of Bathing) No. 14 published in the *Government Gazette* 1st October 1964
- Local Government Model By-laws (Caravan Parks and Camping Grounds) No. 2 published in the *Government Gazette* 20th December 1974
- By-laws Relating to Penalties for By-laws published in the *Government Gazette* 13th January 1971

1.2 CITATION

These by-laws may be cited as "City of Cockburn (Local Government Act) By-laws" or as "City of Cockburn (LGA) By-laws".

1.3 GENERAL APPLICATION

These by-laws shall apply to the whole of the municipal district of the City of Cockburn.

1.4 READ AS A WHOLE

These by-laws shall be read as a whole and the treatment of a subject matter in one part does not exclude the treatment of the same subject matter in another part.

1.5 ADJOINING WATERS AND RESERVES

Part IV of these by-laws shall apply:

- (a) to rivers, water courses, tidal and non-tidal waters, in or outside but adjoining the district;
- (b) without limiting the generality of paragraph (a) clause 1.5, in the sea adjoining the district for a distance of 183 metres seaward from the low water mark at ordinary spring tides or to the extent otherwise declared in any order made by the Governor under Section 190(8) of the Act;
- (c) to the reserves specified in the Fourth Schedule;
- (d) to any other public place or public reserve adjoining any of the places mentioned in paragraphs (a) and (b) of clause 1.5.

1.6 PARKING REGION

For the purposes of the provisions of Part XIII of these by-laws, the whole of the district of the City of Cockburn with the Exception of:

- (a) approaches to bridges, subways and traffic lights;
and
- (b) any other street that may from time to time come under the control of the Main Roads Department or the Commissioner of Police,

is constituted as a parking region.

PART II—GENERAL DEFINITIONS

2.1 In these by-laws, unless the context otherwise requires:

2.1.1 "Act" means the Local Government Act, 1960;

"animal" means any animal other than a dog;

"Authorised Officer" means in respect of any Part of these by-laws the Clerk or other officer of the City of Cockburn authorised by the Council to administer that Part;

"Authorised Person" means the Clerk, or an Authorised Officer, or any other person appointed in writing by the Clerk as an Authorised Person under these By-laws;

"boat" means any structure or vessel whether propelled manually or by the wind or power, made or used to float upon or travel under water;

"cattle" shall have the meaning given to it in the Act;

"Clerk" means the Town Clerk for the time being of the City of Cockburn and includes, in the absence of the Town Clerk, the Deputy or Acting Town Clerk of the Council;

"Council" means the council of the City of Cockburn;

"District" means the municipal district of the City of Cockburn;

"holiday accommodation" means accommodation which, by way of trade or business, is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor, and which comprises not less than 4 units;

"licence" means a licence issued pursuant to these By-laws;

"licencee" means a person to whom a licence is granted under these By-laws;

"member of the Police Force" means a member of the Police Force of Western Australia;

"Minister" means the Minister for Local Government;

"Municipality" means the municipality of the City of Cockburn;

"nuisance" means:

- (a) any thing, condition, circumstance or state of affairs which is injurious or dangerous to the health of a person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of a person;
- (b) any thing 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; and
- (c) any thing a person does on public or private land which detracts from or interferes with the enjoyment or value of land owned by another person.

"park home" means a moveable dwelling, not being a vehicle as defined in the Road Traffic Act 1974-1982 but which is constructed and maintained on its chassis and wheels and capable of mobility at all times and which may from time to time be stabilised by jacks and so designed and constructed so as to permit occupancy as a temporary dwelling and may comprise one vehicle but not more than two compatible vehicles each compatible with the first part of this definition and designed and constructed to form one single unit;

"person" and words applying to any person or individual include a body corporate and in the plural a group of persons and a club association or other body of persons;

"proprietor" means the owner or occupier of the land on which holiday accommodation is situated;

"public place" includes a street, way and place which the public are allowed to use, whether the street, way or place is or is not on private property. It shall also include parklands, squares, reserves, beaches and other lands set apart for the use and enjoyment of the inhabitants of the District and includes all lands vested in or under the care, control or management of the City of Cockburn;

"surveyor" means the building surveyor for the time being appointed by the Council pursuant to the Act and includes, in the absence of the building surveyor, the acting building surveyor;

"town planning scheme" means the City of Cockburn Town Planning Scheme No.2 District Zoning Scheme published in the *Government Gazette* of 14 February 1992;

"unit" means a cabin, apartment, chalet, cottage or flat;

"vehicle" includes:

(a) every conveyance, not being a train, boat, aircraft, or wheelchair and every object capable of propelled or drawn on wheels or tracks by any means;

(b) where the context permits, an animal driven or ridden.

2.1.2 Unless otherwise defined herein the terms and expressions used in these By-laws shall have the meanings given to them in the Act.

2.2 In these By-laws a reference to the Council having the power to do something in its discretion or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any Authorised Officer or Person or committee to whom the Council has delegated the power or the doing of the thing exercising such discretion or forming such opinion.

PART III—ANIMALS IN PUBLIC PLACES

3.1 The provisions of this Part shall not affect the operation of Part XX of the Act.

3.2 Subject to the provisions of clause 3.3 a person shall not permit an animal to remain unattended in a public place.

3.3 An animal may be secured in any portion of a public place wherein animals may lawfully be secured for the purposes of these By-laws but only if secured for a period not exceeding 1 hour unless the consent in writing of the Clerk is obtained.

3.4 IMPOUNDING

Where an Authorised Person or a member of the Police Force finds an animal left in a public place, contrary to the provisions of clauses 3.2 or 3.3 of this Part, he may remove the animal therefrom and shall thereupon place it in a public pound in accordance with the provisions of Part XIV.

3.5 DISEASED ANIMALS

A person shall not drive or ride or permit the driving or riding of an animal having a contagious or infectious disease in a street or other public place.

3.6 The Council may cause any animal which has a contagious or infectious disease and which is in a street or other public place to be killed and its carcass disposed of at the expense of the person having the custody of the animal and to recover the expense from that person in a court of competent jurisdiction.

PART IV—BEACHES AND RESERVES

Division 1—Preliminary

4.1 In this Part, unless the context otherwise requires:

"bathing" includes entry into the sea and emerging therefrom and includes the use of bathing appliances;

"bathing appliances" means a float of any material, surf ski, surf board, kick board, malibu board, boat or any other device used or for use in bathing or surf riding;

"function" means and includes a carnival, show, fete, concert, exhibition gymkhana, sporting event, a training or practice session in connection with a sport by a group or team of 5 or more persons, or a picnic for a gathering of more than 10 persons;

"watercraft" means any bathing appliance, canoe, boat, hovercraft or jetski.

4.2 APPLICATION

The provisions of this Part shall apply to those areas defined in clause 1.5 of these By-laws and to all property vested in or under the care control or management of the City of Cockburn unless stated otherwise in the provision.

Division 2—Prohibited Areas and Activities

4.3 PROHIBITED AREAS

For the safety, decency, convenience or comfort of persons in respect of bathing and other recreational conduct, the Council may set aside specific localities wherein all or any of the following things are prohibited:

- (a) entry by persons;
- (b) bathing;
- (c) the use of any bathing appliances or any particular kind of bathing appliance;
- (d) the entry and use of vehicles;
- (e) the launching of boats and other watercraft;
- (f) the playing of games; and
- (g) the selling or displaying for sale or hiring of goods and merchandise.

4.4 The Council may set aside such specified locality for the purpose of clause 4.3 or 4.8 for a particular period or until further notice by causing notices to that effect to be placed in the vicinity of the locality.

4.5 An Authorised Officer or Person may set aside specified localities in which bathing is prohibited by the placement of notices, flags or such other indicators as are from time to time provided or required by the Council.

4.6 PROHIBITED ACTIVITIES

A person shall not:

- (a) carry on any activity which contravenes any notice given pursuant to the provisions of clauses 4.4 or 4.5 hereof;
- (b) drive or take any watercraft into any place where persons are bathing in such a manner as to cause or be likely to cause annoyance or injury to any person bathing or about to bathe;
- (c) play games in such a way as to cause inconvenience or annoyance to persons bathing or using a beach;
- (d) fish for sharks by use of set or buoyed lines or use blood or any other lure for the purpose of attracting sharks;
- (e) clean fish or leave or deposit fish offal;
- (f) destroy, damage, injure, cause harm to, catch, snare or take any animal;
- (g) remove or otherwise interfere with any notice, flags or specified indicator of the kind referred to in clauses 4.4 and 4.5 of this Part;
- (h) create commit or take part in any nuisance or disturbance behave in a disorderly or offensive manner or use indecent language or commit any act of indecency;
- (i) enter, look into or loiter outside any lavatory, dressing shed or building or portion of a building expressly reserved for the use of the opposite sex;
- (j) except to put on or remove a garment or garments worn over a bathing costume, dress or undress or remove or disarrange any part of a bathing costume, in any place open to public view or in any building other than such as is specifically set aside by the Council for that purpose;
- (k) climb upon any wall, building or tree guard or over, under or through any fence or gate designed or installed for the purpose of prohibiting or restricting the entry of persons or vehicles;
- (l) enter any place that has been fenced off or otherwise closed to the public;
- (m) bathe, swim or wade in any sump, drain, fountain, pond or lake;
- (n) add any dye or chemical to the water of any sump, drain, fountain, pond or lake;
- (o) alter, cut, mutilate, deface or disfigure or damage any equipment building or structure of any kind;
- (p) damage, destroy, interfere with or remove any water pipe, tap, hose, hose fitting, sprinkler, irrigator, watering device, valve, pump, motor, controller or switchboard;
- (q) break or permit to be broken any glass, metal, bottle or utensil or deposit or leave any rubbish, refuse, bottle, can, tin, paper, broken glass, china or litter of any kind other than in receptacles provided for that purpose;
- (r) climb, injure, cut, break, deface, pull up, pick, remove or destroy any tree, tree guard, shrub, flowers, grass or plant of any kind or description or, without the written consent of the Council, plant any such thing or sow any seeds;
- (s) consume any intoxicating liquor except on premises licenced under the Liquor Licensing Act 1988 or except with the written permission of Council;
- (t) being obviously under the influence of alcohol or other drugs, enter or remain in or fail to depart from any place upon being ordered to do so by any Authorised Officer.

- (u) throw or release any stone, arrow, or other missile, whether of the same kind or not, except in the course of function being lawfully held;
- (v) carry or discharge any firearm, airgun, or other missile discharging device, or throw or discharge any explosive device, firework, stone, spear or missile;
- (w) operate any musical instrument, radio, record or cassette player, radiogram, television, amplifying equipment or other sound producing, enhancing or amplifying electronic device at such volume as to cause a nuisance or annoyance to other persons in or near the locality;
- (x) use or operate any siren, starting gun or other device which causes a loud noise in such a manner as to cause a nuisance or annoyance to any person on or in the vicinity;
- (y) fly any mechanically operated model aeroplane;
- (z) charge any person for entry thereto or for entry to any function being held thereon;
- (aa) unlock or unfasten any gate or door unless authorised by the Council;
- (ab) without prejudice to any other provision of these By-laws bring on or cause or allow or permit to be brought on or to remain on any land to which these By-laws apply any vehicle, caravan, omnibus (whether in good order or derelict) or rubbish of any nature, except to park or deposit the same in a place on that land nominated by the Council for the parking of such vehicles or caravans or deposit such rubbish, without the written consent of the Council first had and obtained, complying with all other provisions of these By-laws in all respects on each occasion and in the event of the Council being unable to find the owner of any such thing or article and/or of the person occupying the adjoining camping site or building denying the ownership thereof or refusing to supply the Council with the name and address of the owner thereof the Council shall be at liberty to remove such vehicle, caravan or omnibus from the land to a place where they can be impounded and to remove such rubbish from the land to the Council's rubbish tip;
- (ac) play or practice the game of golf or any similar game;
- (ad) practice or participate in archery of any kind;
- (ae) interfere with the conduct of any function which a function licence has been issued.

The provisions of this clause shall not apply to an Authorised Officer or Person acting in the course of his or her duty.

4.7 ACTIVITIES REQUIRING PERMISSION

A person shall not without written permission granted by Council:

- (a) plant or sow any seeds for any tree, shrub, flowers, grass or plant of any kind or description;
- (b) cut, collect or remove any timber, firewood, stone, sand or material other than seaweed;
- (c) advertise anything by any means or display or distribute any notice, pamphlet, document, advertisement or message;
- (d) except where permitted under the authority of any written law, permit any cattle under that person's control to enter or remain in any place to which this Part applies;
- (e) organise, conduct or address a gathering or meeting of persons or organise or take part in a procession or demonstration or carry a placard or notice;
- (f) in a public reserve, conduct or assist in the conduct of or take part in any function;
- (g) take onto a public reserve any spirituous or intoxicating liquor;
- (h) cause or allow to be ridden or driven any bicycle or other vehicle whether motorised or not (other than wheelchairs or other devices designed to assist the movement of disabled persons with disabilities) except upon a carriageway, road, path or footpath designated for use by such vehicle;

and a person shall not, otherwise than in accordance with the provisions of Part IX:—

- (i) carry on any trading activity; or
- (j) without limiting the generality of the foregoing paragraph, hire or offer for hire any vehicle, bicycle, watercraft, kite or other item or equipment for sport, entertainment or amusement.

4.8 CAMPING AND PICNICKING

A person shall not without written permission granted by the Council and then only in a place where Council has resolved to permit camping and has caused a notice specifying the localities where camping is permitted to be given pursuant to clause 4.4:

- (a) camp, lodge at night in or occupy as sleeping quarters or a dwelling any store, building, tent or structure of any kind; or
- (b) erect any tent, camp, hut or other structure other than a beach umbrella used during the hours of daylight; or
- (c) light a fire except in a fireplace or a barbecue facility provided for that purpose.

4.9 Clause 4.8 shall not apply to a person who has been authorised in writing by the Council to occupy any reserve, nor shall clause 4.8 apply to that part of any reserve specified for the purpose of this clause in Schedule 4.

Division 3—Safety and Decency

4.10 VEHICLES

A person shall not drive or ride a motorised vehicle (other than wheelchairs or other devices designed to assist the movement of disabled persons with disability on any footpath or area set aside for use by pedestrians or bicycles otherwise than on those parts of the reserve or public place set aside as roads, driveways or vehicle parking areas.

4.11 A person shall not park or stand any vehicle except on areas set aside as parking areas.

4.12 (a) Council may in special circumstances grant permission to allow a motorised vehicle to enter upon a public reserve for a specific purpose and Council may apply such conditions as it thinks fit to such permission;

(b) A person shall not park or stand any vehicle in breach of any such condition.

4.14 DECENCY

(a) Any person over the age of 5 years bathing in water exposed to the public view or using a beach for sunbathing or any other activity in public view shall in order to secure the observance of decency, be properly and adequately clad;

(b) A parent or other adult person who is a person on or in the near vicinity of the beach and is responsible for the custody, care or control of a child between the age of 5 years and 15 years shall ensure that the child is properly and adequately clad in accordance with paragraph (a) of clause 4.13.

4.15 Where an Authorised Officer or Person considers that the costume or other clothing of any person on land or water to which this Part applies is not proper and adequate to secure decency, the Authorised Officer or Person may order that person to put on adequate clothing and that person shall comply with such order forthwith.

4.16 MODIFIED PENALTY

A person contravening the provisions of clauses 4.11 and 4.12 may be served with an infringement notice and be subjected to the modified penalty provisions of Part XIV of these By-laws.

4.17 SAFETY

An Authorised Officer may in or on any place where this Part applies, seize any device used for surf riding including a surfski, jetski, surf-board, malibu board or boat where the device is being used contrary to the provisions of this Part.

4.18 Any device of the kind referred to in clause 4.17 may be impounded after seizure for any period not exceeding 3 months as may be specified by the Authorised Officer to the person having custody of such device immediately prior to the time of seizure.

4.19 Where such device is not claimed by the owner thereafter within 2 months after the expiration of the period for which the device was impounded the device may be sold by the Council and the proceeds of such sale may be applied towards recouping the costs of and incidental to impounding it.

4.20 Where the costs referred to in clause 4.19 exceed the costs of the impoundment then the excess shall be paid to the owner of the device or where the identity or whereabouts of that owner are unknown placed in a trust fund and dealt with in accordance with the provisions of section 526 of the Act.

Division 4—Permissions

4.21 PERMISSIONS UNDER THIS PART

Every application for permission in this Part shall be in writing in the appropriate form prescribed in Schedule 1 and shall specify:

- (a) the name and address of the applicant who seeks the issue of a licence;
- (b) the reserve and the place on the reserve at or from which the applicant proposes to conduct the activities;
- (c) details of the activities the applicant proposes to conduct;
- (d) the day or days on which and the times during which the applicant proposes to conduct the activities.

4.22 The Council may in its discretion grant permission or refuse to grant permission under this clause or grant permission subject to such conditions as it thinks fit.

4.23 Where permission has been granted by the Council under this clause subject to conditions the person to whom the permission has been granted shall ensure that those conditions are observed at all times. If any such condition is not observed that person commits an offence against these By-laws and the Council may by written notice cancel the permission.

4.24 Every permission granted for a function pursuant to paragraph (f) of clause 4.7 shall include the condition whether expressed in the permission or not that the person to whom permission has been granted shall ensure that persons obviously under the influence of alcohol or acting in a disorderly manner are excluded from attendance at the function.

4.25 ACTIVITIES SPECIALLY PERMITTED

On the reserves or parts thereof specified for the purposes of this clause in the map in Schedule 4 horses may be led, ridden or exercised within the area specified in such map by hatching.

PART V—BLASTING QUARRYING AND EXCAVATIONS

Division 1—Preliminary

5.1 DEFINITIONS

In this Part unless the context otherwise requires:—

- “carrying on an extractive industry” means quarrying and excavating for stone, gravel, sand and other material;
- “excavation” in its substantive sense includes a quarry and when used as a quarry includes the activity of quarrying;
- “excavation fund” means a fund established by Council for the purpose of restoring and reinstating an excavation site.
- “excavation licence” means a licence to carry on an extractive industry issued in accordance with this Part;
- “excavation site” means a defined area of land upon which it is proposed to carry on an extractive industry or upon which an extractive industry is carried out.

5.2 APPLICATION

The provisions of this Part do not apply to the carrying on of an extractive industry on Crown land.

Division 2—Excavation Licence

5.3 EXCAVATION LICENCE

A person shall not, without an excavation licence issued by the Council under this Part, carry on any extractive industry on any land within the district.

5.4 SPECIFICATIONS

Every application for an excavation licence under clause 5.3 and renewal thereof under clause 5.15 shall be in the form provided in Schedule 1 and shall be accompanied by:

- (a) 4 copies of an excavation site plan to a scale of between 1:500 and 1:2000, and showing:
 - (i) existing and proposed land contours at one metre intervals based on Australian Height Datum;
 - (ii) the maximum area and depth of the excavation site;
 - (iii) distances from public and private streets, lot boundaries, fences, buildings, drains, water courses and land affected by registered grants of easement, in the vicinity of the excavation site;
- (b) 4 copies of an excavation programme containing:
 - (i) a description of the existing excavation site environment and the likely effect upon this of the proposed excavation;
 - (ii) the nature and estimated duration of the proposed excavation;
 - (iii) a schedule of estimated stages of the excavation programme and of the time periods within which it is proposed operations will be carried out;
 - (iv) a description of the methods by which existing vegetation is to be cleared and topsoil and overburden removed and/or stockpiled;
 - (v) a description of the means of access to the excavation site and the types of public roads and private accessways to be constructed and/or used;
 - (vi) a description of the methods by which the excavation site is to be kept drained; and
 - (vii) a description of the measures to be taken to minimise noise, and dust nuisance, erosion, water course siltation, adverse visual impact and dangers to the general public;
- (c) 4 copies of a rehabilitation programme indicating:
 - (i) the objectives of the programme, having due regard to the nature of the surrounding area and the proposed end use of the excavation site;
 - (ii) the proposed finished contours of the land;
 - (iii) whether restoration and reinstatement of the excavation site is to be undertaken progressively or upon completion of excavation operations;
 - (iv) the method by which topsoil is to be replaced and seeded;
 - (v) the number and types of trees to be planted and other landscaping features developed;
- (d) the consent in writing to the application by the owner of the excavation site where the applicant is not the owner of the excavation site.

5.5 An applicant for an excavation licence shall provide the Council with such additional information concerning the proposed excavation as the Council may reasonably require.

5.6 An application for an excavation licence must be accompanied by—

- (a) evidence that the applicant served notice by certified mail on—
 - (i) every owner or occupier of land within 500 metres from the boundaries of the excavation site; and
 - (ii) every authority or the person having control or jurisdiction over any power lines or telephone cables or poles or pylons in respect thereof, public or private easements, sewers, pipelines, reserves, bridges, railway lines, dams, water-courses, drains or sumps within 500 metres from the boundaries of the excavation site.
- (b) evidence that the applicant advertised notice of the intended application in a newspaper circulating within the District on a date not less than 1 month or more than 2 months prior to the date upon which the application is lodged with the Clerk; and
- (c) copies of all planning approvals required under any Town Planning Scheme and Metropolitan Region Planning Scheme with respect to the proposed carrying on of the extractive industry.

5.7 DISCRETION

The Council may in its discretion issue or refuse to issue a licence or issue a licence subject to such conditions as it thinks fit.

5.8 CONDITIONS

Without limiting the generality of clause 5.7, the Council may impose conditions of an excavation licence relating to:

- (a) the hours during which excavation work may be carried out;
- (b) the hours during which blasting operations may be carried out;
- (c) the hours during which any processing plant associated with, or located on, the excavation site may be operated;
- (d) the depths below which a person shall not excavate;
- (e) distances from adjoining land or streets within which a person shall not excavate;
- (f) the safety of persons employed at the excavation site;
- (g) the planting, care and maintenance of trees, shrubs and other landscaping features during the time in which the extractive industry is carried out in order to effectively screen the area to be excavated;
- (h) the drainage of the excavation site and the disposal of water therein;
- (i) the restoration and re-instatement of the excavation site;
- (j) the provision of retaining walls to prevent subsidence of any portion of the excavation or of land abutting the excavation;
- (k) requiring the licensee to enter into an agreement with the Council in respect of any condition or conditions imposed;
- (l) requiring the licensee to furnish to Council a Surveyor's Certificate each year 1 month prior to the annual fee being payable to certify that material has not been excavated below the final contour levels outlined within the approved excavation programme;
- (m) otherwise regulating the carrying on of an extractive industry.

5.9 The Council may require as a condition of an excavation licence that the licensee:

- (a) pay into the excavation fund a sum calculated at a rate per hectare, or part thereof, of the excavation site proposed to be excavated annually as set out in Schedule 3 Part A; or
- (b) give to the Council a bond with or without sureties in a sum calculated as aforesaid

to ensure that the licensee will either carry out, or cause to be carried out the restoration and reinstatement of the excavation site;

5.10 A person to whom a licence has been issued under this Part shall ensure that the provisions of these By-laws and any conditions of such licence are observed at all times. If any provision of these By-laws or any condition of a licence are not observed that person commits an offence against these By-laws and in addition to any other penalty which might be imposed under these By-laws or any order which might be made under subsection 235(7) of the Act, the Council may by written notice cancel the licence.

