



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette



PERTH, FRIDAY, 22 MARCH 2002 No. 51

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

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TOWN OF CAMBRIDGE

LOCAL GOVERNMENT ACT 1995

REPEAL LOCAL LAW

PARKING LOCAL LAW

**LOCAL GOVERNMENT AND PUBLIC
PROPERTY LOCAL LAW**

TRADING IN PUBLIC PLACES LOCAL LAW

PRIVATE PROPERTY LOCAL LAW

ANIMALS LOCAL LAW

HEALTH ACT 1911

HEALTH LOCAL LAW

**HEALTH (FOOD PREMISES)
LOCAL LAW 2001**

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

REPEAL LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Cambridge resolved on 27 March 2001 to make the following Local Law.

PART 1—PRELIMINARY**Title**

1. This local law may be referred to as the *Town of Cambridge Repeal Local Law*.

Objective

2. (1) The purpose of this local law is to repeal those Town of Cambridge local laws made obsolete by new legislation or considered no longer relevant within the Town.
(2) The effect of this local law is to repeal obsolete or outdated local laws within the Town of Cambridge.

Commencement

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

PART 2—REPEAL

4. The following local laws adopted by the Town of Cambridge from the former City of Perth—
Local law No. 6 Noise, published in the *Government Gazette* on 22 November 1974;
Local law No. 12 Inflammable Materials, published in the *Government Gazette* of 7 December 1928;
Local law No. 58 Awnings Over Streets, published in the *Government Gazette* of 6 January 1959;
Local law No. 73 Verandahs over Streets, published in the *Government Gazette* of 15 February 1962;
Local law No. 74 Air Conditioning Units, published in the *Government Gazette* of 8 July 1964;
are repealed on the day this local law comes into operation.

Dated 24th of July 2001.

The Common Seal of the Town of Cambridge was affixed by authority of a resolution of the Council in the presence of—

ROSS J. WILLCOCK, Mayor.
GRAHAM D. PARTRIDGE, Chief Executive Officer.

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LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

PARKING LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Cambridge resolved on 27 March 2001 to make the following Local Law.

PART 1—PRELIMINARY**Title**

1.1 This Local Law may be referred to as the *Town of Cambridge Parking Local Law*.

Objective

1.2 (1) The objective of this local law is to regulate the parking or standing of vehicles in all or specified thoroughfares and reserves under the care, control and management of the Town and to provide for the management and operation of parking facilities provided by the Town.

(2) The effect of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

Commencement

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

Repeal

1.4 The Town of Cambridge local law relating to Parking Facilities published in the *Government Gazette* on 30 December 1994 and amendments and the following local laws adopted by the Town of Cambridge from the former City of Perth—

Local Law No. 70—Caravans published in the *Government Gazette* of 23 July 1962 and amendments;

Local Law No. 85—Parking of Commercial Vehicles on Street Verges published in the *Government Gazette* of 16 December 1971 and amendments;

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

Interpretation

1.5 (1) In this local law unless the context requires otherwise—

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

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law and any member of the Western Australian Police Service;

“**authorised vehicle**” means a vehicle authorised by the local government, Chief Executive Officer, Authorised Person or by any written law to park on a thoroughfare or parking facility;

“**bicycle**” means any wheeled vehicle that is designed to be propelled solely by human power;

“**bus**” means an omnibus as defined by the *Road Traffic Act 1974*;

“**bus embayment**” has the meaning given to it in the Code;

“**caravan**” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

“**carriageway**” means a portion of thoroughfare that is improved, designed or ordinarily used for vehicles and includes the shoulders and areas including embayments at the side or centre of the carriageway, used for the parking of vehicles; and where a thoroughfare has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

“**centre**” in relation to a carriageway, means a line or a series of lines, marks or other indications placed at, or near, the middle of the carriageway or, in the absence of any such lines, marks or other indications, the middle of the main travelled portion of the carriageway;

“**children’s crossing**” has the meaning given to it in the Code;

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

“**Code**” means the *Road Traffic Code 1975*;

“commercial vehicle” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

“district” means the district of the local government;

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

“emergency vehicle” has the meaning given to it in the Code;

“footpath” includes every footpath, pedestrian access way or other place—

(a) intended for the use of pedestrians only, or in the case of a dual use path, for the use of pedestrians and bicyclists only; or

(b) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

“loading zone” means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked “Loading Zone”;

“local government” means the Town of Cambridge;

“median strip” has the meaning given to it in the Code;

“metered space” means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

“metered zone” means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

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

“motor vehicle” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

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

“owner” where used in relation to a vehicle, means a person who is the registered holder of the requisite vehicle licence under the Road Traffic Act in respect of that vehicle, or if the vehicle is not licensed under that 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;

“park” in relation to a vehicle, means to permit a vehicle, whether occupied or not by any person, to remain stationary for any period of time except for the purpose of—

(a) avoiding conflict with other traffic;

(b) complying with the provisions of any law when the vehicle is being driven; or

(c) immediately taking up or setting down persons or goods for a maximum period of 2 minutes provided that the driver does not leave the vehicle unattended (ie does not move more