5.11 Where an agreement has been made between the licensee and the Council in accordance with paragraph (k) of clause 5.8 and there is default in complying with any of the terms of the agreement which continues following the expiration of a period of 14 days from service upon the licensee of written notice from the Council of such default, the licensee commits an offence against these By-laws and in addition to any other penalty which might be imposed under these By-laws or any order which might be made under subsection 235(7) of the Act, the Council may cancel the Excavation Licence of the defaulting licensee.

5.12 An Excavation Licence issued under this Part shall be in accordance with the form set out in Schedule 2.

5.13 TRANSFER OF LICENCE

A licence issued under this Part shall not be transferred to another person except with the written consent of the Council and such additional conditions as Council may impose.

5.14 Every application to transfer a licence under clause 5.13 shall be in writing in the form prescribed in Schedule 1 and shall be signed by both the transferor and transferee, and shall be accompanied by a consent in writing to the application signed by the owner of the excavation site where the applicant is not the owner of the excavation site.

5.15 TERM OF LICENCE

An Excavation Licence issued under this Part shall be valid for a term not exceeding 10 years from the date of issue as the Council may at that date determine and may be renewed thereafter by the Council for a further term or terms.

5.16 FEES

The fees to be charged for an application for licence and for every renewal thereof and for an application to transfer a licence shall be those set out in Schedule 3 Part B. No licence is valid until the fees have been paid.

Division 3—Duties of Licensee

5.17 DUTIES OF LICENSEE

A licensee shall subject to any condition imposed by the Council pursuant to this Part:

- (a) not remove natural trees or shrub within 40 metres (or such lesser distance specified as a condition of the excavation licence) of the boundary of any road reserve on land in respect of which an excavation licence has been granted, except for the purpose of constructing access roads or erecting buildings for use in connection with the excavation and then only with the express approval of the Council;
- (b) securely fence the excavation and keep the gateways locked when not actually in use in order that unauthorised persons will not enter the excavation;
- (c) drain and keep drained the excavation site in such a manner as to prevent the accumulation of water therein;
- (d) refrain from carrying out blasting operations in or about an excavation site on Christmas Day and Good Friday and except between the hours of 8.00 a.m. and 5.00 p.m. Mondays to Fridays (inclusive);
- (e) take all reasonable steps to prevent the emission of dust, noise and other forms of nuisance from the excavation site;
- (f) not excavate other than in accordance with the terms of the application and accompanying site plans and excavation and management programmes approved by the Council;
- (g) restore, and reinstate the excavation site in accordance with the terms of the application and accompanying site plans and excavation and management programmes approved by the Council;
- (h) give the Council at least 7 days written notice of his intention to temporarily cease operations for a period of 12 months or more or to cease operating under his licence permanently.

5.18 REHABILITATION OF SITE

Upon the expiration of an Excavation Licence or the sooner cessation of any excavation work, the licensee shall ensure that:

- (a) the excavation is restored and reinstated in accordance with proposals approved by the Council or in such manner as the Council shall subsequently agree with the licensee in writing;
- (b) any face permitted to remain upon the excavation site is left safe and with all loose materials removed therefrom, and the sides sloped to a batter of not more than 1:3;
- (c) the agreed floor level of the excavation site is graded to an even surface or otherwise in accordance with excavation and rehabilitation programmes approved by the Council;
- (d) all dumps of stone, sand, or other material are so left that no portion of that stone or other material can escape onto land not owned or occupied by the licensee nor into any stream, water course or drain that is not wholly situated within the land owned or occupied by the licensee.

5.19 Upon satisfactory restoration and reinstatement of the excavation site by the licensee the Council shall refund any moneys paid by the licensee into the excavation fund.

5.20 If the licensee does not carry out restoration and reinstatement of the excavation site at the licensee's own cost upon completion of the excavation or the expiration of the licence, the Council may:

- (a) apply money from the excavation fund to or towards the restoration and reinstatement of the excavation site;

- (b) forfeit the bond obtained from the licensee pursuant to clause 5.9 and may apply the amount of the bond forfeited or so much of that amount as is required, towards the carrying out of such restoration and reinstatement work.

5.21 GENERAL CONDITIONS

Subject to any condition imposed by the Council in accordance with this Part, a person shall not without the written approval of the Council:

- (a) excavate within 20 metres of a boundary of any land not owned by that person;
- (b) excavate within 20 metres of any land affected by a registered grant of easement or 40 metres of any water course;
- (c) excavate within a distance of 40 metres of any road.

PART VI—BUILDINGS

Division 1—Preliminary

6.1 DEFINITIONS

In this Part, unless the context otherwise requires

- “commercial and industrial area”, “residential area” and “rural area” mean any areas which are zoned or set apart for those uses in the town planning scheme;
- “dangerous”, relating to any fence, means a fence or part of a fence which is likely to collapse or fall by reason of its faulty design, location or construction, deterioration of materials, damage by termites, decay, changes in ground levels or any other cause whatsoever;
- “dividing fence” means a fence that separates the lands of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary;
- “Dividing Fences Act” means the Dividing Fences Act, 1961;
- “fence” means any fence or wall and includes a retaining wall;
- “sufficient fence” means a sufficient fence relating to dividing fences on boundaries between lots or other holdings and is more particularly set out in Parts (A) and (B) of Schedule 5.

Division 2—Construction of Particular Structures

6.2 FENCE

A person shall not erect a fence which is on the frontage or side of an allotment at the intersection of two streets and which exceeds the height of 750 millimetres for a distance of 6 metres from the intersection;

6.2.1 The fence on the side street shall be constructed for a distance from the corner of at least 6 metres along that street and shall be of design and materials similar to that of the fence along the frontage of the allotment;

6.2.2 In an industrial area a link mesh fence may be permitted of a greater height than 750 millimetres if the Council is satisfied that it does not materially affect the visibility of the intersection and its approaches in respect of the drivers of vehicles in either street.

6.3 FENCE MATERIAL

A person may construct a fence of:

- (a) brick, concrete, masonry, wrought iron, tubular steel, link mesh or timber sheathed with pickets, palings, boarding or fibre cement sheeting or other materials approved by the Council;
- (b) in rural areas, in addition to the foregoing materials, posts and wire or posts and rails and the minimum acceptable standard of this fence type shall be as described in Part B of Schedule 5.

6.4 PROHIBITED FENCE MATERIALS

A person shall not erect or affix or allow to remain upon any fence surrounding property owned or occupied by that person any barbed wire, broken glass or other wire with spiked or jagged projections:

- (a) in a residential area;
- (b) in a commercial or industrial area except barbed wire which is not less than 2.1 metres vertically above the level of the ground immediately thereunder; and
- (c) in any other area, broken glass is not permitted on a fence situated on the alignment of a street or public place.

6.5 A person shall not cover any fence with previously used material unless the person shall have received the written consent of the Council, which consent the Council may, in its discretion, grant or refuse on such terms and conditions as it deems fit.

6.6 On any land on which there is standing a fence, wall, hedge, tree or like structure or thing that is so situated, in the opinion of the Council, as to constitute an obstruction of or interference of the vision of persons driving vehicles approaching, entering or passing through the intersection of other such vehicles, the Council may require the owner or occupier of such land to take down or remove the fence, wall, hedge, tree or like structure or thing.

6.7 SUFFICIENT FENCE

A fence constructed to the specifications shown in Parts A and B of Schedule 5 shall be considered a sufficient fence for the purpose of the Dividing Fences Act.

6.8 If the owner or occupier of the land referred to in clause 6.6 does not comply with the requirement referred to in that clause, then the Council may do so at the expense of such owner or occupier and may recover the amount of the expense in a Court of competent jurisdiction.

6.9 HOLIDAY ACCOMMODATION

A person shall not construct, establish, maintain, conduct or use a unit of holiday accommodation unless:

- (a) it comes within one of the following categories of buildings:
 - (i) a cabin—a one roomed unit constructed without cooking, toilet, ablution or laundry facilities and having a minimum floor area of 9.2 square metres;
 - (ii) an apartment—a unit including toilet and ablution facilities but not including cooking facilities having a minimum floor area of 14 square metres;
 - (iii) a chalet—a unit including cooking facilities with or without toilet and ablution facilities having a minimum floor area of 27.5 square metres;
 - (iv) a cottage—a detached self-contained unit including cooking, toilet, ablution and laundry facilities and having a minimum floor area of 46 square metres;
 - (v) a holiday flat—a unit including toilet, ablution and laundry facilities, and a cooking and dining area physically separated from the sleeping area, and having a minimum floor area of 27.5 square metres designed for use as a separate tenement in a building containing two or more such tenements.
- (b) it is situated on an area of at least 4000 square metres;
- (c) the buildings and appurtenances of the group of units are so constructed, maintained and conducted that:
 - (i) no part of a building is between the street alignments of the land and the minimum building setback fixed by the Council by any town planning scheme or by-law for the particular street or streets or that part of the street or street, or where a minimum building setback has not been fixed by the Council, within 6 metres of the street alignment or any street or streets to which the land has a frontage or frontages;
 - (ii) subject to the provisions of any town planning scheme of the City, every wall of a building is a minimum distance of 3.7 metres from a boundary not being a street boundary of the land;
 - (iii) the minimum distance between the external walls of any building and another on the land is 9 metres unless—
 - (1) a permanent, adequate, reticulated water supply is available on the land, and permanent and adequate fire fighting appliances are provided there, or
 - (2) buildings are of masonry construction or material having a minimum fire rating of one (1) hour in which events the minimum distance may be reduced to 4.5 metres;
 - (iv) all partition walls of multi-unit accommodation shall be constructed of material having a minimum fire rating of 1 hour;
 - (v) open space is provided for the exclusive use of the occupants of the holiday accommodation at the rate of 28 square metres per unit and in addition parking space is provided at the rate of 17 square metres per unit;
 - (vi) each room of each unit has a minimum height from floor to ceiling of 2.4 metres;
 - (vii) every room intended for sleeping purposes:
 - (1) has at least one door of at least 760 millimetres in width and 1.95 metres in height and is provided with artificial light; and
 - (2) contains not less than 11 square metres of air space per adult and 8.5 square metres of air space per child, calculated for each person who sleeps in that room, and for the purpose of this calculation any air space more than 3 metres above floor level shall be disregarded.
 - (viii) the entrance of each unit has clearly indicated in indelible lettering the maximum number of persons permitted to occupy the unit;
 - (ix) wherever two storey single unit holiday accommodation is provided both ground floor and first floor shall be in the one occupancy;

- (x) provision is made for liquid waste disposal in accordance with Model By-Laws Series A and the Bacteriolytic Treatment of Sewerage and Disposal of Effluent and Liquid Waste Regulations;
- (xi) every electrical apparatus and equipment for lighting or heating or power supply or application of electricity on the land is of a type approved by the State Energy Commission of Western Australia pursuant to the provisions of the Electricity Act Regulations 1947, and the electrical installation conforms to the Wiring Rules of the Standards Association of Australia; and
- (xii) there are communal toilets, ablutionary, laundry and other facilities to the number and nature prescribed by the Health Act (Caravan Parks and Camping Grounds) Regulations, 1974 reckoned as if each unit of holiday accommodation were a site within the meaning of those Regulations but excepting from the reckoning any unit of holiday accommodation that has self-contained toilet, ablutionary and laundry facilities.

Division 3—Applications to Build

6.10 A person shall not, without an approval by the Council under this Part, commence to erect, proceed with the erection of, rebuild, reconstruct or alter:

- (a) any fence, hood, pergola or ornamental hood to gateways or attached to a fence exceeding 1.8 metres in height abutting on or within 6.6 metres of a street alignment;
- (b) any fence exceeding 1.8 metres in height on any boundary line;
- (c) a retaining wall.

6.11 SPECIFICATIONS

Every application for approval of the Council under clause 6.10 shall be in writing and shall be accompanied by:

- (a) two copies of the plan and specification of the proposed fence or retaining wall proposed to be built, rebuilt, reconstructed or altered;
- (b) in the case of a retaining wall, when required by the Surveyor, engineering calculations in respect of retaining walls exceeding 600 millimetres in height.

6.12 DISCRETION

The Council may in its discretion issue or refuse to issue a licence or issue a licence subject to such conditions as it thinks fit.

Division 4—Maintenance of Structures

6.13 The owner or occupier of any land on which a fence referred in clauses 6.14 and 6.15 is located shall keep such fence in good repair.

6.14 Where in the opinion of the Surveyor, any portion of a fence within 6 metres of the street alignment is in need of repair or of painting, the Surveyor may serve on the owner or occupier a notice to repair or to repair and paint or to paint such fence.

6.15 Any owner or occupier who refuses or neglects within a period of 14 days after the service of the notice prescribed in Clause 6.14 to carry out the repair or painting in accordance with the request, commits an offence under these By-laws.

6.16 The cost of repairing and maintaining of fences or portions of fences not within 6 metres of a street alignment shall be borne in accordance with the provisions of the Dividing Fences Act.

6.17 If the Surveyor certifies that a fence is dangerous and the Council makes an order to do so, the owner or occupier of any land on which a fence is located, shall at his own expense, take down, repair or rebuild such fence within the period stipulated but not exceeding 35 days.

6.18 The provisions of this Division are without prejudice to the Council's powers under sections 407 to 411 inclusive of the Act.

PART VII—CAMPS, CARAVAN PARKS, HOLIDAY ACCOMMODATION

Division 1—Preliminary

7.1 In this Part, unless the context otherwise requires:

“camp”, when used as a noun, includes any portable shed or hut, tent, tent fly, awning, blind, any caravan or vehicle adapted for camping or other thing used as, or capable of being used as, a habitation or for dwelling or sleeping purposes; and the verb “to camp” shall be construed accordingly and includes parking or using a caravan;

“camping area” means any land set apart on any reserve and used for the purpose of accommodating camps or temporary shelters;

“caravan” means a vehicle designed, or fitted, or being capable of use, as a habitation or for dwelling or sleeping purposes and for any purpose of Part C of Schedule 5 of these By-laws, this term includes a Park Home;

"caravan park" means an area of land containing sites for the parking of caravans or for the erection of camps;

"family" means a group of relatives not exceeding six;

"occupier" means any person occupying a camping site for the time being and includes any persons in whose charge a camp is left during the absence of the holder of a camping permit;

"on-site caravan" means a caravan made available, in a caravan park by the person conducting it, for hire and use by the public;

"owner" when used in reference to a caravan includes the licensee or person in charge of the caravan;

"park home" means a moveable dwelling, not being a vehicle as defined in the Road Traffic Act 1974-1982 but which is constructed and maintained on its chassis and wheels and capable of mobility at all times and which may from time to time be stabilised by jacks and so designed and constructed so as to permit occupancy as a temporary dwelling and may comprise one vehicle but not more than two compatible vehicles each compatible with the first part of this definition and designed and constructed to form one single unit;

"Permit to Camp" means a printed form endorsed "Permit to Camp" and signed by an Authorised Person or the Council;

"Proprietor" means the owner or occupier of land which is used as a caravan park or holiday accommodation;

"Site" means an area demarcated as intended for use as the parking place of a caravan or for the erection of a camp;

"Transit caravan park" means a caravan park used only for overnight parking.

Division 2—Camping

7.2 CAMPING AREAS

The Council may, on land under the control and management of the Council, set aside specified localities as camping areas for the purpose of this Part either temporarily or until further notice by causing notices to be placed in the vicinity of the locality.

7.3 A person shall not camp on any land under the care control or management of the Council at any time except upon camping areas designated as such and set apart for the purpose by the Council under clause 7.2.

7.4 A person shall not camp within a camping area without a permit to camp issued by an Authorised Person or the Council.

7.5 CAMPING ON ANY LAND

Subject to clause 7.3 a person shall not camp on any land not being a camping area or park a caravan on any land that is not a caravan park except:

- (a) during the hours of daylight; or
- (b) where the caravan is not used as a dwelling or for sleeping purposes; or
- (c) an exemption is granted from this provision under clause 7.6.

7.6 A person may make application at any time in writing to the Council for exemption from the provisions of clause 7.5 for use of a caravan for a period of six months where:

- (a) a caravan is used as a temporary dwelling, during the period of construction of a dwelling on the same land; or
- (b) a caravan is parked on the same land as a dwelling occupied by the owner of the caravan in conjunction with the dwelling itself for residence by one or more members of the family of the occupier of that dwelling; or
- (c) more than one caravan is to be so used by an owner under the circumstances set out in paragraphs (a) and (b) but only if that exemption is authorised by Council.

7.7 GRANTING OF APPLICATION

The Authorised Person has discretion to issue or refuse to issue a permit to camp or issue a permit to camp subject to such conditions as the Authorised Person thinks fit and may define or allot the area to be occupied by any camp and determine the number of persons who may occupy a camp and determine the number of persons who may occupy a camp.

7.8 RENEWAL

An application for a renewal of a permit to camp must be made prior to the expiry of such permit and the provisions of this Part relating to a permit to camp apply mutatis mutandis to a renewal of a permit to camp.

7.9 FEES

No permit to camp shall have force or effect and no person shall erect a camp, park a caravan or occupy any part of a camping area until such fees as are prescribed in Part C Schedule 3 hereto have been paid to the Council.

7.10 APPEAL

An applicant for a permit may appeal to the Council from the decision of an Authorised Person to refuse the permit.

7.11 CONDITIONS

Where a permit to camp has been issued by an Authorised Person of Council under this Part subject to conditions, the person to whom the permit has been issued shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against these By-laws and the Authorised Person of Council may by written notice cancel the permit.

7.12 Every permit to camp is subject to the following conditions whether set out in the permit or not:

- (a) no structure of any kind and whether of a permanent or semi-permanent nature shall be erected on any camping area without the written consent of the Council;
- (b) no person or persons shall occupy the same site on any camping area for a period exceeding six months without the written consent of the Council or an Authorised Person;
- (c) no camp shall be erected within 4.5 metres of any road alignment water supply stand pipe or within 9 metres of any sanitary convenience, shower-room or laundry, or upon any road or foot-path bounding or intersecting any camping area;
- (d) no person shall erect a camp within 4.5 metres of any other camp;
- (e) no fires shall be lighted by any person on any camping area except in places approved and designated for that purpose by the Council;
- (h) no camp shall be erected of bagging, hessian or other unsightly material, or other materials likely to be dangerous or offensive to adjacent occupiers of camping sites;
- (i) no insanitary practices are permitted upon any camping site and occupiers shall use only such conveniences and containers as are provided for the disposal of excreta, urine, rubbish and food-waste;
- (j) no rubbish or food-waste shall be buried upon any camp-site;
- (k) all occupiers of camp-sites shall maintain the area occupied by them in a clean and sanitary condition;
- (l) no person or family using any camping area shall behave in a disorderly manner or use insulting, profane or indecent language, or create or take part in any disturbance or make harangues whereby a crowd is collected, or commit any act of indecency or behave in any manner which may be considered objectionable;
- (m) all By-laws and regulations relating to health and all other reasonable directions which may be given by an Authorised Person from time to time for the good order and sanitation of camping areas shall be immediately complied with;
- (n) subject to the Residential Tenancy Act 1987 and any Regulations thereunder any camp erected, or caravan parked upon a camping area shall be removed from such camping area within 2 hours of the expiry of the period for which a permit to camp is issued.

7.13 Where the context permits, the provisions of clauses 4.7 and 4.8 of Part IV of these By-Laws Relating to Beaches and Reserves apply as if they were incorporated in this Part and shall be complied with.

7.14 AMEND

At any time an Authorised Person may amend a permit to camp and order the occupier of any camp to remove such camp from any camping area to another site on the camping area as directed by the Authorised Person.

7.15 CANCELLATION OF PERMIT

A permit to camp may be summarily cancelled by an Authorised Person or the Council if in the opinion of the Authorised Person or the Council as the case may be:—

- (i) Any contravention of these provisions has been committed by any person or persons using any camping area under such permit; or
- (ii) It is desirable that such permit shall be terminated,

subject to the holder of such permit having the right to appeal to the Council in the event that the cancellation is by an Authorised Person.

7.16 A person whose permit to camp has expired or been cancelled, or who has been refused a permit to camp shall vacate any camping area within 12 hours on notice being given orally or otherwise by an Authorised Person and non-compliance with such notice shall be deemed to be an offence against these By-laws.

Division 3—Caravan Park Registration

7.17 A person shall not, without registration granted by the Council under this Part, establish, carry on or conduct a caravan park on any land under that person's control, ownership or occupancy.

7.18 APPLICATION FOR REGISTRATION

Every application for registration shall be in the form provided in Schedule 1 and shall specify:

- (a) the name and address of the applicant who seeks the registration;
- (b) the address where the applicant proposes to establish, carry on or conduct the caravan park;
- (c) the position of the caravan park in relation to any adjacent streets, roads, dwellings, streams or sources of water supply;
- (d) the layout of the caravan park showing the positions of all roads, sites, sanitary conveniences, ablution facilities, laundries, utility rooms, gully traps, drains, fire places, water points, power points, kitchens and any other buildings;
- (e) the number and designations of closets, urinals, showers, laundries and hand wash basins;
- (f) the materials used and method of construction of all buildings;
- (g) the provision to be made for water supply, drainage and the temporary storage and the disposal of refuse and rubbish or sewerage effluent and liquid wastes;
- (h) the provision to be made for fire prevention.

7.19 REQUIREMENTS

A caravan park shall not be registered unless:

- (a) the use of the land as a caravan park is permitted under the town planning scheme;
- (b) the land used or to be used is at least 4,000 square metres in area;
- (c) the land has, or provision is made for it to have:
 - (i) grasses planted wherever practicable;
 - (ii) an entrance road of 6 metres width and interior roads of not less than 4 metres sealed, kerbed and drained to the satisfaction of the Council;
 - (iii) an area of not less than 90 square metres for each site, with a maximum number of 50 sites per hectare;
- (d) no portion of a caravan, or of a building associated with the caravan park is nearer to a street than the minimum building setback of that street or, where there is no minimum building setback, is nearer than 7.5 metres;
- (e) no portion of a caravan is nearer to a side or the rear boundary of the land than 2.5 metres;
- (f) every site is clearly demarcated and bears a distinguishing mark or number;
- (g) where the land abuts a residential area or whenever the Council so requires, there is accommodation for a caretaker, either on the land or, with the consent of the Council, in close proximity thereto.
- (h) any portion set aside for the standing of vehicles is treated to the satisfaction of the Council;
- (i) where a supply of electricity is available to the land on which a caravan park is situated, the caravan park shall be provided with electric power and lighting points installed in accordance with the Electricity Act Regulations, 1947 and "Australian Standard AS 3000-1991 Electrical Installations—Buildings, structures and premises (known as the SAA Wiring Rules) and AS 3001-1990 Electrical installations—Movable premises (including caravans) and their site installations" or any Regulations Rules or Codes succeeding and replacing any of the foregoing, to which every parked caravan may be connected except that where the supply of electricity has a current of a pressure exceeding 40 volts, a person shall not connect or permit to remain connected the electrical installation of a caravan to that supply, unless that caravan is branded, by means of a transfer or other identification approved by the State Electricity Commission of Western Australia and located in a prominent position readily identifiable from the exterior of the caravan, as complying with the Standards Association of Australia Code CC7—"Australian Standard AS 3000-1991 Electrical Installations—Buildings, structures and premises (known as the SAA Wiring Rules) and AS 3001-1991 Electrical installations—Movable premises (including caravans) and their site installations" or any Code succeeding the same, by the State Electricity Commission of Western Australia or by some other competent authority in the State or elsewhere.
- (j) there are provided on that land amenities complying with the requirements of these By-laws and of the Health Act (Caravan Parks and Camping Grounds) Regulations 1974.

7.20 TRANSIT CARAVAN PARK

A person shall not, without registration granted by the Council under this Part establish, carry on or conduct a transit caravan park on any land under the control of that person.

7.21 The Council may, with the consent of the Minister, grant registration of any caravan park as a transit caravan park where—

- (a) there is no caravan park within a radius of 24 kilometres;
- (b) no more than ten (10) caravans are to be accommodated at any one time;
- (c) that transit caravan park area (other than the toilet and ablution facilities) is separated from any commercial enterprise;
- (d) there is, at least:
 - (i) one water closet for each sex;
 - (ii) one shower and one wash basin for each sex;
 - (iii) one set of laundry facilities;
 - (iv) one water tap for general use with waste disposal gully;
 - (v) refuse bins; and
 - (vi) power points, where electricity is available, are provided for the use of the occupants of the transit van.

7.22 The Council may in its discretion register or refuse to register or register a transit caravan park subject to such conditions as it thinks fit.

7.23 Where registration has been granted by the Council under this Part subject to conditions the person to whom the registration has been granted shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against these by-laws and the Council may by written notice cancel the registration.

7.24 The provisions of this Part relating to a caravan park apply mutatis mutandis to a transit caravan park except that the requirements of this Part relating to the construction and facilities of caravan parks generally shall not apply.

7.25 A registration issued under this Part for a caravan park or a transit caravan park shall not be transferred to another person except with the written consent of the Council.

7.26 Every application to transfer a registration under clause 7.25 shall be in writing in the form prescribed in Schedule 1 and shall be signed by both the transferor and the transferee.

7.27 LENGTH OF LICENCE

Registration under this Part shall be valid until the 30th day of June next after it is granted except where the registration is granted in the months of May or June, where it shall extend to the 30th day of June in the year next following.

7.28 ANNUAL RENEWAL

Every application for the renewal of a registration shall be made annually during the month of June, and shall be in writing accompanied by the registration then in force.

7.29 EXTENSION OF TIME

The Council may extend the registration of a caravan park granted under this Part beyond a period of one year and those conditions shall, notwithstanding any other conditions that may be imposed by the Council under this Part, be complied with by the person conducting the park.

7.30 SPECIAL CASE

Notwithstanding the provisions of this Part, the Council may register for a period of one year a caravan park which does not conform with the provisions of this Part, if that caravan park was in use at the commencement of these By-laws.

7.31 FEES

The fees to be charged for an application for registration of a caravan park or a transit caravan park and for every renewal thereof and for an application to transfer a registration shall be those set out in Part C and Part D of Schedule 3. No registration is valid until the fees have been paid.

7.32 EXTENSION OR ALTERATION OF PARK

The proprietor of a caravan park shall obtain the prior written approval of the Council for any proposed extensions or alterations to a caravan park and where such work is carried out to the satisfaction of the Council it shall amend the registration accordingly.

7.33 DISPLAY OF REGISTRATION

A certificate of registration shall be issued by the Council in the appropriate form in Schedule 2 and shall be prominently displayed at all times in the caravan park so as to be legible by patrons and prospective patrons.

7.34 APPEALS

A person aggrieved—

- (a) by the cancellation of the registration of a caravan park;
- (b) by the refusal of a Council to register, or to renew the registration of a caravan park or a transit caravan park;
- (c) by the provisions of any condition imposed by a Council;

may within 14 days of the receipt by him of notice of the decision, appeal to the Minister against the decision and, pending the determination of the Minister that caravan park shall, unless the Minister otherwise directs, be deemed to be duly registered.

7.35 The determination of the Minister on an appeal under clause 7.34 is final and where the appeal is dismissed the land shall forthwith cease to be used as a caravan park, unless a further registration is granted by the Council in respect thereof, pursuant to this Part.

7.36 COUNCIL CARAVAN PARKS

Where the Council establishes a caravan park it shall conform with the requirements of this Part and of the Health Act (Caravan Parks and Camping Grounds) Regulations 1974.

Division 4—Activities in Caravan Parks

7.37 A person who makes on-site caravans available in any caravan park or transit caravan park:

- (a) shall not:
 - (i) make on-site caravans available in any number exceeding 40 per centum of the number of caravans for which the caravan park is registered;
 - (ii) without the authority of the Council, make any one or more on-site caravans available for hire and use by the same person for any period exceeding in the aggregate, 6 months, within the space of 1 year;
- (b) shall:
 - (i) upon an on-site caravan being vacated, thoroughly cleanse the caravan and its utensils including all bed linen, if supplied, before re-hiring;
 - (ii) maintain all on-site caravans in a movable condition at all times.

7.38 BUILDINGS

A caravan park shall not have buildings erected thereon, other than—

- (a) a residence and ancillary buildings for the use of a caretaker;
- (b) buildings for sanitary, ablutionary and laundry facilities, in conformity with the Health Act (Caravan Parks and Camping Grounds) Regulations, 1974;
- (c) annexes of light construction erected by, or for, a person parking a caravan on the land, for use during that person's occupancy and removal on that person's departure;
- (d) camps, for temporary occupation, constructed of material suitable to the proprietor and the Council, within an area of the park specifically set aside for camping purposes;
- (e) a restaurant, cafe, cafeteria, kitchen, dining room or kiosk approved by the Council;
- (f) a workshop, tool-shed, garage or storage shed approved by the Council;
- (g) recreation facilities approved by the Council for the use of the occupiers of the caravans and camps; and
- (h) any caravan and/or annexe on a registered caravan park shall be sited in accordance with the conditions specified in Part C of Schedule 5.

7.39 PARKING AREAS

A person shall not park a caravan or vehicle used for towing that caravan or for carrying camping equipment on any part of a caravan park other than a caravan parking site or an area set aside for the storage of vehicles or the visitors car park, except whilst booking in or out of the caravan park.

7.40 REMAINING

A person shall not park or permit the parking of a caravan or vehicle used for towing that caravan or for carrying camping equipment in any caravan park or occupy a caravan or camp in a caravan park:

- (a) when the number of caravans for which it is registered are already parked on that caravan park;
- (b) for more than 6 months in any 1 year, except when the caravan and ancillary and associated structures and equipment comply with Part C of Schedule 5;

7.41 Except with respect to on-site caravans, a person who parks a caravan or vehicle used for towing that caravan on a caravan park under the authority of this Part shall forthwith remove that caravan and any annexe erected by or for that person and any vehicle used for towing that caravan from that park upon the expiry of the period authorised under paragraph (b) or clause 7.40.

7.42 A person removing a caravan or vehicle to an area set aside for the storage of vehicles shall be taken to have complied with clause 7.39.

7.43 OTHER ACTIVITIES

A person shall not use a caravan park for any purpose other than for the parking and use of caravans and towing or towed vehicles used in connection therewith, or for the erection and occupation of buildings and camps authorised by this Part and the Health Act (Caravan Parks and Camping Grounds) Regulations, 1974.

7.44 SPEED

A person shall not allow a vehicle to exceed a speed of more than 8 kilometres per hour while within the confines of any caravan park.

7.45 Without affecting the generality of subclause 14.21, the Council shall not be liable for any injury, accident, loss or damage to any person or property sustained on any caravan park or camping area or holiday accommodation on any public land or otherwise on any land under the care, control and management of the Council except in the case of negligence or breach of statutory duty by the Council.

Division 5—Holiday Accommodation

7.46 A person shall not, without registration granted by the Council under this Part, establish, carry on or conduct holiday accommodation on any land under his control ownership or occupancy.

7.47 APPLICATION FOR REGISTRATION

Every application for registration shall be in the form provided in Schedule 1 and shall specify:

- (a) the name and address of the applicant who seeks the registration;
- (b) the address where the applicant proposes to establish, carry on or conduct the holiday accommodation;
- (c) a site plan to the scale of 1:100 showing the layout of the various units on the land together with all roads, sanitary and ablution facilities, plumbing and drainage details, and an electrical diagram;
- (d) the materials used and the methods of construction of all buildings; and
- (e) the provision to be made for fire prevention.

7.48 REQUIREMENTS

Holiday accommodation shall not be registered unless:

- (a) the use of the land as holiday accommodation is permitted under the town planning scheme and the requisite approvals to commence development have been obtained under the Metropolitan Region Scheme and the town planning scheme;
- (b) the provisions in Part VI of these By-laws relating to the construction of holiday accommodation have been complied with;
- (c) the provisions of clauses 7.63, 7.64 and 7.65 have been complied with.

7.49 DISCRETION

The Council may in its discretion register or refuse to register or register subject to such conditions as it thinks fit holiday accommodation under this Division.

7.50 Where registration has been granted but the Council under this Division subject to conditions, the person to whom the registration has been granted shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against these By-laws and the Council may by written notice cancel the registration in the manner set out in clause 7.49.

7.51 NOTICE TO CANCEL

The Council shall serve a notice in writing referred to in clause 7.50 on the proprietor where that person is not the owner of the land, also upon the owner and thereupon cancel the registration of the land or units used for the purposes of holiday accommodation and that land or unit shall thereupon cease to be used for the purposes of provided holiday accommodation.

7.52 TRANSFER OF LICENCE

A registration issued under this Division shall not be transferred to another person except with the written consent of the Council.

7.53 Every application to transfer a registration under clause 7.52 shall be in writing in the form prescribed in Schedule 1 and shall be signed by both the transferor and the transferee.

7.54 The Council may, by notice in writing to the applicant, refuse to register, or to renew the registration of, or to approve the assignment or transfer of the registration of any land or units used for the purposes of holiday accommodation.

7.55 LENGTH OF LICENCE

Registration or renewal of registration under this Division shall be valid until the 30th day of June next after it is granted except where the registration is first granted in the months of May or June, when it shall extend to the 30th day of June in the year next following and thereafter be renewed annually in the same manner as all other licences issued under this Part.

7.56 ANNUAL RENEWAL

Every application for the renewal of a registration shall be made annually during the month of June, and shall be in writing accompanied by the registration then in force.

7.57 EXTENSION

The Council may with or without condition extend the registration of a holiday accommodation granted under this Division beyond a period of one year and any condition so imposed shall, notwithstanding any other conditions that may be imposed by the Council under these By-laws, be complied with by the person conducting the accommodation.

7.58 SPECIAL CASE

Notwithstanding the provisions of this Division, the Council may register for a period of one year a holiday accommodation which does not conform with the provisions of these By-laws if that holiday accommodation was in use at the commencement of these By-laws.

7.59 FEES

The fees to be charged for an application for registration and for every renewal thereof and for an application to transfer a registration shall be those set out in Part E Schedule 3. No registration is valid until the fees have been paid.

7.60 EXTENSION

The proprietor of a holiday accommodation shall obtain the prior written approval of the Council for any proposed extensions or alterations to a holiday accommodation.

7.61 DISPLAY OF REGISTRATION

A certificate of registration shall be issued by the Council in the appropriate form in Schedule 2 and shall be prominently displayed at all times in the holiday accommodation so as to be legible to patrons and prospective patrons.

7.62 APPLICATION TO A UNIT

The provisions of this Division may be applied in relation to any unit, or to the whole of the land used for the purposes of holiday accommodation.

7.63 FIRE CONTROL

Where a reticulated water supply is available, and is capable of delivering water at the required quantity and pressure the proprietor shall provide approved fire hose reels.

(a) Where fire hose reels are provided—

- (i) no part of any unit shall be beyond the reach of a nozzle end of a fully extended hose reel, but the length of hose on any hose reel shall not be less than 18m or more than 36 metres;
- (ii) they shall comply with the Australian Standards 1221-1991 "Fire Hose Reels" and be installed in accordance with the relevant provisions of the Australian Standards AS 2441-1988 "Installation of fire hose reels".
- (iii) the water pressure at the nozzle end of every hose reel, when fully extended, shall be not less than 200KPA with the 6.5 millimetres nozzle fully opened;
- (iv) the minimum size of any water main inclusive of upstand on which fire hose reels are installed shall not be at less than 25 millimetres.

(b) Where paragraph (a) of this clause does not apply, the proprietor shall provide not less than one water type fire extinguisher having a capacity of not less than 9 litres and conforming with the requirements of the Australian Standards AS 1841.2-1992, for each six units, installed at a central location within 30 metres of any unit on the land.

7.64 (a) Where the proprietor stores bulk quantities of flammable liquid or liquefied petroleum gas within any land registered for the purposes of use as holiday accommodation all such substances shall be stored in accordance with the Flammable Liquid Regulations, 1967, and Australian Standard AS 1596-1973 LP Gas—Storage and Handling.

(b) Oil fuel installations coming within the scope of the Australian Standard AS 1692-1975 "Tanks for flammable and combustible liquids", AS 1940-1976 "The storage and handling of flammable and combustible liquids (known as the SAA Flammable and Combustible Liquids Code)" shall be provided with either one dry chemical type extinguisher having a capacity of not less than 9 kilograms and conforming with the requirements of the Australian Standards "AS 1846-1976" or one halogenated hydro-carbon type extinguisher having a capacity of not less than 5 kilograms and conforming with the requirements of Australian Standards "AS 1848-1976".

- (c) The fire fighting appliances referred to in these By-laws shall be clearly designated by red markers and carry name plates approved by the Western Australian Fire Brigades Board.

7.65 The proprietor shall maintain in proper working order and condition, all fire extinguishers and hose reels in accordance with the requirements of the Australian Standards AS 1851.2-1988 "Fire Hose Reels" and AS 1851.1-1989 "Portable Fire Extinguishers" and shall arrange with the Western Australian Fire Brigades Board, or any person approved by that Board for the periodical inspection and testing of all extinguishers and fire reels.

7.66 The proprietor shall at all times maintain the land free of debris and material that is a fire hazard, and shall not permit the lighting of outdoor fires other than in incinerators and barbecues approved by the Council.

7.67 No person other than the proprietor shall take onto any land registered for the purposes of use as holiday accommodation any flammable liquid or liquefied petroleum gas in excess of 20 litres excluding that contained in the tanks or cylinders of vehicles or boats.

7.68 Except with the prior approval in writing of the Council—

- (a) a person shall not occupy a unit of holiday accommodation, or more than one unit in the same registered location; and
- (b) the proprietor shall not permit any one or more unit, or units of holiday accommodation to be occupied by the same person,

for an aggregate period of more than 6 months in any consecutive 12 months.

7.69 (a) Where a proprietor is convicted of an offence against these By-laws, the Council may by notice in writing served upon him, and where that person is not the owner of the land, upon the owner, cancel the registration of the land or units used for the purposes of holiday accommodation and subject to the succeeding provisions of these By-laws, that land or unit shall thereupon cease to be used for the purposes of providing holiday accommodation.

- (b) The provisions of these By-laws may be applied in relation to any unit, or to the whole of the land used for the purposes of holiday accommodation.

7.70 (a) A person aggrieved—

- (i) by the cancellation of the registration in relation to any land or the unit on any land;
- (ii) by the refusal of the Council to register, or to renew the registration of, or to approve the assignment or transfer of, any land or the unit on any land; or
- (iii) by the provisions of any condition imposed by the Council,

may within 14 days after the receipt by that person of the notice of the decision, appeal to the Minister against the decision and, pending the determination of the Minister, the land or unit may where it was in use for the purposes of providing holiday accommodation, continue to be so used.

- (b) The determination of the Minister on an appeal under these By-laws is final and where the appeal is dismissed the land or unit shall forthwith cease to be used for the purpose of providing holiday accommodation unless a further registration is granted by the Council, pursuant to these By-laws.

PART VIII—DANGEROUS AND OFFENSIVE THINGS

8.1 OLD REFRIGERATORS

A person shall not place in, or about any rubbish depot, tip, sanitary depot, dump, public reserve, public place, or unfenced vacant land, any refrigerator, ice chest, ice box, furniture, trunk or other thing, that has in it a compartment of a capacity of 0.04 cubic metres or more, unless, before so placing it, he removes from the compartment every door, lid, lock and hinge thereof or otherwise renders such door or lid incapable of being fastened.

8.2 OLD VEHICLES AND MACHINERY

A person shall not on any land:

- (a) store, dismantle or break up a disused motor vehicle, an old motor vehicle body, or any old or disused machinery unless inside a building or within an area enclosed by a fence, a wall, trees or shrubs, not less than 1.8 metres in height and of such a nature as to screen all things stored, dismantled or broken up thereon and the parts thereof from any adjacent street and from any adjoining property;
- (b) dispose of, abandon or leave for more than 48 hours continuously any substantial part of a disused motor vehicle, an old motor vehicle body, or a motor vehicle wreck, or any old machinery or appliance except at a public place set aside or approved of by the Council for that purpose or on land where such a use is lawful under all written laws relating to land use; or
- (c) stand, park or leave the body of a motor vehicle, any substantial part of a disused motor vehicle, an old motor vehicle, or a motor vehicle on or in a road otherwise than in accordance with Part XII hereof.

8.3 NUISANCE

A person shall not:

- (a) engage in any undertaking or activity or conduct any business in such a manner as to cause or permit the emission of dust, fumes, light, liquid waste, noise, odour, smoke or vibrations; or
- (b) do any other thing

so as to create a nuisance.

8.4 DISUSED MATERIAL

If there is—

- (a) on any vacant land within the District any trees, scrub, undergrowth and rubbish; or
- (b) on any land within the District any refuse, rubbish or disused material whether of the same kind, or a different kind from that here specified, which in the opinion of the Council is likely to affect adversely the value of adjoining property or the health, comfort or convenience of the inhabitants thereof;

the Council may cause a notice under the hand of the Clerk to be served on the owner or occupier of such land requiring that person, within the time specified in such notice to clear the land of such trees, scrub, undergrowth and rubbish, or remove such refuse, rubbish or disused material from such land.

8.5 Every owner or occupier of land upon whom a notice is served under by-law 8.4 shall comply with such notice within the time therein specified or in that time give satisfactory reason why the notice should not be complied with or be given extra time in which to comply. Any owner or occupier of land who fails to comply with the terms of the notice so served shall on the notice be varied, commits an offence.

8.6 Where the owner or occupier does not clear the land of such trees, scrub, undergrowth and rubbish, or remove such refuse, rubbish or disused materials as required by the notice given by the Council, the Council is authorised without payment of any compensation in respect thereof to remove it and dispose of it at the expense of, and recover it in a court of competent jurisdiction, the amount of the expenses from the owner or occupier to whom the notice was given.

8.7 Any person who commits an offence under clause 8.5 is liable upon conviction to the penalty set out in clause 14.13.

8.8 Any person who continues to fail to comply with the notice served under clause 8.4 after conviction of an offence under clause 8.5 in respect of a failure to comply with that notice commits a further offence and is liable to the daily penalty set out in clause 14.13 for every day or part of a day during which the offence continues.

PART IX—HAWKERS, STALLHOLDERS AND STREET TRADERS

Division 1—Preliminary

9.1 DEFINITION

In this Part, unless the context otherwise requires:

“Hawker”, “Stall” and “Stallholder”, and “Trading” have the meaning respectively assigned to them by Sections 217, 242 and 244 of the Act.

Division 2—Licences

9.2 HAWKERS

A person shall not, without a licence granted by the Council under this Part hawk any goods wares or merchandise within the District.

9.3 APPLICATION (HAWKERS)

Every application for a hawker's licence shall be in the form provided in Schedule 1 and shall specify:

- (a) the name and address of the applicant who seeks the licence;
- (b) the kind of goods, wares or merchandise which the applicant requires to hawk;
- (c) the type of vehicle, conveyance or means of carriage to be employed in hawking;
- (d) the period for which the licence is required;
- (e) where the licence is required for a part of the District, the part of the district to which it will apply.

9.4 Every application for a hawker's licence (other than a renewal) must be accompanied by a Certificate signed by two Justices of the Peace certifying that the applicant is of good character and reputation, and is a fit person to exercise the trade of a hawker.

9.5 STALLHOLDERS

A person shall not conduct a stall for the sale of goods, wares or merchandise within a District unless that person holds a current licence issued pursuant to these By-laws except where such goods are the produce of the property of that stallholder. Should the stallholder be the owner or lessee of more than one lot within the District, that person may sell produce grown on those other lots through the stall permitted under this clause provided that the property upon which the stall is located exceeds 4,000 square metres in area.

9.6 APPLICATIONS (STALLHOLDERS)

Every application for a stallholders licence shall be in the form provided in Schedule 1 and shall specify:

- (a) the name and address of the applicant who seeks the licence;
- (b) the kinds of goods, wares or merchandise which the applicant desires to sell;
- (c) the location of the stall;
- (d) the period for which the licence is required.

9.7 TRADERS

A person shall not carry on trading in any street or public place unless that person is the holder of a valid licence or is an assistant specified in a valid licence.

9.8 APPLICATION (TRADERS)

Every application for a trader's licence shall be in the form provided in Schedule 1 and shall specify:

- (a) the full name and address of the applicant;
- (b) the proposed number and the names and addresses of assistants to be engaged by the applicant in trading pursuant to the licence;
- (c) specify the location for which the licence is sought;
- (d) be accompanied by an accurate plan and description of any proposed stand, table, structure or vehicle which may be used for trading;
- (e) specify the proposed days and hours of trading;
- (f) specify the proposed goods, wares, merchandise or services in respect of which trading will be carried on.

9.9 SELLING OF NEWSPAPERS

The requirement for a valid trading licence to be held shall not apply to the selling or offering for sale of newspapers.

9.10 DISCRETION

The Council may in its discretion under this Division grant a licence or refuse to grant a licence or grant a licence subject to such conditions as it thinks fit and for a period of 12 months or less but for not less than 1 month.

9.11 The Council may refuse to issue a licence and may cancel a licence if the applicant or licensee:

- (a) has been twice convicted during the preceding 5 years, or is twice convicted in the space of 5 years of an offence against the By-laws of any Local Authority relating to Hawkers, Stallholders and Traders;
- (b) does not conform with the requirements of the Health Act, 1911.

9.12 The Council may refuse to issue a licence if in its opinion the needs of the District or the portion thereof for which the licence is sought are adequately catered for by established shops or by persons to whom licences have been issued.

9.13 CONDITIONS

Where a licence has been granted by the Council under this Part subject to conditions, the person to whom the licence has been granted shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against these By-laws and the Council additionally or in the alternative to any Court action it undertakes in respect of such offence may exercise the power in clause 9.17 to cancel the licence.

9.14 LICENCE CERTIFICATE

The Council shall issue to every licensee a licence certificate in the form set out in Schedule 2 for which the licensee shall pay the sum set out in Schedule 3 which shall be displayed by the licensee hawking, conducting a stall or trading as the case may be and while that person is the holder of a hawker's, stallholder's or trader's licence under this Part but not otherwise.

9.15 TRANSFER OF LICENCE

The holder of a licence issued under this Part may apply to the Council to transfer the licence in the form set out in Schedule 1 and the Council shall determine the application for transfer upon consideration of the matters set out in clauses 9.11 and 9.12 to the extent that they are applicable.

9.16 LENGTH OF LICENCE

A licence under this Part shall be valid until the 30th day of June next after it is granted or such lesser period as specified in the licence except where the licence is granted in the months of May or June when it shall extend to the 30th day of June in the year next following or such lesser period as specified.

9.17 ANNUAL RENEWAL

Every application for the renewal of a licence for 12 months shall be made annually during the month of June and every application for renewal of a licence for a period of less than 12 months shall be made 2 weeks prior to the expiration date and shall be in writing accompanied by the licence then in force.

9.18 FEES

The fees to be charged for an application for registration and for every renewal thereof and for an application to transfer a registration shall be those set out in Part F of Schedule 3. No licence is valid until the fees have been paid.

9.19 EXEMPTION

Notwithstanding clause 9.18 the Council may grant without fee, a licence to conduct a stall in any street or way or on any land for any period specified in such licence if the stall or trading is conducted by a community association within the meaning of section 242 of the Act or if the trading is carried on in a portion of a street or public place adjoining the normal place of business of the licence holder.

9.20 A licence granted to a hawker or trader is valid for the hawking or trading of the goods, wares, merchandise or services therein described only, and in the case of a licence limited to a part of the District, is valid for that part of the District only.

9.21 CANCELLATION

The Council may by written notice cancel any licence issued under this Part for any of the reasons set out in clause 9.11 or on the grounds—

- (a) that the licensee is not conducting the business the subject of the licence in a respectable or sober manner;
- (b) that the licensee has assigned the licence or no longer carries on the business the subject of the licence;
- (c) that the licensee is not regularly carrying on the business for which the licence was granted;
- (d) that the licensee has breached a condition of the licence.

9.22 Upon cancellation of a licence the holder thereof shall forthwith return the licence certificate issued pursuant to clause 9.14 to the Clerk and shall forfeit fees paid in respect of the licence.

Division 3—Conduct

9.23 A hawker while hawking, a stallholder while conducting a stall or a person carrying out trading shall—

- (a) display the licence certificate in a conspicuous place on the vehicle or temporary structure (in the case of a hawker or trader) or on the stall (in the case of a stallholder);
- (b) have the name of the trader (or his assistant where appropriate), hawker or stallholder displayed on the vehicle or stall;
- (c) when selling goods, wares or merchandise by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the Weights and Measures Act, 1915;
- (d) in the case of a stallholder, maintain the stall in good order and condition.

9.24 A hawker, stallkeeper or trader shall not—

- (a) hawk, conduct a stall or carry on trading between the hours of sunset and sunrise the next day, or on any Sunday, Christmas Day or Good Friday without obtaining the written consent of Council;
- (b) attempt to conduct business within a distance of 200 metres of any shop or permanent place of business that has for sale any goods, wares, merchandise or services of the kind being hawked or offered for sale by the stallholder or trader;
- (c) call the licensee's wares or cause or make any outcry noise or disturbance likely to be a nuisance or cause annoyance to any person in that vicinity;
- (d) deposit or store any box or basket containing goods wares or merchandise under the vehicle of the licensee or upon the roadway or footpath;
- (e) obstruct the free passage of pedestrians or vehicles on any footpath or roadway;
- (f) act in an offensive manner;

- (g) in the case of a stallholder, conduct a stall on private property unless there is adequate provision on the private property adjacent to the stall for the parking of customers' vehicles.

9.25 A person shall not display a licence certificate without being the holder of a valid licence under this Part.

PART X—COUNCIL PROPERTY (MANAGEMENT AND CONTROL)

Division 1—Preliminary

10.1 DEFINITION

In this Part, unless the context otherwise requires:

- "building" includes any hall, room, or corridor, or stairway, or annexe of any such hall or room under the care control or management of the Council;

10.2 APPLICATION

Nothing in this Part shall be construed to limit the power of Council to enter into long term leasing of buildings, halls or rooms subject to the Act, in such manner and term as it sees fit.

Division 2—Permissions

10.3 A person shall not, without permission to hire granted by Council, use any building or use or borrow the furniture, plant, fittings, effects, cutlery, crockery, glassware or other utensils or property of any kind within or on any building.

10.4 APPLICATION

Every application for permission to hire under clause 10.3 shall be made to the Clerk in writing at least 24 hours before the time that such building, furniture or other property are required and shall specify:

- (a) the name and place of abode of the applicant who seeks to hire a building, furniture or other property specified in clause 10.3;
- (b) the purpose for which the building, furniture or other property is required.

10.5 DISCRETION

The Council may in its discretion grant permission to hire or refuse to grant permission to hire or grant permission subject to such conditions as it thinks fit.

10.6 In the event of two or more applications being made for the hire of any building and furniture for the same date and time, the Council shall grant the application to the applicant who is first recorded in the register kept by Council of such applications or the diary of bookings for the building or equipment if no such register is kept.

10.7 CONDITIONS

Every permission to hire shall contain the following conditions whether expressed in the permission or not:

- (a) the applicant shall lodge a bond for an amount estimated to cover any damage that might occur during the term of engagement prior to the commencement of the hiring in addition to any deposit the council may require as an advance payment of the hiring fee;
- (b) the applicant shall pay a cleaning deposit in the amount stipulated by the Council which shall be refunded, if in the opinion of Council the building is left in a clean and tidy condition and if all property therein is present clean and undamaged;
- (c) no furniture or other property shall be removed, except with the permission of the Clerk and under the supervision of the caretaker or other person appointed by the Council;
- (d) the applicant shall comply with the provisions of the Health Act, 1911 and any other written law in force for the time being applicable to the hiring and use of the building;
- (e) the Council may at any time cancel any permission to hire without giving the applicant any reason for so doing.

10.8 TIMES

A building, furniture or other property shall be hired for the period stipulated in the permission but if no period is stipulated the hiring shall be for a period of 8 hours.

10.9 FEES

The fees to be charged for an application for permission to hire, for hiring of any building, furniture or other property shall be those set by the Council from time to time under section 191A of the Act. No permission to hire is valid until the fees have been paid.

10.10 CANCELLATION

In the event of the permission to hire being cancelled by reason of any default on the part of the applicant or any other person associated with the hire, or if the applicant cancels the application, the whole or any part of any fee or deposit as may be determined by the Council (with the exception of the cleaning deposit) shall be forfeited and any deposit or such portion of any deposit that is not forfeited under this clause shall be repaid by the Council to the applicant.

Division 3—Conduct in Hired Building**10.11 No person in any building shall:**

- (a) enter or be allowed to enter while intoxicated;
- (b) use profane or improper language;
- (c) be guilty of any misbehaviour whatsoever;
- (d) damage, mark or deface any wall or other part of the building;
- (e) drive nails, tacks, pins or screws into any of the woodwork or walls of the hall with the consent of Council;
- (f) erect internal or external decorations without permission in writing from the Council;
- (g) remove the piano from the floor of the Main hall to the stage, or vice versa, without the permission of the Council;
- (h) stand, loiter or cause any obstruction whatsoever in the entrance halls, exits, or passageways of any buildings;
- (i) perform offensive impersonations or representations of living persons, or anything calculated to produce a disturbance, riot or breach of peace.
- (j) smoke in any area where signs indicate that smoking is not permitted.

10.12 The Council may recover the cost of making good any damage to any building or its property therein from a person who caused or contributed to the damage. The cost of making good the damage may be deducted from any bond or deposit paid by the hirer of the building or property and the whole amount or excess over the amount of the bond may be recovered by the Council:

- (a) in proceedings against a person for a breach of this clause; or
- (b) at the discretion of Council in a competent court of civil jurisdiction.

10.13 The holder of permission to hire any building, furniture or other property shall:

- (a) maintain and keep such building, furniture or other property in good order;
- (b) be solely and entirely responsible for the carrying out of the provisions of this Part;
- (c) be solely responsible for any damage done to the building, furniture or other property;
- (d) pay such damages as shall be assessed by the Council and furniture or other property damaged or not accounted for shall be paid for at current replacement cost or the actual cost of repair as the case may be;
- (e) allow the Clerk or any officer seeking to enforce these By-laws or any other written law or otherwise acting in accordance with any written law and any member of the Police Force free ingress to the building, hall or room;
- (f) if the hirer fails to allow ingress to the building in accordance with the provisions of paragraph (e) of this clause, Council may at any time prior to or during the term of hire forbid and prevent the use or continued use of the building in addition to any other action the Council may take for the breach of this Part, and the Council shall not be held responsible to the hirer for any loss or damage incurred as a consequence;
- (g) in addition to any action taken by the hirer in accordance with paragraph (f) of this clause, a hirer in breach of the provisions of this clause may be required by the Council to forfeit any fee bond or deposit or any portion thereof in relation to the hiring of the building.

PART XI—SIGNS, HOARDINGS, BILL POSTING**Division 1—Preliminary****11.1 DEFINITIONS**

In this Part, unless the context otherwise requires:

“advertising device” means an object on which the words, numbers or figures are written, placed, affixed or painted for the purpose of advertising any business, function, operation, event, undertaking, product or thing and includes an airborne device anchored to land and a vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising a business, function, operation, event, undertaking, product or thing;

“bill posting” means the posting or sticking of a bill or painting, stencilling or affixing an advertisement on a building, structure, fence, wall, hoarding, sign post, pole, blind or awning, so as to be visible to a person in a street, public place, private property, reserve or other land; and to “post a bill” has a corresponding meaning;

- "development sign" means a sign erected on land which has been approved for subdivision into a number of smaller lots, advertising the lots for sale but upon which no building development has taken place at the time of approval of the sign;
- "direction sign" means a sign erected in a street or public place to indicate the direction to another place but does not include a sign erected or affixed by the Council or The Commissioner of Main Roads or a road direction sign erected or affixed by a duly incorporated association or union of motorists authorised in that regard by the Minister for the time being administering the Road Traffic Act 1974;
- "display home sign" means a sign erected on a lot on which a house is erected and which notifies members of the public that the house is open for inspection;
- "electoral advertisement" includes an advertisement relating to an election or a prospective or forthcoming election of the Parliament of Australia or of the State or either House thereof respectively or to a municipal election and to a referendum;
- "electoral sign" means a sign containing an electoral advertisement;
- "fly posting" means advertising by means of posters placed on fences, walls, trees, rocks or other like places and to "fly post" has a corresponding meaning;
- "hoarding" means a detached or detachable structure other than a pylon sign, that is erected for the sole purpose of displaying a sign or signs and includes a poster panel, a wall panel or an illuminated panel but does not include a hoarding within the meaning of section 377 of the Act;
- "horizontal sign" means a sign fixed parallel to the wall of a building to which it is attached and with its largest dimension horizontal;
- "illuminated panel" means a posted or painted advertisement externally illuminated by artificial source of light;
- "illuminated sign" means a sign that is so arranged as to be capable of being lit either from within or outside the sign by artificial light provided, or mainly provided, for that purpose;
- "information panel" means a panel used for displaying Government and Local Authority notices, functional and dated announcements of a religious, educational, cultural, recreational or similar character, general information for the benefit of the public and travellers and general commercial advertising;
- "institutional sign" means a sign erected or placed on land or a building used for or in connection with a surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature;
- "projection sign" means a sign that is made by the projection of light on a wall or similar structure;
- "pylon sign" means a sign supported by one or more piers and not attached to a building and includes a detached sign framework supported on one or more piers to which sign infills can be added;
- "residential area" means an area that has been designated as a residential zone under a town planning scheme having effect within the District;
- "roof sign" means a sign erected on or attached to the roof of a building;
- "rural producers' sign" means a sign erected on land lawfully used for rural purposes which advertises goods or products produced, grown or lawfully manufactured on the land within the boundaries of which the sign is located;
- "sale sign" means a sign indicating that the premises whereon it is affixed are for sale, for letting or to be auctioned;
- "semaphore sign" means a sign affixed to a building or wall and supported at, or by, one of its ends only;
- "sign" includes an advertising device, a sign-board, a portable sign or a bunting sign and a clock, other than a clock which is built into a wall and does not project beyond the face of the wall but does not include flags and bunting which carry no written message;
- "sign infill" means a panel which can be fitted into a pylon sign framework;
- "tower sign" means a sign affixed to, or placed on a chimney stack or an open structural mast or tower;
- "vehicle" has the meaning given to it and for the purposes of the Road Traffic Act 1974;
- "verandah" includes cantilever awnings, cantilever verandahs and balconies whether over public streets and ways or over private land;
- "verandah sign" includes a sign above a verandah fascia, a sign on a verandah fascia and a sign under a verandah;
- "vertical sign" means a sign attached to a building in which the vertical dimension exceeds the horizontal dimension exclusive of a back projection;
- "wall panel" means a panel used for displaying a posted or painted advertisement and affixed to or adjoining the wall of business premises or erected on the forecourt of any business premises.

Division 2—Licences

11.2 LICENCES

11.2.1 LICENCES

A person shall not erect, or maintain a sign or hoarding and the owner or occupier of premises shall not suffer or permit a sign or hoarding to remain in, on or above, or within a distance of 100 metres of a street, way, footpath or other public place, or in the case of an airborne device, to be anchored from land, except pursuant to a licence issued under these By-laws, unless it is exempt under clause 11.3.

11.2.2 Every licence shall be granted and shall subsist subject only to the provisions of these By-laws.

11.2.3 Notwithstanding that a sign or hoarding would otherwise comply with the provisions of this Part, the Council may refuse a licence if in its opinion:—

- (a) the addition of the sign or hoarding would increase the number or variety of signs in the locality so as to become too numerous or various; or
- (b) the licence should be refused having regard to:
 - (i) the safety, free passage of traffic or the carrying out of authorised works in a street, way, footpath or public place;
 - (ii) the suitability or otherwise of the sign or hoarding to the locality; and
 - (iii) the question whether the sign or hoarding would be injurious to the amenity or natural beauty or safety of the area.

11.2.4 A licence shall be issued upon payment of the appropriate fee, set out in Part H of Schedule 3 to these By-laws, only, but the payment of a licence fee pursuant to any By-laws that were in operation prior to the coming into operation of these By-laws is deemed to be a payment for the purposes of this clause.

11.3 EXEMPTIONS

11.3.1 The following are exempt from the requirements of subclause 11.3:

- (a) a sign erected or maintained pursuant to and under authority of a written law;
- (b) a sale sign not exceeding 0.5 square metres in area;
- (c) a plate not exceeding 0.2 square metres in area erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the premises;
- (d) a direction sign;
- (e) a sign used solely for the direction and control of people, animals or vehicles or to indicate the name or street number of a premises, if the area of the sign does not exceed 0.2 square metres;
- (f) an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;
- (g) the name and occupation of any occupier of business premises painted on a window or wall of those premises;
- (h) a sign within a building unless:
 - (i) it is clearly visible from a public place outside the building; and
 - (ii) is not exempted under any other paragraph of this subclause;
- (i) a sign not larger than 0.7 metres x 0.9 metres on an advertising pillar or panel approved by or with the consent of the Council for the purpose of displaying public notices for information;
- (j) a building name sign on residential flats or home units where it is of a single line of letters not exceeding 300 millimetres in height fixed to the facade of a building;
- (k) a newspaper poster;
- (l) an institutional sign which is the only sign on the lot on which it is erected notwithstanding the provisions of clause 11.14;
- (m) a rural producers sign which is the only sign on the lot on which it is erected.

11.4 TRANSFER OF LICENCE

11.4.1 A licence issued under this Part shall not be transferred to another person except with the written consent of the Council;

11.4.2 Every application to transfer a licence under subclause 11.4.1 shall be in writing in the form prescribed in Schedule 1 and shall be signed by both the transferor and transferee.

11.5 REVOCATION OF LICENCES

The Council may, without derogation of any penalty to which a person may be liable, by notice in writing revoke a licence:

- (a) where anything purporting to be done pursuant to the licence issued under this Part is not done in conformity with the licence or with this Part or the sign or hoarding or the message displayed thereon is so altered that, in the opinion of the Council, it is objectionable or in its altered form would have been refused a licence on the application of the provisions of subclause 11.2.3;
- (b) where the licensee is convicted of an offence against this Part of these By-laws in respect of a sign or hoarding the subject of that licence.

11.6 INSPECTION OF LICENCES

11.6.1 A licensee shall, on demand by a person authorised in writing by the Council produce the licence for inspection.

11.6.2 Every licenced sign or hoarding shall bear on its face in clearly legible figures the number of the licence under which it is erected or displayed.

11.7 APPLICATION FOR LICENCES

11.7.1 An application for a licence under this Part of these By-laws shall be made in the form of application set out in Schedule 1 hereto.

11.7.2 An application for the first issue of a licence in respect of a sign or hoarding shall be accompanied by a plan drawn to a scale of not less than 1:50 showing the size, position, design and inscription to appear thereon, the method of construction and fixing of the sign or hoarding for which the licence is sought and any other information the Council or the Surveyor requires.

11.7.3 An application for the first issue of a licence in respect of a roof sign or a pylon sign shall be accompanied by a certificate from an Architect or Structural Engineer certifying that the building or structure upon which it is proposed to erect the sign is in all respects of sufficient strength to support the sign, under all conditions, and that the sign is itself of structurally sound design.

11.7.4 If so required by the Council an applicant for a licence in respect of an illuminated sign shall produce to the Council a written consent to the erection of the sign, signed by or on behalf of the person or body having for the time being the management of traffic control lights within the District.

11.7.5 Every applicant for a licence shall furnish in writing such further particulars as are required by the Surveyor or other officer for the time being administering this Part of these By-laws.

11.7.6 A licence shall be issued in the form set out in Schedule 2 to these By-laws.

11.7.7 The Surveyor may issue a licence or permit under this Part of these By-laws except where it is provided otherwise. In any case where the Surveyor exercises the power of the Council to issue a licence or permit, the relevant reference in this Part to the Council in relation to the exercise of any power or discretion shall be deemed to be a reference to the Surveyor.

11.7.8 Subject to clause 11.5 and except where otherwise stated in this Part a licence remains valid until:—

- (a) the sign or hoarding is removed; or
- (b) change is made in the message of the sign or its illumination which is so significant as to amount to a different sign than that in respect of which the licence was issued; or
- (c) an alteration is made to the structure or area of the sign or hoarding in respect of which the licence was issued,

in any of which events an application must first be made and a new licence issued before the sign or hoarding can be re-erected, changed or altered as the case may be, or a new sign or hoarding erected.

11.8 SPECIAL PERMITS

11.8.1 Notwithstanding anything contained in these By-laws the Council may, by permit, allow the display or distribution of advertisements at churches, theatres and other places of public entertainment; or at any place the display or distribution of election notices, advertisements of meetings or other matters of public interest, upon the terms or conditions and for the period the Council in each case decides.

11.8.2 The terms and conditions imposed by the Council and the period of the permit shall be specified in the permit.

11.8.3 The Council may at any time revoke a permit granted pursuant to subclause 11.8.1 without assigning a reason.

11.7.4 Upon the expiration or revocation of a permit issued under subclause 11.8.1 the person to whom it was issued shall forthwith remove any advertisement to which it relates and failure to remove the advertisement is an offence.

Division 3—Restrictions

11.9 GENERAL

11.9.1 RESTRICTIONS

A person shall not erect or maintain a sign or hoarding or suffer or permit a sign or hoarding to be or remain on any land or building—

- (a) so as to obstruct a person's view from a street or public place of traffic in a street or public place;
- (b) so as to be likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the Road Traffic Act 1974 or the regulations made thereunder;
- (c) except with the specific approval in writing of the Council on an ornamental tower, spire, dome or similar architectural feature or on a lift machinery room, bulkhead over stairs, or other superstructure over the main roof of a building;
- (d) subject to subclauses 11.3 and paragraph (a) of subclause 11.11.1 on land that is zoned by a Town Planning Scheme or by-laws for the time being in force for residential purposes other than land so zoned that is lawfully used for a purpose other than residential purposes unless permitted under clause 11.8;
- (e) on a building the stability of which is, in the opinion of the Surveyor, likely to be affected by the sign or hoarding;
- (f) as a movable or portable sign in a street or public place, unaffixed to a building;
- (g) on a light or power pole without the approval of the relevant authority responsible for the erection or maintenance of that pole;
- (h) in a position where it obstructs or obscures a person's view from a dwelling of a river, the sea or any other natural feature of beauty or interest;
- (i) if the sign is an advertising device and is erected or proposed to be erected in a position where, in the opinion of Council, it would be injurious to the amenity or natural beauty of the area in which the sign is erected or proposed to be erected, or would be unsuitable to the locality.

11.9.2 No bill, placard or advertisement shall be attached to, or posted, painted or stencilled by any person on any sign, hoarding, wall, building or structure, whether erected upon land which is private property or a public place unless:

- (a) such bill, placard or advertisement is in the opinion of the Council reasonably related to the principal lawful use carried out on such land;
- (b) any trade, business or product name or trademark on or in any such bill, placard or advertisement is in the opinion of the Council necessary for the purposes of communicating the principal lawful use carried out on such land.

11.9.3 No person shall permit or suffer the doing of anything contrary to the provisions of paragraphs (a) and (b) of subclause 11.9.5.

11.9.4 Paragraphs (a) and (b) of subclause 11.9.5 do not apply to any bill, placard or advertisement which states the name and/or trade, business or profession of the occupier of such land where such trade, business or profession is the principal lawful use carried out on the land and does not contain any other information, including any other trade, business or product name or trademark.

11.9.5 INSCRIPTIONS ON SIGNS

Except in the case of a hoarding or direction sign, a sign generally shall only display one or more of the following—

- (a) the name of one or more of the occupiers of the premises to which it is affixed;
- (b) details of the business or businesses carried on in the premises;
- (c) details of the goods sold in the premises; and
- (d) any other matter approved by the Council.

11.9.6 EXISTING SIGNS AND HOARDINGS

Subject to clauses 11.4, 11.5, and 11.6 and subclauses 11.1.1, 11.8.1 and 11.8.5, a licence issued under any previous By-laws in force in the district is deemed to have been issued pursuant to these By-laws.

11.9.7 FIXING OF SIGNS

A sign shall be securely fixed to the structure by which it is supported, to the satisfaction of the Surveyor, and shall be maintained in a safe condition.

11.9.8 HEADROOM

Every sign shall, unless otherwise permitted by the Surveyor, be so fixed as to provide a clear headway thereunder of not less than 2.75 metres.

11.9.9 OBSTRUCTION TO DOORS, ETC.

A sign or hoarding shall not be erected or maintained so as to obstruct access to or from a door, fire escape or window, other than a window designed for the display of goods.

11.9.10 GLASS IN SIGNS

Glass shall not be used in any sign or hoarding other than an electric light globe or tube.

11.9.11 READILY COMBUSTIBLE MATERIAL

Except in the case of posters securely affixed to a sign-board or hoarding, paper, cardboard, cloth or other readily combustible material shall not form part of or be attached to any sign.

11.9.12 SIGNS TO BE KEPT CLEAN

Every sign shall be kept clean and free from unsightly matter and shall be maintained by the licensee or owner in good order free of dilapidation.

11.9.13 BILL POSTING

Subject to clause 11.2 a person shall not post a bill or paint, stencil, place or affix an advertisement in a street or on a building, structure, fence, wall, hoarding, sign-post, blind or awning so as to be visible to a person in a street, reserve, public place or other land, except on a hoarding approved for the purpose by the Council.

11.9.14 FLY POSTING

A person shall not fly post at any place or location within the District.

Division 4—Signs**11.10 REQUIREMENTS FOR PARTICULAR SIGNS****11.10.1 CLOCKS**

A clock shall:

- (a) if suspended under a verandah or in an arcade, have its centre coinciding with the centre line of the footway thereunder;
- (b) comply as regards size with Table 3 set out in Schedule 6 hereto;
- (c) be fixed either parallel or at right angles to the wall to which it is attached;
- (d) not project from the wall to which it is attached—
 - (i) if parallel to the wall, more than 300 millimetres; or
 - (ii) if at right angles to the wall, more than 2 metres;
- (e) afford a minimum headway of 2.75 metres;
- (f) be maintained so as to show the correct time;
- (g) be illuminated from sunset to midnight; and
- (h) if fitted with chimes, not be permitted to strike between midnight and 7.00 a.m. without the approval in writing of the Council.

11.10.2 DEVELOPMENT SIGNS

A development sign shall:

- (a) only be erected where the area of residential land being subdivided exceeds 5 hectares;
- (b) only be erected in the ratio of 1 square metre of area per hectare up to a maximum of 50 square metres with no individual sign exceeding 20 square metres;
- (c) be removed from the site within 2 years or when 80 per cent of the Lots in the subdivision have been sold, whichever is the sooner.

11.10.3 DIRECTION SIGNS ON STREET POLES

A direction sign attached to a pole in a street shall not exceed 200 millimetres in width and 760 millimetres in length with a headroom of not less than 2.75 metres.

11.10.4 DISPLAY HOME SIGNS

A display home sign shall:

- (a) be provided in a ratio not exceeding 2 square metres per house in a centre with no individual sign exceeding 4 square metres;
- (b) not have an overall height of more than 4 metres;
- (c) not be illuminated after 9.00 p.m.;
- (d) not be erected or maintained for a period exceeding 6 months on any one lot.

11.11 HOARDINGS

11.11.1 A hoarding shall not:

- (a) be erected on land that is zoned for residential purposes by a Town Planning Scheme or By-laws for the time being in force;
- (b) except with the approval of the Council be erected within 25 metres of a street or other public place and in any case not closer than its own height to a street or public place;
- (c) be of greater area than 22 square metres.

11.11.2 A licence issued in respect of a hoarding is valid in terms of the licence for the period specified in the licence but not exceeding 10 years.

11.11.3 The licence fee for a hoarding is the annual licence fee specified in Part H of Schedule 3 and is payable annually so long as the hoarding is maintained with the approval of Council.

11.12 HORIZONTAL SIGNS

11.12.1 A horizontal sign shall:

- (a) afford a minimum headway of 2.75 metres;
- (b) be fixed parallel to the wall of the building to which it is attached;
- (c) conform as to depth to Table 1 in Schedule 6;
- (d) not project more than 600 millimetres from the wall to which it is attached; and
- (e) not be within 600 millimetres of either end of the wall to which it is attached, unless the end of the sign abuts against a brick, stone or cement corbel, pier or pilaster which is at least 225 millimetres wide and projects at least 25 millimetres in front of and 75 millimetres above and below the sign.

11.12.2 Notwithstanding the provisions of paragraph (c) of subclause 11.11.1 the Council may permit an increase of not more than 50 per cent of the depths therein mentioned in any part or parts of a sign to permit the inclusion therein of a motif or capital letter.

11.12.3 There shall be not more than one line of horizontal signs on a building facing any one street.

11.12.4 The name of the building, owner or occupier may without any licence or permit be shown on the facade of a building but:

- (a) unless otherwise specifically approved by the Council, only one such name shall be placed on any facade;
- (b) the letters of the name shall not exceed 1.2 metres in height;
- (c) the letters shall be of metal or other incombustible material; and
- (d) the letters shall not be lit or illuminated unless all illuminated lettering has been approved by the Council.

11.13 ILLUMINATED SIGNS

An illuminated sign shall:

- (a) have any boxing or casing in which it is enclosed constructed of incombustible material;
- (b) have its electrical installation constructed and maintained to the satisfaction of the State Electricity Commission of Western Australia or the appropriate electricity supply authority and in accordance with the S.A.A. Code 3000-1976;
- (c) be maintained to operate as an illuminated sign; and
- (d) not have a light of such intensity as to cause annoyance to the public.

11.14 INFORMATION PANELS

The Council may provide information panels and permit the inclusion of advertisements in such panels upon any conditions it thinks fit.

11.15 INSTITUTIONAL SIGNS

An institutional sign shall not exceed 0.5 square metres in area except with the approval of the Council but in any case shall not exceed 2 square metres.

11.16 PROJECTION SIGNS

11.16.1 A person shall not project by light a sign being a photographic or other image which can be seen from a street, way, footpath, or other public place onto a building, screen or structure without a licence issued under this Part of these By-laws nor without the consent of the owner of the building, screen or structure.

11.16.2 A licence shall not be issued by the Council for such a sign:

- (a) unless the building, screen or structure onto which it is proposed to project the sign is specified in the application for the licence;
- (b) if the sign when projected onto a building, screen or structure would be more than 12 metres in width or 12 metres in length;
- (c) unless the licence specifies the building, screen or structure onto which the sign may be projected.

11.16.3 Where it is proposed to project such a sign onto a building, screen or structure in a series Council may issue one licence in respect of all the signs in that series but no sign or signs other than that or those in respect of which a licence has been issued shall be projected.

11.16.4 Where a licence has been issued by the Council for a projection sign the sign in respect of which it has been issued shall not be projected onto any building, screen or structure not specified in the licence.

11.16.5 The owner or occupier of a building, screen or structure shall not permit any sign to be projected onto it unless a licence has been issued for the sign pursuant to this Part and in accordance with this clause.

11.17 PYLON SIGNS**11.17.1 A pylon sign shall:**

- (a) not have any part thereof less than 2.75 metres or more than 6 metres above the level of the ground immediately below it, or, exceed 2.5 metres measured in any direction across the face of the sign or have a greater superficial area than 4 square metres except in a business area or large shopping complex with the approval of the Council and unless it complies with the following—
 - (i) the sign is the motif or emblem of the centre;
 - (ii) only one sign is erected;
 - (iii) the sign does not exceed 20 metres in height;
 - (iv) the sign does not exceed 10 square metres on any face;
 - (v) the sign is not erected within its own overall height of any street or right of way;
- (b) not project more than 1 metre over any street;
- (c) be supported on one or more piers or columns or brick, stone, concrete, or, steel of sufficient size and strength to support the sign under all conditions;
- (d) where the sign is supported on two or more piers or columns not be erected unless the space between the piers or column is not wholly or partly filled in with any material below 2.75 metres above ground level;
- (e) not, as to any part thereof, project over any street at a height of less than 2.75 metres;
- (f) not be within 1.8 metres of the side boundaries of the lot on which it is erected unless the lot on which it is erected abuts an intersecting street or right of way in which the Council may authorise the erection of the sign at a lesser distance than 1.8 metres;
- (g) not have any part thereof less than 6 metres from any part of another sign erected on the same Lot.

11.17.2 Where two or more pylon signs are to be erected on a lot on which unit factories or small shops are erected or are to be erected the Council may require all the pylon signs to be incorporated into one sign. All infills are to be of an equal size and space with one infill for each shop or unit on the lot.

11.17.3 Where the Council requires two or more signs to be incorporated into one sign:

- (a) the total area of the infill signs specified under paragraph (a) of subclause 11.16.1 may be increased by up to 50 per cent or to a maximum of 6 square metres;
- (b) the approval of the Council to each additional infill to be fitted into the sign is required.

11.18 ROOF SIGNS**11.18.1 A roof sign shall:**

- (a) not at any point be closer than 4 metres to the ground;
- (b) not extend laterally beyond the external walls of the building;
- (c) comply as regards height above ground and height of sign with Table 2 in Schedule 6;
- (d) not have a horizontal side longer than 2.4 metres in length; and
- (e) not have an area greater than 1.5 square metres.

11.18.2 When ascertaining the height of the main building above ground level for the purpose of this clause, any part of the roof at the point where the sign is to be erected that is provided solely for the purpose of architectural decoration shall be disregarded.

11.18.3 A licence for a roof sign requires the approval of the Council.

11.19 RURAL PRODUCER'S SIGN**A rural producer's sign shall:**

- (a) show only the name and address of the occupier of the land or the name of the property or both and only advertise goods or products produced, grown or lawfully manufactured upon the land;
- (b) not exceed 1 square metre in area or 3 metres in height.

11.20 SALE SIGNS

Subject to the provisions of this Part of these By-laws a person shall not erect or maintain a sale sign:

- (a) exceeding 10 square metres in area;
- (b) in respect of an auction sale for more than 24 days before the date on which the auction sale is to be held or for more than 48 hours after that date;
- (c) in respect of the sale of land under 5 hectares in area for a period exceeding 6 months nor within the period of 12 months from the date of expiration of the period during which another sign advertising the sale of the same land or any part thereof was erected or maintained;

- (d) advertising that flats or dwelling units in a building erected or to be erected on the land on which the sign is situated are or will be available for letting or for purchase before the date of issue of the building licence in respect of the building or after 3 months following the completion of the building.

11.21 SEMAPHORE SIGNS

11.21.1 A semaphore sign shall:

- (a) afford a minimum headway of 2.75 metres;
- (b) be fixed at right angles to the wall to which it is attached;
- (c) not project more than 1 metre from the point of attachment nor be of greater height at any point than 1 metre;
- (d) be fixed over or adjacent to the entrance to a building; and
- (e) not be fixed under or over any verandah.

11.21.2 Not more than one semaphore sign shall be fixed over or adjacent to any one entrance to a building.

11.22 TOWER SIGNS

A tower sign shall not, unless otherwise approved by Council:

- (a) indicate or display any matter other than the name of the owner or occupier of the land or premises on which the mast, tower or chimney stack is erected;
- (b) if illuminated, be a flashing sign;
- (c) exceed in height one-sixth of the height of the mast, tower or chimney stack on which it is placed;
- (d) exceed in width the width or diameter of the mast, tower or chimney stack on which it is placed; or
- (e) extend laterally beyond any part of the mast, tower or chimney stack on which it is placed.

11.23 VERANDAH SIGNS

11.23.1 A sign comprising free-standing lettering only may be erected above the outer fascia of a verandah parallel to the kerb if the lettering does not exceed 400 millimetres in height and is mounted on a base of at least 75 millimetres in width.

11.23.2 A sign fixed to the outer or return fascia of a verandah:

- (a) shall not exceed 600 millimetres in depth;
- (b) shall not project beyond the outer metal frame or surround of the fascia; and
- (c) if it is an illuminated sign may be of changing colours but shall not emit a flashing light.

11.23.3 (1) An illuminated sign fixed to the outer fascia of a theatre shall:

- (a) not be constructed or erected unless plans and specifications thereof and structural details of the verandah have been submitted to and the plans of the sign approved by the Council;
 - (b) be so constructed that its bottom edge is not lower than the bottom edge of the fascia or its top edge not higher than the top edge of the fascia;
 - (c) not exceed 1.2 metres in height.
- (2) Where such a sign is to be fixed to the outer fascia of a theatre verandah which has already been constructed at the time that these By-laws come into force, the outer face of the sign shall not be less than 600 millimetres from a line drawn vertically from the kerb line of the footpath beneath such verandah.
- (3) Where such a sign is to be fixed to the outer fascia of a theatre verandah constructed after these By-laws come into force, the outer face of the sign shall not be less than 600 millimetres from a line drawn vertically from the kerb line of the footpath beneath such verandah.

11.23.4 A sign under a verandah shall:

- (a) afford a headway of at least 2.75 metres or, when approved by the Council, 2.4 metres;
- (b) not exceed 2.4 metres in length or 500 millimetres in depth;
- (c) not weigh more than 50 kilograms;
- (d) not, if it exceeds 300 millimetres in width be within 1.4 metres, or where it does not exceed 300 millimetres in width be within 1 metre, of the side wall of the building, measured along the front of the building before which it is erected;
- (e) not, if it exceeds 300 millimetres in width, be within 2.75 metres, or where it does not exceed 300 millimetres in width be within 1.75 metres, of another sign under that verandah;

- (f) be fixed at right angles to the front wall of the building before which it is erected except on a corner of a building at a street intersection when the sign may be placed at an angle with the wall so as to be visible from both streets;
- (g) be so placed that the centre of its base longitudinally is equidistant from the outer edge of the verandah and the vertical plane of the shop front directly opposite the end of the sign.

11.24 VERTICAL SIGNS

11.24.1 A vertical sign shall:

- (a) afford a minimum headway of 2.75 metres;
- (b) subject to subclause 11.24.2, not project more than 1 metre from the face of the building to which it is attached;
- (c) subject to subclause 11.24.3, not be within 1.75 metres of either end of the wall to which it is attached;
- (d) be of a height of at least twice its width;
- (e) not project more than 1 metre above the top of the wall to which it is attached nor more than 1 metre back from the face of that wall;
- (f) not be within 4m of another vertical sign on the same building;
- (g) not be placed on a corner of a building, except at a street intersection when it may be placed at an angle with the walls so as to be visible from both streets; and
- (h) except with the approval of the Council not exceed 1 meter in width exclusive of the back projection.

11.24.2 Where a vertical sign is affixed to the face of a building that is set back beyond the face of another building within 3 metres of it, the sign may project 500 millimetres further than the distance prescribed by paragraph (b) of subclause 11.24.1 or the distance by which the building to which it is affixed is set back beyond the face of the other, whichever is the lesser.

11.24.3 Where a building to which a vertical sign is to be affixed is set back from the boundary or abuts on an intersecting street or right of way, the Council may authorise the affixing of a sign at a lesser distance from the end of the wall than that prescribed by paragraph (c) of subclause 11.24.1.

11.25 OFFENCES

A person who erects or maintains or permits or suffers to be erected or maintained a sign or hoarding:

- (a) which does not comply with a provision of this Part, or
- (b) in a manner contrary to the provisions of this Part

commits an offence.

11.25.2 Where by this Part of these By-laws a licence is required to erect or maintain a sign or hoarding, a person who maintains or permits or suffers to be maintained a sign or a hoarding without a licence or in respect of which the licence has expired or been cancelled, commits an offence.

11.25.3 Neither the owner nor the occupier of any land or premises shall permit a sign or hoarding to remain thereon unless the sign or hoarding complies with this Part of these By-laws.

11.25.4 Without prejudice to the preceding provisions of these By-laws the Council may serve on the owner or occupier of any premises upon which a sign is erected, affixed or maintained, contrary to this Part of these By-laws, notice to remove the sign within the time specified in the notice; and a person neglecting or failing to comply with the terms of a notice served on that person pursuant to this clause commits an offence.

11.25.5 The Council may remove to a place appointed by the Council a sign or hoarding placed or erected on or over a street, way, footpath or other public place under the care control and management of the Council unless so placed or erected pursuant to this Part of these By-laws.

11.25.6 The Council may, without being liable in damages or otherwise, dispose of any of the sign or hoarding and reinstate the street, way, footpath or public place at the expense of the person or persons responsible for the placement or erection thereon or the injury thereto and recover the amount of the expense from that person in a Court of competent jurisdiction.

11.25.7 The Council, or any person acting under the authority of the Council, may remove from private property any hoarding or any bill, placard or advertisement which is attached to, or pasted, or painted, or stencilled on a hoarding and which in the opinion of the Council is dangerous or objectionable and the Council may recover the expenses of the removal from the owner of the property in a Court of competent jurisdiction.

PART XII—STREETS AND PUBLIC PLACES

Division 1—Preliminary

12.1 DEFINITIONS

In this Part, unless the context otherwise requires:

- “carriageway” means every part or a street used or intended for use by vehicles and includes footpath or kerb;
- “commercial vehicle” means a motor vehicle constructed, fitted, adapted or used for the conveyance therein or thereon of any goods or merchandise or any materials used in any trade, business or industry;
- “footpath” means a path used by, or set aside or intended for use by both pedestrians and cyclists, but not vehicles of any other kind;
- “garden” means any part of a street planted developed or treated, otherwise than as a lawn, with any tree, plant or shrub;
- “intersection” means that part of a street comprised within imaginary straight lines joining the points of transection of the street alignments of two or more streets that meet each other. If the Street alignments are curved where the streets meet then the point of transection is the point on the curve nearest to the point at which those street alignments would meet if straight;
- “junction” means that part of a street comprised within imaginary straight lines at right angles to the street commencing from the points of transection of the street alignments of the street with the street alignments of the land which abuts thereon. If the street alignments are curved at any corner then the point of transection is the point at which those street alignments would meet if straight;
- “kerb” means and includes the kerb or edge of the portion of a road paved for the use of vehicular traffic where any kerb exists at the edge of the paved road whether any footpath has been constructed or not;
- “lawn” means any part of a street which is planted only with grass and with any tree or shrub planted by the Council;
- “motor vehicle” in this part means a self-propelled vehicle of any kind that is not operated on rails;
- “omnibus” means a motor vehicle equipped to carry more than 8 adult passengers;
- “park” & “stand” have the same meanings as are given to them in section 231 of the Act;
- “street” & “street alignment” have the same meanings as are given to them in the Act;
- “street verge” means every part of a street other than the carriageway thereof.

12.2 APPLICATION

Nothing in this Part shall be construed so as to inhibit or preclude an employee, contractor or agent of the Council carrying out his normal and lawful duties.

Division 2—Activities on Streets and Public Places

12.3 A person shall not:

- (a) stand a vehicle or permit a vehicle to stand so that any part of the vehicle is on the verge of any part of the road, that is to say, between the edge of the carriageway of that part of the road and the boundary of the road nearest to that edge, provided that the prohibition in this paragraph shall not apply to the occupier of premises adjacent to the verge or any part of a road or to a person authorised by the occupier of those premises to stand a vehicle on that verge unless by a sign adjacent or referable to that verge the standing of vehicles on that verge is prohibited but nothing in this paragraph shall authorise an occupier of premises adjacent to the verge of any part of a road or a person authorised by the occupier of those premises to stand any portion of a vehicle on or over a footpath;
- (b) park a commercial vehicle or a caravan, omnibus or trailer on a street verge for more than 4 hours consecutively or for more than 4 hours in a day unless in between each period that the commercial vehicle or caravan, omnibus or trailer is parked or allowed to remain stationary on the street verge has been removed from the street verge for at least 2 hours; and
- (c) on a street verge repair, service or clean any vehicle;
- (d) plant a lawn or garden or permit a garden or lawn to grow on or over any footpath or carriageway;
- (e) grow or maintain any tree, shrub or plant on any part of a street which is thorny or which is or may be injurious to health;
- (f) water a lawn or garden in a manner or at any time as will or may occasion inconvenience or obstruction to any person using a carriageway or footpath;

- (g) plant any tree, shrub or plant, exceeding 0.75 metres in height or of a variety likely to exceed 0.75 metres in height in any part of a street situated within 6 metres of a junction or intersection;
- (h) except as otherwise authorised in this Part damage a lawn or garden or any part thereof or, if other than the owner or occupier or a person authorised by the owner or occupier of land abutting on part of a street in which a garden is planted, remove any flower, plant or shrub from that garden;
- (i) Plant anything other than grass on any part of a street within 2 metres of the carriageway;
- (j) drive or stand a vehicle or animal on any lawn or garden unless with the consent of the owner or occupier of the land abutting that part of the street;
- (k) place any household rubbish or garden waste of any kind in a "litter" bin provided by the Council for the use of the public.

For the purposes of this clause, the verge of any part of a road in relation to an occupier of premises adjacent to that verge means that part of the road which lies between a boundary of those premises and the edge of the carriageway of that road.

12.4 ACTIVITIES NEEDING PERMISSION

A person shall not, without the permission of Council:

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) drive any vehicle over or across a kerb or footpath except at a specially constructed crossing place;
- (c) drive a vehicle or permit a vehicle to be driven across a kerb or footpath if such vehicle is so heavy or is of such a nature that it causes or is likely to cause damage to the kerb or the paving of the footpath;
- (d) commit any of the following acts:—
 - (i) leave an animal or vehicle or any part of a vehicle in a public place so as to obstruct any portion of that place except that an animal secured in any public place wherein animals may lawfully be secured and a vehicle parked in a public place wherein vehicles may lawfully be parked is not obstructing for the purposes of this clause unless, in the case of an animal it is secured for any period exceeding 1 hour unless the consent in writing of an Authorised Officer has first been obtained and, in the case of a vehicle (notwithstanding paragraphs (a) and (b) clause 12.3), it is so parked for any period exceeding 24 hours;
 - (ii) throw, place or deposit any obstruction, box, case, crate, bottle, coal, timber, brick, or other material on or in any public place;
 - (iii) cause any obstruction to or prevent vehicles or persons having the free unhindered use of any street, way or footpath;
 - (iv) break up, damage, or destroy any street, way, footpath or other public place;
 - (v) throw, place or deposit any rubbish, vegetable substance, garden clippings or any offensive noxious or dangerous substance or utensils or glass or any litter on any public place;
 - (vi) light any fire or burn any rubbish or material on any public place;
 - (vii) fell any tree on or across any public place.
- (e) cause or permit any water from a hose or sprinkler to interfere with the use of any street, way or footpath by pedestrians.
- (f) in a street plant or maintain a lawn or a garden or plant a tree except that the owner or occupier of land abutting any part of a street may plant a lawn in that part of the street if such lawn does not form part of a garden;
- (g) lay pipes under or provide taps in any street verge for watering a garden or lawn;
- (h) deposit, place or install any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing wood chips, bark, sawdust or any other thing, whether of the same kind as, or, a different kind from those here specified, on any part of a street.

12.5 APPLICATION

Every application for the permission of Council under clause 12.4 shall be in writing in the form provided in Schedule 1 and shall:

- (a) in the case of paragraph (f) of clause 12.4 be made in the name of the owner or occupier of the land abutting the garden and shall be accompanied by a plan depicting the proposed lawn and garden or tree and in the case of a garden, setting out details of all trees, shrubs and plants, and the positions thereof in relation to the street alignment and the carriageway and to any footpath;
- (b) in the case of paragraph (h) of clause 12.4 be made by the owner or occupier of the land abutting on that part of the street upon which the thing referred to in paragraph (h) of clause 12.4 is proposed to be deposited, placed or installed and shall be accommodated by a plan depicting the location and details of any thing proposed to be deposited, placed or installed in a street;

- (c) in the case of paragraphs (b) and (c) of clause 12.4 specify the place at which such crossing is to be made and with his application pay to the Council a deposit referred to in Part I of Schedule 3;
- (d) specify the name of the owner or occupier and such other information as is relevant and as the Council may request and any deposit requested to be lodged with the Council.

12.6 DISCRETION

The Council may under this Part in its discretion give or refuse to give any permission or give any permission subject to such conditions as it thinks fit.

12.7 Where permission has been granted by the Council under this Part subject to conditions, the person to whom the permission has been granted shall ensure that the conditions are observed at all times. If any condition is not observed that person commits an offence against these By-laws and the Council may by written notice cancel the permission.

12.8 CONDITIONS FOR PIPE

Any permission to lay pipes pursuant to paragraph (g) of clause 12.4 is subject to the following conditions, whether expressed in the permission or not, that the pipe:

- (a) is laid beneath the surface of the street to a depth of not more than 0.3 metres or less than 0.15 metres and so that any fitting connected to the pipe or pipes does not project above the surface of the street and any lawn;
- (b) if connected to a public water supply, is laid to comply with the requirements of the body constituted for and having the control of that supply;
- (c) if connected to a private supply, is constructed of galvanised iron, cast iron, PVC, copper or other material approved by the Council.

12.9 CONDITIONS FOR FOOTPATHS ETC.

Any permission for the purpose of paragraphs (b) and (c) of clause 12.4 is subject to the following conditions whether expressed in the permission or not to be performed by the applicant;

- (a) if the paved portion of the footpath is constructed of concrete slabs the applicant shall carefully remove them from the footpath for a width of 4.8 metres at the proposed crossing and neatly stack them on the adjoining land;
- (b) if the kerbing at the edge of the paved road is constructed of concrete kerbing blocks the applicant shall carefully remove them from the kerb for a width of 4.8 metres at the proposed crossing and neatly stack them on the adjoining land so as not to cause an obstruction;
- (c) the applicant shall place in the position from which the slabs have been removed and temporary crossing of 4.8 metres in width and of a length equal to the width of the paved portion of the footpath. The temporary crossing shall be constructed of hardwood planks at least 200 millimetres wide and 50 millimetres thick of which the ends shall be chamfered downwards securely nailed together with hoop iron straps at 1.2 metre centres. The planking shall be firmly bedded and laid true to the level of the original footpath;
- (d) the applicant shall place in the position from which concrete kerbing has been removed a temporary crossing of 4.8 metres wide and at least one metre in length. The temporary crossing shall be constructed of hardwood planks of at least 200 millimetres long and 50 millimetres wide of which the ends shall be chamfered down-ward securely nailed together with hoop iron straps at 1.2 metre centres. The said planking shall be firmly bedded and laid true to the level of the edge of the paved road and shall be held in position by pegs inserted sufficiently far into the soil as to prevent movement of the temporary crossing away from the abutting edge of the paved road;
- (e) when the necessity no longer exists for the temporary crossing referred to in paragraphs (c) and (d) of this clause or when called upon to do so by notice in writing from the Council, the applicant shall remove the planking, replace the slabs or kerbing in a proper workmanlike manner to Council's satisfaction and shall replace with new slabs or kerbing of equal quality and size any slabs which have been lost, damaged or broken;
- (f) in the case of a footpath constructed in total or part of bitumen surfaced gravel, gravel, limestone, concrete or crushed metal he shall place in position where the crossing is to be made a temporary crossing 4.8 metres wide and of a length equal to the width of the paved portion of the footpath. The temporary crossing shall be constructed of hardwood planks of at least 200 millimetres long and 50 millimetres wide of which the ends shall be chamfered downwards to the existing footpath surface and securely nailed together with hoop iron straps at 1.2 metre centres. The said planking shall be firmly bedded and laid true;
- (g) when the necessity no longer exists for the temporary crossing referred to in paragraph (f) or when called upon to do so by notice in writing from the Council the applicant shall remove the planking and clean off the footpath;
- (h) the applicant shall make good all damage caused to the footpath and the kerbing, guttering and paved road during the whole of the time the works are in progress and in the event that damage shall have occurred and shall not have been made good, the Council may make good such damage and deduct the cost from the deposit;

- (i) if the cost of making good the damage referred to in paragraph (h) of this clause exceeds the amount of the deposit the applicant shall pay to the Council on demand the amount by which the cost exceeds the amount of the deposit held and in default of payment the Council may recover the excess in a Court of competent jurisdiction;
- (j) if no damage has been caused or if the damage has been made good to the satisfaction of the Council, the Council shall repay the deposit or the portion remaining after the costs incurred by the Council have been paid.

Division 3—Removal of Animals, Vehicles and Other Things

12.10 IN PUBLIC PLACES

12.10.1 The provisions of this clause shall not affect the operation of Part XX of the Act.

12.10.2 Where an Authorised Person or a member of the Police Force finds an animal or vehicle left in a public place, contrary to the provisions of this Part that person may remove the animal or vehicle therefrom and shall thereupon—

- (a) in the case of an animal, place it in a public pound and deal with it according to law;
- (b) in the case of a vehicle, place it in a place appointed by the Clerk for that purpose.

12.11 OBSTRUCTIONS

Where any tree, rubbish, bottle, clippings, or other material of any kind has been deposited on, or any excavation has been made in or on, or any injury has been caused to the surface of, or any obstruction has been caused to prevent vehicles or persons having the free or unhindered use of any street, way, footpath, or other public place in contravention of this Part the Council may remove such deposit or obstruction and/or may reinstate such street, way, footpath or other public place at the expense of the person or persons responsible for such deposit, excavation or injury and may recover the amount of the expense from such person or persons in a Court of competent jurisdiction in addition to any penalty for which such person or persons may be liable under this Part.

Division 4—Shopping Trolleys

12.12 ABANDONED SHOPPING TROLLEYS

12.12.1 A shopping trolley which has been left unattended shall for the purpose of this clause be deemed to be abandoned.

12.12.2 Subject to the provisions of the Act, the Council may seize any shopping trolley which has been abandoned for a period in excess of 15 minutes in any street or way or other place under the care, control and management of Council.

12.12.3 Any shopping trolley seized under this Part shall not be released to the owner thereof until the cost of removing it and all other costs incidental thereto shall first have been paid by the owner or on the owner's behalf.

12.12.4 Where the owner of the shopping trolley is known the Clerk shall cause written notification of the seizure of the same to be forwarded to the owner and the owner given not less than 14 days' notice within which to recover the trolley.

12.12.5 If the owner thereof is not known the Clerk shall exhibit on the notice board at the Council a notice describing the shopping trolley and the place at which it was seized and the place at which it is being kept, and unless the shopping trolley is sooner recovered shall keep the notification exhibited for a period of not less than 14 days.

12.12.6 A shopping trolley seized by Council under clause 12.12 which is not recovered by the owner or any other person lawfully entitled thereto within 14 days after the notice referred to in the preceding subclause has been exhibited, may be disposed of in such manner and under such conditions as the Council may deem fit.

12.12.7 The proceeds of sale of any such shopping trolley shall—

- (a) be applied first to meet the cost of removal and sale and the balance paid into the Council's Trust Fund;
- (b) be transferred to Council's Municipal Funds after the expiration of 10 years.
- (c) at any time Council shall pay such balance of moneys to any person claiming and establishing their right to the repayment.

Division 5—Infringement Notices

12.13 INFRINGEMENT NOTICE MAY BE GIVEN

An infringement notice in respect of an offence under paragraphs (a) (b) (c) or (j) of clause 12.3 may be given under section 669D in accordance with Part XIV of these By-laws.

PART XIII—TRAFFIC AND VEHICLES

Division 1—Preliminary

13.1 DEFINITIONS

In this Part, unless the context otherwise requires:

“bus” means an omnibus within the meaning of the Road Traffic Act;

“driver” means any person driving or in control of a vehicle;

“footway” includes every footpath, path, land or other place used by, or set aside or intended for use by, pedestrians or both pedestrians and cyclists;

“motor cycle” means a motor vehicle that has two wheels or, where a sidecar is attached thereto, has three wheels;

“no parking area” means a portion of a carriageway that lies:

- (a) between two consecutive signs inscribed with the words, “No Parking”, or a symbol or symbols to that effect, and each with an arrow pointing generally towards the other of them; or
- (b) between a sign, inscribed with the words “No Parking”, or a symbol or symbols to that effect, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

“no standing area” means a portion of a carriageway:

- (a) between two consecutive signs inscribed with the words, “No Standing”, or a symbol or symbols to that effect, and each with an arrow pointing generally towards the other of them; or
- (b) between a sign inscribed with the words “No Standing”, or a symbol or symbols to that effect, and a dead end or an area in which standing is prohibited and that lies in the general direction indicated by an arrow inscribed on the sign;

“occupier” has the meaning given to it by the Act;

“owner” where used in relation to a vehicle means the person who is the registered holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle as detailed and supplied by the Western Australia Police Department, Traffic Licensing and Services Centre, or, if the vehicle is not licensed under the Act, the person who owns the vehicle or is entitled to its possession; and where used in relation to land has the meaning given to it by the Act;

“parking area” means a portion of a carriageway:

- (a) between two consecutive signs, inscribed with the word “Parking” or a symbol or symbols to that effect, each with an arrow pointing generally towards the other of them; or
- (b) extending from a sign inscribed with the word “Parking” or a symbol or symbols to that effect in the general direction indicated by an arrow inscribed on the sign, to any other sign inscribed with the words “No Parking” or “No Standing”, or symbols to the same effect, or to a dead end or an area in which the parking or standing of vehicles is prohibited and is that half of the carriageway of the road nearest to the sign;

“parking region”, means that portion of the district of the Municipality that is constituted a parking region pursuant to clause 1.6 of these By-laws;

“parking stall” means a section or part of a street which is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may stand or be parked, whether on payment of a fee or charge or otherwise, but does not include a metered space;

“road” means any road, street, lane, thoroughfare or similar place and includes all of the land lying between the property lines including the street verge and footpath appurtenant thereto and which is within the parking region;

“sign” means a traffic sign, mark, marking, symbol, structure or device on or over any road for the purpose of regulating, guiding or directing traffic;

“specified place” means a yard, depot, pound or other piece of land or building set aside by the Council as a place to which impounded vehicles or animals may be removed;

“street” has the same meaning as road;

“street verge” means that portion of a street which lies between the portion of a street that is improved, paved, designed or ordinarily used for vehicular traffic and the nearest property line;

“symbol” means a letter, figure, or other character or mark, or a combination of letters or the like, used to represent something, and without limiting the generality of the foregoing includes any symbol issued or specified by Australian Standard 1742.11-1989 for use in the regulation of parking, and any reference to the wording of any sign in these By-laws shall be also deemed to include a reference to the corresponding symbol;

“park”, “parking facility” and “stand” have the same meanings as are given to them in section 231 of the Act.

13.2 APPLICATIONS OF THIS PART

13.2.1 The provisions of this Part of those By-laws shall apply to the parking region.

13.2.2 The provisions in respect of parking on verges and obstruction of streets in Part XII of these By-laws, shall be read with and apply mutatis mutandis to the Part, with the exception of Division 4.

13.2.3 In this Part a reference to a word or words in a sign shall be taken to include a reference to a symbol or symbols to the same effect and a reference to a symbol shall be taken to include a reference to a word or words to the same effect.

Division 2—Parking on Private Land

13.3 PROHIBITION OF PARKING ON PRIVATE LAND

A person shall not park or stand a vehicle on land that is not a road or a parking facility, unless with the consent of the owner or occupier of the land on which the vehicle is parked.

13.4 REMOVAL

Where an Authorised Person or a member of the Police Force finds a vehicle which he reasonably suspects is on private land without the consent of the owner or occupier, that person may:

- (a) remove the vehicle therefrom and place the vehicle in a specified place;
- (b) use such force as is necessary to enter the vehicle for the purpose of removing it.

Division 3—Standing and Parking Generally

13.5 ERECTION OF SIGNS TO REGULATE PARKING

Subject to Section 231 (3) of the Act, a discretionary authority is conferred on the Council by resolution to constitute, determine and vary, and also indicate by signs, from time to time—

- (a) prohibitions;
- (b) regulations and restrictions of parking and standing of vehicles of a specified class or of specified classes in all streets or specified streets or in specified parts of streets or reserves at all times or specified times;

but that discretionary authority shall not be exercised in a manner inconsistent with the provisions of these By-laws.

13.6 PARKING CONDUCT

- (a) A person shall not stand or park a vehicle in a street or part of a street—
 - (i) which is by a sign thereon or adjacent or referable thereto set apart for the standing or parking of vehicles of a different class; or
 - (ii) if by such a sign the standing or parking of vehicles is prohibited or restricted during a period or periods, during that period or periods; or
 - (iii) if by such a sign the standing of vehicles is permitted for a specified time, for longer than that time.
- (b) A person shall not stand a vehicle—
 - (i) in a no standing area;
 - (ii) in a parking area, except in a manner indicated by the inscription on the sign or signs associated with the parking area and parking stalls except as provided in these By-laws with reference to the parking stalls;
 - (iii) in a parking area contrary to any limitation in respect of days, periods of the day, classes of persons or classes of vehicles indicated by the inscription on the sign or signs associated with the area; or
 - (iv) in a defined area marked "M/C", unless it is a motor cycle without a sidecar or a bicycle.
- (c) A person shall not park a vehicle in a no parking area.
- (d) A person shall not park a vehicle in any portion of a street—
 - (i) for the purposes of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a road; or
 - (ii) if the vehicle is exposed for sale.
- (e) A person shall not stand a motor cycle without a sidecar or a bicycle in a parking stall unless the traffic sign "M/C" is marked on that stall.
- (f) A person shall not, without the permission of the Council, Clerk or an Authorised Person, stand a vehicle in an area designated by signs "Authorised Vehicles Only".

13.7 Subject to the provisions of clause 13.8 a person shall not stand or park a vehicle or permit a vehicle to stand or park on a carriageway otherwise than—

- (a) on a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the road on which the vehicle is standing;

- (b) on a one-way carriageway, so that it is as near as practicable to, and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic;
 - (c) so that at least 3 metres of the width of the carriageway between the vehicle and the farther boundary of the carriageway or between it and a vehicle standing on the far side of the carriageway, is available for the passage of other vehicles;
 - (d) so that it is not less than 1.2 metres from any other vehicle, except a motor cycle or a bicycle parked in accordance with this Part of these By-laws;
 - (e) so that it does not cause undue obstruction on the carriageway;
 - (f) so that it is entirely within the confines of any parking stall marked on the carriageway.
- 13.8 (a) A person shall not stand or park a vehicle partly within and partly outside a parking area.
- (b) Where the traffic sign or signs associated with a parking area are not inscribed with "Angle Parking"; then
 - (i) where the parking area is adjacent to the boundary of a carriageway a person standing a vehicle in the parking area shall stand it as near as practicable to and parallel with that boundary; and
 - (ii) where the parking area is at or near the centre of the carriageway, a person standing a vehicle in that parking area shall stand it approximately at right angles to the centre of the carriageway, unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles are to stand in a different position.
 - (c) Where a traffic sign associated with a parking area is inscribed with the words "Angle Parking" a person standing a vehicle in the parking area shall stand the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway surface.
 - (d) In paragraph (c) of this clause "vehicle" means a car or motor wagon (utility type up to 3 tonne gross).
 - (e) Paragraph (c) of this clause does not apply to a person standing a motor cycle or bicycle in a parking area.
- 13.9 (a) A person shall not stand or park a vehicle so that any portion of the vehicle is—
- (i) between any other standing vehicles and the centre of the carriageway;
 - (ii) adjacent to or on a median strip;
 - (iii) obstructing a right of way, passage or private drive or carriageway or a cross-over or so close thereto as to deny vehicles reasonable access to or egress from the right of way, passage or private drive, carriageway, or cross-over;
 - (v) alongside, or opposite, any excavation in, or obstruction on, the carriageway, if the vehicle would thereby obstruct traffic;
 - (vi) on, or within 9 metres of, any portion of a carriageway bounded on one or both sides by a traffic island;
 - (vii) on or over any footway or pedestrian crossing;
 - (viii) on a bridge or other elevated structure;
 - (ix) between the boundaries of a carriageway, and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of the carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (x) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.
- (b) A person shall not stand or park a vehicle so that any portion of the vehicle is—
- (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug; or
 - (ii) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purpose of collecting postal articles from the pillar box.
- (c) A person shall not stand or park a vehicle so that any portion of the vehicle is—
- (i) within 6 metres of the nearest property line of any road intersecting the road on the side on which the vehicle is standing or parked;
 - (ii) alongside any hoarding, scaffolding, obstacle or impediment to traffic.
- (d) A person shall not stand a vehicle so that any portion of the vehicle is within 9 metres of the departure side of—
- (i) a sign inscribed with the words "Bus Stop", or "Hail Bus Here", unless the vehicle is a bus stopped to take up or set down passengers; or
 - (ii) a pedestrian and children's crossing established on any road.

- (e) A person shall not stand a vehicle on a road so that any portion of the vehicle is within 18 metres of—
 - (i) the approach side of a sign inscribed with the words "Bus Stop" or "Hail Bus Here", unless the vehicle is a bus stopped to take up or set down passengers;
 - (ii) the approach side of a pedestrian crossing or children's crossing; or
 - (iii) the approach and departure side of railway crossing.
 - (f) A person shall not stand or park a vehicle so that any portion of that vehicle is on a street verge if a sign on, adjacent or referable thereto, indicates otherwise.
- 13.10 A person shall not permit a vehicle to stand in any part of a street if an Authorised Person or member of the Police Force directs the driver of the vehicle to move it.

13.11 INSPECTION OF PARKING

- (a) An Authorised Person may mark the tyres of a parked vehicle with chalk or any other non-indelible substance for a purpose connected with or arising out of his duties and powers.
 - (b) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such mark is defeated or likely to be defeated.
- 13.12 (a) A vehicle having been parked in a street or in an area where by a sign the standing of vehicles is permitted for a limited time a person shall not—
 - (i) move it to any position within the same parking area;
 - (ii) by arrangement with any person either exchange the space used by the vehicle for space in the same or another area used by another vehicle or occupy a space in the same or another area previously occupied by another vehicle;so that the total time of parking exceeds the maximum time allowed for parking in the space first occupied by the vehicle.
- (b) A vehicle having been parked in a street where parking is restricted as to time a person shall not park the vehicle again in the street on that day unless it has first been removed from the street for at least 2 hours.
- 13.13 (a) A person shall not park a vehicle or any combination of vehicles that together with any projection on, or load carried by the vehicle or combination of vehicles is more than 8 metres in length, on a carriageway for a period exceeding 1 hour.
- (b) Nothing in these By-laws mitigates the limitations or conditions imposed by any other By-law or by any traffic sign relating to the parking or standing of vehicles.

13.14 A person shall not—

- (a) park a commercial vehicle or trailer or allow a commercial vehicle or trailer to remain stationary on a street verge for more than 4 hours consecutively or for more than 4 hours in a day unless in between each period that the commercial vehicle or trailer is parked or allow to remain stationary in the street it has been removed from the street for at least 2 hours; or
 - (b) on a street verge repair, service or clean a commercial vehicle.
- 13.15 (a) A person shall not park or stand a vehicle within the parking region on land that is not a street or a parking facility without the consent of the owner or occupier of the land.
- (b) For the purposes of these By-laws where the owner or occupier of the land has erected signs on portion of the land set aside for the parking of vehicles displaying restrictions concerning the classes of persons who may stand or park vehicles or the time within which vehicles may be stood or parked on that portion of land a person who stands or parks a vehicle otherwise than in compliance with the sign shall be deemed not to have the consent of the owner or occupier of the land so to stand or park the vehicle.
- 13.16 (a) A person except an employee of the Council in the course of that person's duties shall not drive or park a vehicle upon or over any portion of a reserve other than a paved area specifically set aside for that purpose.
- (b) A person shall not park a vehicle on any part of a reserve, including any paved areas, for the purposes of conducting a business.

13.17 The Council, Clerk, or an Authorised Person may permit a person who requires a space in an area where by a sign the standing of vehicles is permitted for a limited time in order to carry out urgent, essential or official duties to occupy such space with a vehicle for a longer time than the maximum period prescribed by the sign or from time to time provided such permission does not contravene the Road Traffic Code and may prohibit the use of such space by any other vehicle during such time.

Division 4—Removal of Vehicles

13.18 A person shall not stand or park a vehicle so as to cause obstruction to traffic in a street or public place. A vehicle shall be regarded as causing obstruction if it interferes with the lawful movement of traffic on any street or other public place or has been unlawfully parked or left standing on any street or other public place for more than 24 hours whether or not it interferes with the lawful movement of traffic.

13.19 For the purposes of this Part of these By-laws a vehicle that is stood or parked in a portion of a street or public place wherein vehicles may lawfully be stood or parked is not obstructing if it is so stood or parked in contravention of the limits as to time imposed by the Municipality with respect to that portion of the street or public place.

13.20 Where an Authorised Person or a member of the Police Force finds a vehicle stood or parked contrary to the provisions of clauses 13.6, 13.7, 13.8 or 13.9 of these By-laws so as in the opinion of that person to cause an obstruction, the Authorised Person or a member of the Police Force may remove the vehicle to a specified place and may use such force as is necessary to enter the vehicle for the purpose of so removing it.

13.21 The Council may appoint any person as an Authorised Person for the purposes of this Part of these By-laws and for the purpose of this Part the term Authorised Person shall include an Authorised Officer.

13.22 The provisions of Division 2 of Part XIV shall apply to any vehicle removed under this Part.

Division 5—Miscellaneous

13.23 An Authorised Person shall be furnished with a certificate of appointment in a form determined by the Council from time to time.

13.24 A person who is not an Authorised Person shall not in any way assume the duties of an Authorised Person.

13.25 A person shall not in any way obstruct or hinder an Authorised Person in the execution of that person's duty.

13.26 DEMANDING NAME AND ADDRESS

13.26.1 An Authorised Person or member of the Police Force who finds a person committing or who on reasonable grounds suspects a person of having committed a breach of the provisions of this Part of these By-laws, may demand from the person that person's name and place of abode.

13.26.2 A person who refuses to state his or her name and place of abode, or who states a false name or place of abode, on demand being so made, commits an offence.

13.27 An infringement notice may be given in accordance with the provisions of Division 3 of Part XIV in respect of an offence under this Part in respect of which the use, driving, parking, standing or leaving of a vehicle is an element.

13.28 A person, other than the driver of the vehicle, shall not remove from the vehicle any notice thereto or left therein or thereon by an Authorised Person or a member of the Police Force.

13.29 A person shall not—

- (a) without the authority of the Council mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of this Part of these By-laws;
- (b) remove, deface or misuse a sign or property erected or provided under this Part or any part thereof, or attempt to do any such act;
- (c) without the permission of the Council affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign erected under this Part.

13.30 An inscription on a sign operates and has effect according to its tenor and a person contravening the direction of a sign commits an offence under these By-laws.

13.31 FURTHER PROVISIONS IN RELATION TO SIGNS

13.31.1 A sign marked, erected, established or displayed on or near a road and purporting to be a parking control sign is, in the absence of evidence to the contrary presumed to be a sign marked, erected, established or displayed under the authority of these By-laws.

13.31.2 The first three letters of any day of the week when used on a sign indicate that day of the week.

13.31.3 A sign associated with a no parking area, no standing area or parking area or a sign of a kind referred to in these By-laws is limited in its operation and effect in respect of days, periods of the day, classes of persons, classes of vehicle, or circumstances to the extent, if any, shown on the sign.

13.32 An Authorised Person appointed by the Council from time to time is hereby authorised by the Council to—

- (a) carry into effect the provisions of these By-laws;
- (b) report to the Council on the working effectiveness and functioning of these By-laws;
- (c) recommend to the Council the institution of prosecutions; and
- (d) institute and conduct prosecutions as directed by the Council or the Clerk from time to time.

PART XIV—ENFORCEMENT OF BY-LAWS

Division 1—Appointed Officers and Persons

14.1 The Council may appoint a person as an Authorised Person for the purposes of any Part of these By-laws and a person shall not hinder or interfere with an Authorised Person in the course of that person's duties.

14.2 IDENTIFICATION

An Authorised Person or an Authorised Officer shall on demand show an identification of that person as such.

14.3 APPLICATION

The provisions of this Part relating to councils shall not affect the operation of Part XX of the Act.

Division 2—Impounding

14.4 Where an Authorised Person places an animal or vehicle in a municipal depot, public pound, or other place set aside for that purpose, the animal or vehicle shall thereafter be dealt with according to law.

14.5 Every vehicle or animal seized under these By-laws shall be entered in a register, provided by the Council for that purpose, details of the time and date, a description of the vehicle or animal, and of the place from which it was removed and shall notify the Clerk who shall exhibit on the notice board of the Council notification that a vehicle or animal therein described has been taken into custody and shall, unless the vehicle or animal is sooner recovered, keep that notification exhibited for a period of not less than 7 days.

14.6 A person may recover a seized vehicle or animal from custody by paying to the Clerk:

- (a) the cost incurred by the Council in removing the vehicle or animal to the place appointed by the Clerk for that purpose; and
- (b) the sum specified in Part J of Schedule 3 per day for each part of a day that the vehicle or animal has remained in that place, and upon payment of that cost and charge the Clerk, if satisfied that the person is the owner of the vehicle or animal or is a person entitled to possession of the vehicle or animal, shall permit that person to remove it.

14.7 Where a vehicle or animal, taken into custody has not been recovered by the owner or a person entitled thereto within 1 month from the day upon which it was taken into custody the Council may cause the vehicle or animal to be offered for sale by public auction or by public tender and thereupon accept the best offer made, and where no offer is made for the purchase of the vehicle or animal the Council may cause it to be destroyed or otherwise disposed of to the best possible advantage.

14.8 The proceeds of the sale of a vehicle or animal under the provisions of Clause 14.7 of this Part shall be applied by the Council—

- (a) firstly, in meeting the costs of the sale; and
- (b) secondly, in meeting the cost of taking and maintaining the vehicle or animal in custody, and the sum specified in Part J of Schedule 3 per day for each day or part of a day that the vehicle or animal remains in that place; and those sums shall be paid into the Municipal Fund.

14.9 SURPLUS MONEYS

14.9.1 Any surplus of the proceeds of the sale shall be paid by the Council into its Trust Fund, and may be paid within 10 years to any person who satisfies the Council that that person was the owner of the vehicle or animal at the time of its sale by the Council.

14.9.2 Any surplus of the proceeds of the sale may, if not paid to the owners within 10 years, be paid into the Municipality Fund on the condition that the Council shall repay it from that Fund to a person claiming and establishing his right to the repayment.

14.10 A person is not entitled to any claim, by way of damages or otherwise against the Authorised Person, member of the Police Force, the Council or the Municipality in respect of any vehicle or animal seized and dealt with under the provisions of these By-laws or against any person who purchases a vehicle or animal sold by the Council under the provisions of clause 14.7.

Division 3—Infringement Notices

14.11 An infringement notice in respect of an offence under these By-laws in respect of which the use, driving, parking, standing or leaving of a vehicle or animal is an element:

- (a) may be given under Section 669C(2) of the Act and shall be in or to the effect of Form 1 in Schedule 7;
- (b) may be given under Section 669D(1) of the Act and shall be in or to the effect of Form 2 in Schedule 7;
- (c) may be given under Section 669D(2) of the Act and shall be in or to the effect of Form 3 in Schedule 7.

14.12 A notice sent under Section 669D(5) withdrawing an infringement notice shall be in or to the effect of Form 4 in Schedule 7.

Division 4—General Offence and Penalty Provisions

14.13 GENERAL PENALTY PROVISION

14.13.1 Any person failing to do any act directed to be done, or doing any act forbidden to be done by these By-laws, or any notice or order under these By-laws commits an offence.

14.13.2 The maximum penalty in respect of any offence involving parking at a parking meter or parking at or the use of a parking station or parking facility or for any other breach of a By-law under section 231 of the Act shall be \$80.00.

14.13.3 Subject to clause 14.13.2, any person who commits an offence under these By-laws shall be liable, if no other penalty is imposed, to:

- (a) a minimum penalty of \$50.00 and a maximum penalty of \$500.00; and
- (b) in addition, if the Court thinks fit, a minimum daily penalty of \$10.00 per day and a maximum daily penalty of \$50.00 per day.

14.14 Any minimum penalty or minimum daily penalty referred to in subclause 14.13.2 shall increase in severity by one-tenth for each successive breach of the same provision by the same offender.

14.15 The imposition of any penalty pursuant to these By-laws shall not be inconsistent with or repugnant to any of the provisions of the Act or any other law in force.

14.16 SEIZURE OF ARTICLES UNDER PART IV

An Authorised Person may in or on any place to which Part IV applies, seize any device used for surf riding, including a surfski, surfboard, malibu board, or boat where the device is being used contrary to the provisions of these By-laws.

14.17 Any device of the kind referred to in clause 14.16 may be impounded after seizure for any period not exceeding three (3) months as may be specified by the Authorised Officer to the person having the custody of such device immediately prior to the time seizure.

14.18 Where such device is not claimed by the owner thereof within 2 months after the expiration of the period for which the device was impounded, the device may be sold by the Council and the proceeds of such sale may be applied towards recouping the costs of and incidental to impounding it.

14.19 Where the costs referred to in clause 14.18 exceed the cost of the impoundment then the excess shall be paid to the owner of the device or where the identity or whereabouts of that owner are unknown placed in a trust fund and dealt with in accordance with the provisions of Section 526 of the Act.

Division 5—General

14.20 No person shall, without the authority of the Council, mark, set up or exhibit any sign purporting to be or resembling a sign marked, set up or exhibited by the Council under the authority of these By-laws.

14.21 The Council shall not be liable or be held responsible for any injury, accident, loss, or damage whatsoever which occurs to or is sustained by any person, or any damage or loss to any private property, while on any public park, land, or public reserve or other public place whatsoever under the care, control and management of the Council except in the case of negligence or breach of statutory duty by the Council.

SCHEDULE 1

FORM 1

CITY OF COCKBURN

APPLICATION TO CONDUCT ACTIVITIES ON BEACHES AND RESERVES—LICENCE

NAME: PHONE:(H) (W)

ADDRESS:

RESERVE REQUIRED:

*SOCIAL BOOKING:

ACTIVITY:

DATE:

FROM a.m./p.m. to a.m./p.m. GROUND HIRE CHARGE \$

*SEASONAL BOOKING:

ACTIVITY:

DAY/S	PURPOSE: TRAINING/COMPETITION	FROM: a . m . / p.m.	TO: a.m./p.m.
-------	----------------------------------	----------------------------	------------------

MONDAY

TUESDAY

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

SUNDAY

NUMBER OF TEAMS/PLAYERS: SNR:

JNR:

GROUND REQUIRED—FROM:

TO:

GROUND HIRE CHARGES: \$

NUMBER IN PARTY:

ADULTS:

CHILDREN:

I accept responsibility for ensuring compliance with Part IV of City of Cockburn (Local Government Act) By-laws

APPLICANT'S SIGNATURE:

DATE:

OFFICE USE ONLY:

Received by:

DATE:

AUTHORISED OFFICER:

LICENCE: APPROVED/NOT APPROVED

If applicable conditions of use:

CITY MANAGER/TOWN CLERK

DATE:

FORM 2

CITY OF COCKBURN

APPLICATION TO CONDUCT ACTIVITIES ON BEACHES AND RESERVES—LICENCE TO
HIRE OR SELL

NAME: PHONE:(H) (W)

ADDRESS:

You are hereby licensed to *hire or sell—+

on the Reserve known as and more particularly described as Reserve No. or
for a period of months from the date hereof and under the following conditions:—
1.

FEE PAYABLE: \$

*STRIKE OUT WHICHEVER IS NOT APPLICABLE

+DESCRIBE GOODS, MERCHANDISE, EQUIPMENT ETC.

APPLICANT'S SIGNATURE:

DATE:

CITY MANAGER/TOWN CLERK

DATE:

FORM 3

CITY OF COCKBURN

APPLICATION FOR EXCAVATION LICENCE

NAME: PHONE:(H) (W)
ADDRESS:
ADDRESS AND LOCALITY OF PROPOSED EXCAVATION SITE:
LAND DESCRIPTION:
LOT NO: LOCATION NO:
PLAN OR DIAGRAM NO:
CERTIFICATE OF TITLE—VOLUME: FOLIO:
OWNER OF THE LAND:
ADDRESS OF OWNER:
MATERIAL TO BE EXCAVATED:
TERM OF LICENCE SOUGHT:

SUBMITTED WITH THIS APPLICATION ARE:

1. LICENCE/RENEWAL FEE OF \$
2. SITE PLANS (FOUR COPIES)
3. EXCAVATION PROGRAMME (FOUR COPIES)
4. REHABILITATION PROGRAMME (FOUR COPIES)

APPLICANT'S SIGNATURE

DATE

FORM 4

CITY OF COCKBURN

APPLICATION FOR CARAVAN PARK REGISTRATION

NAME OF APPLICANT:
ADDRESS OF APPLICANT:
TELEPHONE:

NAME OF OWNER:
ADDRESS OF OWNER:
TELEPHONE:

SITUATION OF PROPOSED CARAVAN PARK:
TOTAL AREA OF CARAVAN PARK:
NUMBER OF CARAVAN SITES:

SUBMITTED WITH THE APPLICATION ARE:

1. A scale plan 1:100 showing the position of the caravan park in relation to any adjacent streets, roads, dwellings, streams or sources of water supply.
2. A scale plan 1:100 of the caravan park showing the position of all roads, sites, sanitary conveniences, ablution facilities, laundries, utility rooms, gully traps, drains, fire places, water points, power points, kitchens and any other buildings.
3. Details of the number and designations of closets, urinals, showers, laundries and hand wash basins.
4. A schedule of materials to be used and method of construction of all buildings.
5. Details of the provision to be made for water supply, drainage and the temporary storage and the disposal of refuse and rubbish or sewerage effluent and liquid wastes.
6. Details of the provision to be made for fire prevention.

APPLICANT'S SIGNATURE:

DATE:

FORM 5

CITY OF COCKBURN

APPLICATION FOR TRANSFER OF CARAVAN PARK LICENCE

NAME OF TRANSFEROR:

ADDRESS OF TRANSFEROR:

TELEPHONE:

NAME OF OWNER:

ADDRESS OF OWNER:

TELEPHONE:

NAME OF TRANSFEREE:

ADDRESS OF TRANSFEREE:

TELEPHONE:

SITUATION OF THE CARAVAN THE SUBJECT OF TRANSFER:

TOTAL AREA OF CARAVAN PARK:

NUMBER OF SITES:

SIGNED BY TRANSFEROR:

DATE:

SIGNED BY TRANSFEREE:

DATE:

—

FORM 6

CITY OF COCKBURN

APPLICATION FOR HOLIDAY ACCOMMODATION REGISTRATION/RENEWAL

NAME OF APPLICANT:

ADDRESS OF APPLICANT:

TELEPHONE:

NAME OF OWNER:

ADDRESS OF OWNER:

TELEPHONE:

SITUATION OF PROPOSED HOLIDAY ACCOMMODATION:

TOTAL AREA OF LAND:

NUMBER OF HOLIDAY UNITS:

SUBMITTED WITH THE APPLICATION ARE:

1. A scale plan 1:100 showing the layout of the various units, road design, sanitary and ablution facilities, plumbing and drainage details and an electrical diagram.
2. A schedule of materials to be used and method of construction of all buildings.
3. Details of fire prevention.

APPLICANT'S SIGNATURE:

DATE:

FORM 7

CITY OF COCKBURN

APPLICATION FOR TRANSFER OF HOLIDAY ACCOMMODATION LICENCE

NAME OF TRANSFEROR:
ADDRESS OF TRANSFEROR:
TELEPHONE:

NAME OF OWNER:
ADDRESS OF OWNER:
TELEPHONE:

NAME OF TRANSFEREE:
ADDRESS OF TRANSFEREE:
TELEPHONE:

SITUATION OF HOLIDAY ACCOMMODATION THE SUBJECT OF TRANSFER:
TOTAL AREA OF LAND:
NUMBER OF HOLIDAY UNITS:

SIGNED BY TRANSFEROR:

DATE:

SIGNED BY TRANSFEREE:

DATE:

FORM 8

CITY OF COCKBURN

APPLICATION FOR HAWKER'S LICENCE

NAME OF APPLICANT:
ADDRESS OF APPLICANT:
TELEPHONE:

DESCRIPTION OF GOODS, WARES OR MERCHANDISE THE APPLICANT REQUIRES TO HAWK:

TYPE OF VEHICLE TO BE USED:

TERM OF LICENCE SOUGHT:

LICENCE TO COVER WHOLE OF THE DISTRICT OR PART:

if part then area shall be nominated)

Every application for a hawker's licence (other than a renewal) must be accompanied by a Certificate signed by two Justices of the Peace certifying that the applicant is of good character and reputation, and is a fit person to exercise the trade of a hawker.

APPLICANT'S SIGNATURE:

DATE:

FORM 9

CITY OF COCKBURN

APPLICATION FOR STALLHOLDER'S LICENCE

NAME OF APPLICANT:
ADDRESS OF APPLICANT:
TELEPHONE:

DESCRIPTION OF GOODS, WARES OR MERCHANDISE THE APPLICANT DESIRES TO SELL:

LOCATION OF THE STALL:

TERM LICENCE SOUGHT:

APPLICANT'S SIGNATURE:

DATE:

FORM 10

CITY OF COCKBURN

APPLICATION FOR TRADER'S LICENCE

NAME OF APPLICANT:
ADDRESS OF APPLICANT:
TELEPHONE:

NUMBER OF ASSISTANTS:
ASSISTANT'S NAME:
ADDRESS:
NAME:
ADDRESS:

TRADING LOCATION:

DAYS AND HOURS OF TRADING:

DESCRIPTION OF GOODS, WARES, MERCHANDISE OR SERVICE:

APPLICANT'S SIGNATURE:

DATE:

NOTE TO APPLICANT:

1. An accurate plan and description of any proposed stand, table, structure or vehicle which may be used for trading.

FORM 11

CITY OF COCKBURN

APPLICATION FOR TRANSFER OF HAWKERS STALLHOLDERS OR TRADERS LICENCE

I _____ of _____ the holder of a current
licence to operate within the City of Cockburn for the sale of
hereby make application to transfer this licence to _____ of _____.

Dated the _____ day of _____ 199 .

SIGNATURE OF TRANSFEROR

FORM 12

CITY OF COCKBURN

APPLICATION FOR SIGNS AND HOARDINGS—LICENCE

NAME OF APPLICANT:
ADDRESS OF APPLICANT:
TELEPHONE:

NAMES OF LAND OWNER:
ADDRESS OF LAND OWNER:
TELEPHONE:

I hereby apply for a licence to erect and/or maintain a
sign on Lot

No. _____ Street
in accordance with the attached plan and details in duplicate

APPLICANT'S SIGNATURE:

DATE:

FORM 13

CITY OF COCKBURN

APPLICATION TO TRANSFER EXTRACTIVE INDUSTRIES—LICENCE

NAME OF TRANSFEROR:

ADDRESS OF TRANSFEROR:

TELEPHONE:

ADDRESS AND LOCALITY OF CURRENT EXCAVATION SITE:

LAND DESCRIPTION:

LOT NO:

LOCATION NO:

PLAN OR DIAGRAM NO:

CERTIFICATE OF TITLE VOLUME:

FOLIO:

OWNER OF LAND:

ADDRESS OF OWNER:

TELEPHONE:

NAME OF TRANSFEREE:

ADDRESS OF TRANSFEREE:

TELEPHONE:

SIGNED BY TRANSFEROR:

DATE:

SIGNED BY TRANSFEREE:

DATE:

FORM 14

CITY OF COCKBURN

APPLICATION TRANSFER SIGN LICENCE

NAME OF TRANSFEROR:

ADDRESS OF TRANSFEROR:

TELEPHONE:

NAME OF TRANSFEREE:

ADDRESS OF TRANSFEREE:

TELEPHONE:

LOCATION OF SIGN:

LICENCE NO.:

SIGNED BY TRANSFEROR:

DATE:

SIGNED BY TRANSFEREE:

DATE:

FORM 15

CITY OF COCKBURN

APPLICATION TO CONDUCT ACTIVITIES IN STREETS OR PUBLIC PLACES—LICENCE

NAME OF APPLICANT:

ADDRESS OF APPLICANT:

TELEPHONE:

LAND DESCRIPTION:

LOT NO:

LOCATION NO:

PLAN OR DIAGRAM NO.:

CERTIFICATE OF TITLE VOLUME:

FOLIO:

PURPOSE OF APPLICATION:

SUBMITTED WITH APPLICATION

1. A plan showing details of the street lawn and/or garden.

2. A schedule of materials to be used as well as the type of plants or shrubs to be planted.

APPLICANT'S SIGNATURE:

DATE:

OFFICE USE ONLY

Received by: Date:.....

AUTHORISED OFFICER

LICENCE: APPROVED/NOT APPROVED

If applicable conditions:

CITY MANAGER/ TOWN CLERK

DATE:

SCHEDULE 2

FORM 1

CITY OF COCKBURN

EXCAVATION LICENCE

LICENCE HOLDER:

ADDRESS:

TELEPHONE:

LAND DESCRIPTION:

LOT NO:

LOCATION NO:

PLAN OR DIAGRAM NO:

CERTIFICATE OF TITLE—VOLUME:

FOLIO:

MATERIAL TO BE EXCAVATED:

TERM OF LICENCE:

CONDITIONS (IF ANY):

This licence is issued in accordance with the City of Cockburn (Local Government Act) By-Laws upon and subject to the following conditions:

DATED this day of 19

.....
CITY MANAGER/TOWN CLERK

FORM 2

CITY OF COCKBURN

CERTIFICATE OF REGISTRATION—CARAVAN PARK

NAME OF LICENSEE:

ADDRESS OF LICENSEE:

TELEPHONE:

SITUATION OF CARAVAN PARK:

TOTAL AREA OF CARAVAN PARK:

NUMBER OF CARAVAN SITES:

CONDITIONS (IF ANY):

.....
CITY MANAGER/TOWN CLERK

DATE:

FORM 3

CITY OF COCKBURN

CERTIFICATE OF REGISTRATION—HOLIDAY ACCOMMODATION

NAME OF LICENSEE:

ADDRESS OF LICENSEE:

TELEPHONE:

SITUATION OF HOLIDAY ACCOMMODATION:

MAXIMUM NUMBER OF HOLIDAY UNITS:

CONDITIONS (IF ANY):

.....
CITY MANAGER/TOWN CLERK

DATE:

FORM 4

CITY OF COCKBURN

NOTICE REQUIRING REMOVAL OF RUBBISH REFUSE OR DISUSED MATERIAL FROM
PRIVATE LAND

TO:

DATE:

The City of Cockburn whose public office is situated at 9 Coleville Crescent, Spearwood, Western Australia HEREBY GIVES YOU NOTICE that you being the owner/occupier of within the municipal district of the City of Cockburn have permitted rubbish, refuse or other disused material to remain on the aforesaid property.

AND FURTHER TAKE NOTICE if you have not within seven (7) days after the service of this Notice complied with the requirement to the satisfaction of the Council, the Council will remove the rubbish, refuse or other disused material without payment of compensation and recover the expense incurred in a court of competent civil jurisdiction.

Dated this

day of

19

.....
CITY MANAGER/TOWN CLERK

FORM 5

CITY OF COCKBURN

LICENCE CERTIFICATE OF REGISTRATION—HAWKER'S/STALLHOLDER'S/TRADER'S LI-
CENCE

NO:

NAME OF LICENSEE:

ADDRESS OF LICENSEE:

TELEPHONE:

EXPIRY DATE OF LICENCE:

LOCATION OF LICENCE:

*HAWKER'S LICENCE:

*STALLHOLDER'S LICENCE:

*TRADER'S LICENCE:

.....
CITY MANAGER/TOWN CLERK

DATE:

*strike out whichever is not applicable.

FORM 6

CITY OF COCKBURN

SIGN/HOARDING LICENCE

NO

DATE:

This licence is granted to
of
in respect of a

on premises known as No. in accordance with application No. and subject to the city of Cockburn (Local Government Act) By-laws. This licence shall remain valid unless any alteration is made to the sign, then in such event the licensee must apply for a new licence. If this licence is issued in respect of a hoarding on a for sale or a promotional sign the licence expires on 19

LICENCE FEE:

.....
CITY MANAGER/TOWN CLERK

SCHEDULE 3

PART A

CITY OF COCKBURN

EXCAVATION FUND—CALCULATION OF FEES PAYABLE AS A CONDITION OF EXCAVATION LICENCE

REHABILITATION BOND

1. Where it is proposed to excavate sand or similar fine grained material: the rehabilitation bond shall be calculated at a rate of \$3,000.00 per hectare or part thereof of area of excavation to be excavated annually.
2. Where it is proposed to excavate stone, gravel or other aggregate: the rehabilitation bond shall be calculated at a rate of \$5,000.00 per hectare or part thereof of area of excavation to be excavated annually.

PART B

EXCAVATION LICENCE APPLICATION AND TRANSFER FEES

LICENCE AND RENEWAL FEES

1. Where the overall area of excavation is less than 5 hectares: \$400.00 per annum payable annually during the currency of the licence.
2. Where the overall area of excavation is greater than 5 hectares: \$750.00 per annum payable annually during the currency of the licence.

TRANSFER LICENCE FEE

Where an excavation licence is to be transferred an application fee of \$200.00 shall be paid with the application to transfer licence.

PART C

CAMPING AND CARAVAN PARKING FEES

1. Camping per day \$10.00
2. Caravan parking per day \$30.00

PART D

CARAVAN PARK AND TRANSIT CARAVAN PARK REGISTRATION FEE

1. For each caravan site per annum \$5.00
*Minimum Licence Fee of \$250.00
2. For each transit caravan site \$5.00 per annum
*Minimum Licence Fee of \$250.00

PART E

HOLIDAY ACCOMMODATION REGISTRATION FEE

1. For each unit of holiday accommodation \$5.00
*minimum charge of \$250.00

PART F

HAWKER'S AND STALLHOLDER'S LICENCE APPLICATION AND RENEWAL FEES

1. Hawker's licence Maximum Fee in accordance with the Act.
2. Stallholder's licence Licence Fee \$50.00 on initial issue and renewal.

Additional charge on initial issue and renewal:

Bibra Lake Car Park Area

Per Weekend: \$10.00 (General)

Per Year: \$260.00

Additional charge for other than the weekend operators at Bibra Lake:

Per Day: \$40.00

Per Month: \$100.00

Per Year: \$1,000.00

3. Trader's Licence Licence Fee \$50.00 on initial issue and renewal.

Additional charge on initial issue and renewal:

Per Day: \$40.00

Per Month: \$110.00

Per Year: \$1,000.00

4. Transfer of Licence/Administration Fee \$20.00

PART G

CLEANING DEPOSIT PAYABLE ON HIRE OF COUNCIL PROPERTY

As adopted by Council from time to time.

PART H

SIGN LICENCE/ADVERTISING APPLICATION FEES

1.	For sale/leasing sign exceeding 0.5 square metres	\$50.00
2.	Development signs	\$100.00
3.	Display home signs	\$100.00
4.	A hoarding—per annum	\$60.00
5.	Horizontal sign	\$30.00
6.	Illuminated sign:	
	(a) on a roof—\$5.00 per square metre with a minimum of \$50.00	
	(b) under a verandah—\$30.00	
	(c) any other—\$30.00	
7.	A pylon sign or tower sign	\$30.00
8.	A sign other than a pylon sign or an illuminated sign	\$50.00
9.	Rural producer's sign	\$30.00
10.	Sign panel	\$30.00

PART I

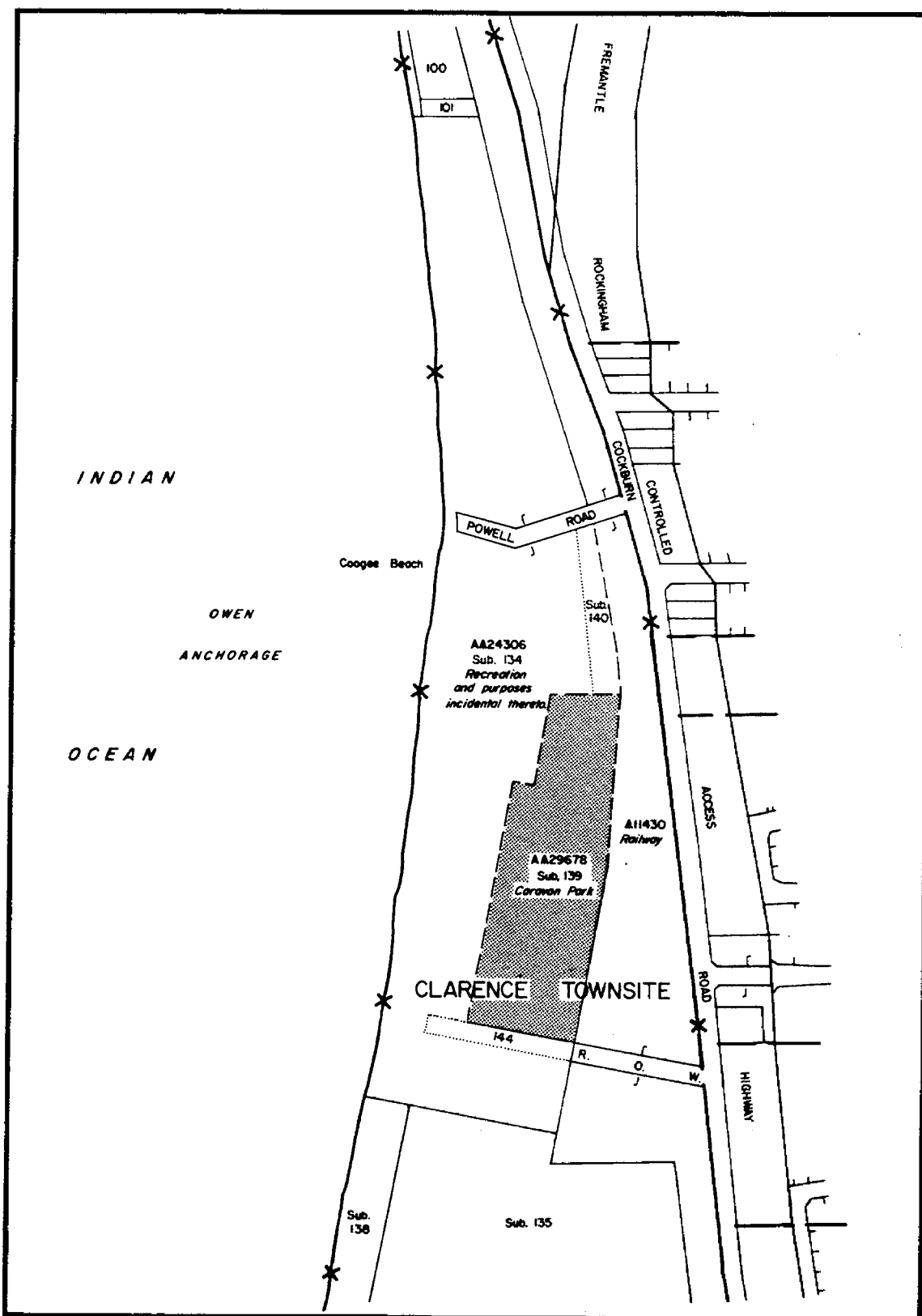
Deposit upon application for Council permission for a vehicle to cross a kerb or footpath—\$500.00

PART J

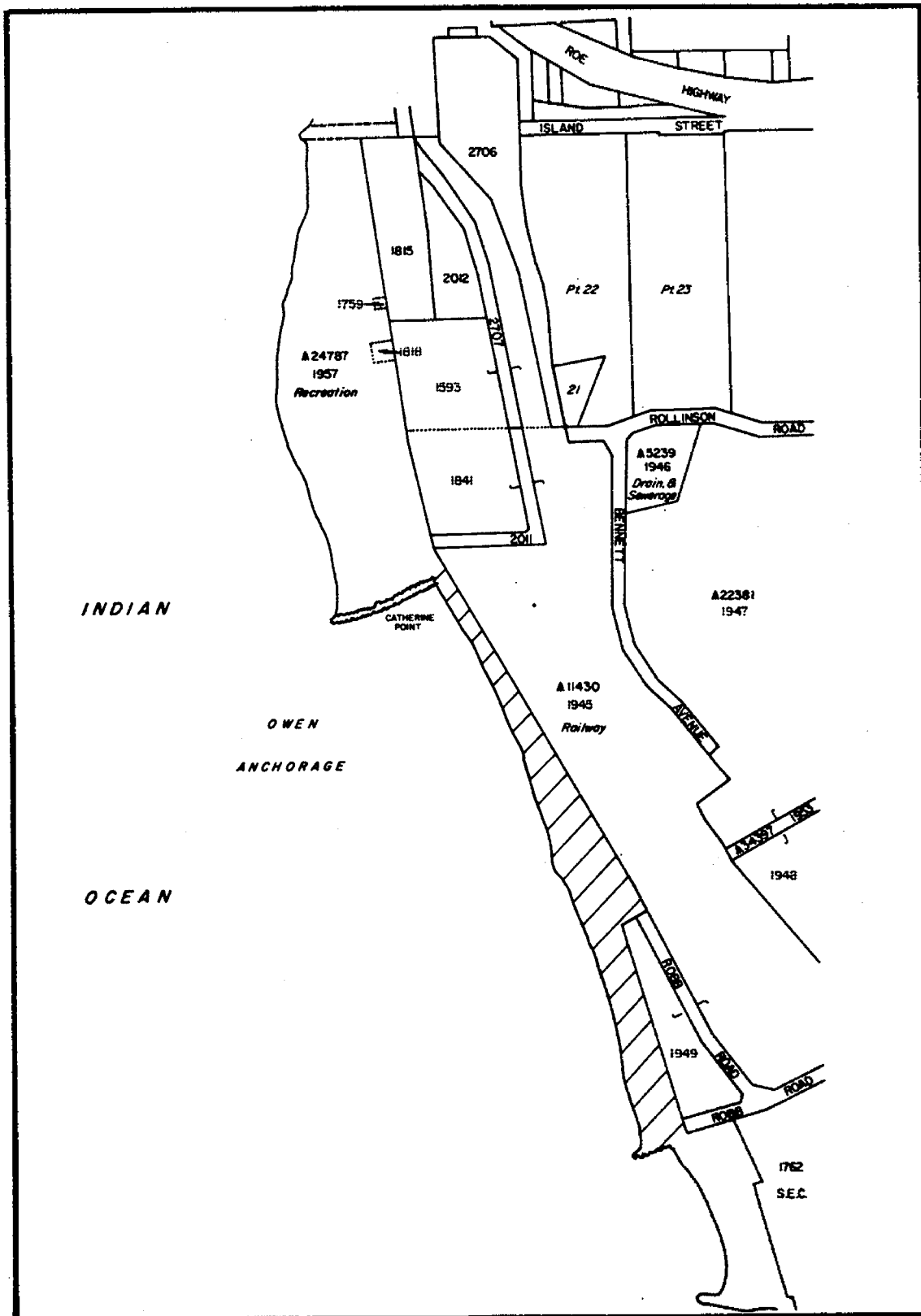
IMPOUNDING CHARGES—VEHICLES AND ANIMALS

1. In case of an impounded vehicle per day or part thereof \$5.00
2. In case of an impounded animal as per schedule of fees adopted by Council from time to time.

SCHEDULE 4



CLAUSE 1.5 (C)



SCHEDULE 5

PART A

RESIDENTIAL FENCING

1. Dividing fence alongside boundary:

For a distance of 7.6 metres from the street alignment the fence shall comprise either link mesh or other approved material extending to a height of not more than 1.1 metres above the ground.

Thereafter the fence shall be as follows:

Front corner posts shall be 125 millimetres x 125 millimetres x 1.8 metres and rear corner posts shall be 125 millimetres x 125 millimetres x 2.1 metres and immediate posts shall be 125 millimetres x 75 millimetres x 2.1 metres all spaced at not more than 2.7 metre centres.

All posts shall have tops with 38 millimetres weather and shall be sunk at least 600 millimetres into the ground.

Corner posts shall be strutted two ways with 100 millimetres x 50 millimetres soles and 75 millimetres x 50 millimetres struts.

Posts shall be checked for two rows of rails.

Rails shall be 75 millimetres x 50 millimetres each rail spanning two bays of fencing with joints staggered.

The fence shall be covered with 75 millimetres x 19 millimetres x 1.5 metres sawn pickets or palings.

All pickets or palings shall be placed 75 millimetres apart and shall be double nailed to each rail.

2. Dividing fence along rear boundary:

Corner posts shall be 125 millimetres x 125 millimetres x 2.1 metres and immediate posts shall be 125 millimetres x 75 millimetres x 2.1 metres spaced at not more than 2.7 metre centres.

All posts shall have tops with 38 millimetres weather and shall be sunk at least 600 millimetres into the ground.

Corner posts shall be strutted two ways with 100 millimetres x 50 millimetres soles and 75 millimetres x 50 millimetres struts.

Immediate posts shall be double yankee strutted with 150 millimetres x 25 millimetres x 450 millimetres struts.

Posts shall be checked for two rows of rails.

Rails shall be 75 millimetres x 50 millimetres each rail spanning two bays of fencing with joints staggered.

Fence shall be covered with 75 millimetres x 19 millimetres x 1.5 metre sawn pickets or palings placed 75 millimetres apart, double nailed to each rail.

PART B

RURAL FENCING

The fence shall be erected from sawn, split or round wooden posts set not less than 600 millimetres in the ground and not less than 1.2 metres out of the ground and spaced not more than 3.6 metres apart with strainer posts set 1.1 metres in the ground and suitably and securely strutted at all corners, gateways and fence line angles but not exceeding 200 metres apart. Each fence post shall be boxed with not less than five 12 millimetres suitably spaced holes, to be threaded with not less than five plain galvanised wires. Wire shall be wrapped around strainer and strained tight.

The following materials shall be used:

- (a) Wire—shall be high tensile wire and not less than 2.5 millimetres diameter.
- (b) Posts—if a paperbark, jam, white gum, jarrah or other indigenous timber be cut not less than 1.8 metres long by 100 millimetres in diameter at small end if round or 125 millimetres x 62 millimetres if split or sawn.
- (c) Strainer Posts—not less than 2.3 metres long and 150 millimetres in diameter at small end shall be cut from indigenous timber.
- (d) Barbed Wire—a barbed wire may be affixed along the top of the fence or on the inside of such fence.

PART C

Conditions for caravans and annexes to be permitted in caravan parks:

1. Siting of caravans.

- (a) Setback from the side and rear boundaries of the caravan bay to be a minimum of 2.5 metres.
- (b) Private sheds and barbecues are not permitted in the vicinity of caravans. Barbecues may be used in designated recreation areas only.
- (c) A common storage area may be provided by the caravan park proprietor in a place approved by the Council.

2. Annexes

- (a) Annexes must be of light construction, capable of being easily dismantled and moved by one or two persons.
- (b) Type of construction allowable:
 - (i) Conventional folded welded plastic or canvas type with supporting poles and frames.
 - (ii) Prefabricated construction consisting of:
 - walls of lightweight easy to erect rigid modular panels, maximum width of 1.3 metres. Panels are to be clad in caravan type prepainted aluminium sheeting or vinyl inserts, framed and supported by extruded aluminium section channelled T-bar or angle configuration secured by metal thread type screws or gutter bolts.
 - (iii) Roof, either:
 - A welded plastic sheeting over horizontal metal supports on frame;
 - B self supporting lightweight rigid modular panels, maximum width 1.3 metres. Panels are to be clad in caravan type prepainted aluminium sheeting on vinyl inserts and framed and supported by extruded aluminium section channelled T-bar or angle configuration, secured by metal thread type screws or gutter bolts.
- (c) Annexes shall have a maximum width of 3.2 metres, the annexe not to project beyond the roof and alignment of the caravan.
- (d) Restricted to one per caravan.

3. Structures Other Than Caravans and Annexes

- (a) Structures other than annexes to be subject to Council approval.
- (b) A Park Home comprising two vehicles shall not have any other annexed structure.
- (c) Metal jacks supporting timber framed floors shall be heavy duty and adjustable steel jack legs, purpose designed to adequately support the floor, which shall be independent of the caravan.

SCHEDULE 6

TABLE 1

HORIZONTAL SIGN DIMENSIONS

MINIMUM DISTANCE OF SIGN ABOVE STREET

MAXIMUM DEPTH OF SIGN

Less than 7.6 metres	610 millimetres
7.6 metres to 9.1 metres	760 millimetres
9.1 metres to 12 metres	910 millimetres
More than 12 metres (if there is no roof sign on building)	4.5 metres

TABLE 2

ROOF SIGN DIMENSIONS

HEIGHT OF MAIN BUILDING ABOVE GROUND LEVEL AT POINT WHERE SIGN IS TO BE ERECTED

MAXIMUM HEIGHT OF SIGN

3.7 metres and under 4.5 metres	1.2 metres
4.5 metres and under 6 metres	1.8 metres
6 metres and under 12 metres	3 metres
12 metres and under 18 metres	4.5 metres
18 metres and upward	6 metres

TABLE 3

CLOCK DIMENSIONS

MAXIMUM DIAMETER OF WIDTH OF CLOCK FACE AND DEPTH OF CLOCK INCLUDING LETTERING

2.15 metres and under 3.7 metres	460 millimetres
3.7 metres and under 6 metres	700 millimetres
6 metres and under 12 metres	1.07 metres
12 metres and over	1.52 metres

SCHEDULE 7

FORM 1

CITY OF COCKBURN
9 COLEVILLE CRESCENT
SPEARWOOD 6163

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

TO: SERIAL NO:
DATE:

The owner of vehicle make TYPE:
REGISTRATION NO:

You are HEREBY NOTIFIED that it is alleged that on the day of
the driver or person in charge of the above vehicle did
contrary to the City of Cockburn (Local Government Act) By-Laws.

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

Unless within twenty-one (21) days after the date of the service of this Notice you:

- (a) inform the Town Clerk of the City of Cockburn in writing as to the identity and address
of the person who was the driver or person in charge of the above vehicle at the time of
the offence; or
- (b) satisfy the Town Clerk of the City of Cockburn that the above vehicle had been stolen or
was being unlawfully used at the time of the above offence

YOU WILL IN THE ABSENCE OF PROOF OF THE CONTRARY, BE DEEMED TO HAVE
COMMITTED THE ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED
AGAINST YOU.

Signature of Authorised Officer:
Designation:

FORM 2

CITY OF COCKBURN
9 COLEVILLE CRESCENT, SPEARWOOD 6163

Received the amount printed below
CITY MANAGER/TOWN CLERK

INFRINGEMENT NOTICE

TO:

No:

REGISTRATION NO:

MAKE:

TYPE:

PLACE:

TIME:

a.m./p.m.

DATE:

You are HEREBY NOTIFIED that it is alleged that you have committed a Breach of the City of Cockburn (Local Government Act) By-Laws.

Modified
Offence
Penalty

Offence

Modified
Penalty

If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty-one (21) days after the date of the service of the notice. Unless payment is made within twenty-one (21) days of the date of the service of the Notice Court proceedings may be instituted against you.

Payment may be made either by posting this form together with the amount mentioned above, to the Town Clerk, City of Cockburn or by delivering this form and paying the amount at the Administration Centre, 9 Coleville Crescent, Spearwood 6163 between 8.30 a.m. and 4.30 p.m. Monday to Fridays.

Signature of Authorised Officer:

Designation:

FORM 3

CITY OF COCKBURN 9 COLEVILLE CRESCENT, SPEARWOOD 6163

Received the amount printed below.
CITY MANAGER/TOWN CLERK

INFRINGEMENT NOTICE

TO:

No: Not to be completed where notice is attached to or left in or on vehicle

REGISTRATION NO:

MAKE:

TYPE:

PLACE:

TIME:

a.m./p.m. DATE:

You are HEREBY NOTIFIED that it is alleged that you have committed a Breach of the City of Cockburn (Local Government Act) By-Laws as indicated below by a cross (X).

Modified
Offence
Penalty

Offence

Modified
Penalty

If you do not wish to have a complaint of the above offence heard and determined by a Court you may pay the modified penalty within twenty-one (21) days after the date of the service of the notice. Unless within twenty-one (21) days after the date of service of this Notice:

- (a) inform the Town Clerk, City of Cockburn in writing as to the identity and address of the person in charge of the above vehicle at the time of the offence; or
- (b) satisfy the Town Clerk, City of Cockburn that the above vehicle had been stolen or was being unlawfully used at the time of the above offence

YOU WILL IN THE ABSENCE OF PROOF TO THE CONTRARY, BE DEEMED TO HAVE COMMITTED THE ABOVE OFFENCE AND COURT PROCEEDINGS MAY BE INSTITUTED AGAINST YOU.

Payment may be made either by posting this form together with the amount mentioned above, to the Town Clerk, City of Cockburn or by delivering this form and paying the amount at the Administration Centre, 9 Coleville Crescent, Spearwood 6163 between 8.30 a.m. to 4.30 p.m. Monday to Friday.

Signature of Authorised Officer:

Designation:

FORM 4

CITY OF COCKBURN 9 COLEVILLE CRESCENT, SPEARWOOD

WITHDRAWAL OF INFRINGEMENT NOTICE

TO:

DATE:

INFRINGEMENT NOTICE NO:

DATE:

for the alleged offence of

Modified Penalty \$

is hereby withdrawn.

Signature of Authorised Officer:

Designation:

SCHEDULE 8

ITEM NO.	BY-LAW	OFFENCE	MODIFIED PENALTY \$
1	12.3(j)	Drive or stand a vehicle or animal on any lawn or garden without consent	30.00
2	13.3	Parked on private property	40.00
3	13.6(a)(i)	Parked in an area reserved for vehicles of a different class	35.00
4	13.6(a)(ii)	Restricted parking	35.00
5	13.6(a)(iii)	Parked longer than permitted	25.00
6	13.6(b)(i)	No standing area	40.00
7	13.6(b)(iv)	Vehicle other than a motor cycle parked in an area marked for motor cycles	35.00
8	13.6(c)	No parking area	40.00
9	13.7(a)	Not close and parallel facing wrong way two-way carriageway	35.00
10	13.7(b)	Not close and parallel facing wrong way one-way carriageway	35.00
11	13.7(e)	Obstruction of carriageway	40.00
12	13.9(a)(i)	Double parked	40.00
13	13.9(a)(iii)	Obstruction of entry	40.00
14	13.9(a)(vii)	Parked on or over footpath	40.00
15	13.9(a)(x)	Parked at an intersection	40.00
16	13.9(c)	Within 6m of property line at an intersection	40.00
17	13.9(d)&(e)	Standing in a bus stand	35.00
18	13.9(f)	Verge parking in a prohibited place	35.00
19	13.14(a)	Park a commercial vehicle on street verge	40.00
20	13.16(a)	Standing on public reserve	35.00
21	13.18	Obstruction of street or public place	40.00
22		All other offences not specified	30.00

Dated this 8th day of July 1994.

THE COMMON SEAL of the CITY OF COCKBURN was hereunto affixed in the presence of—

R. A. LEES, Mayor.
R. W. BROWN, Town Clerk.

RECOMMENDED—

P. D. OMODEI, Minister for Local Government.

Approved by His Excellency the Governor in Executive Council this 11th day of October 1994.

M. C. WAUCHOPE, Clerk of the Council.

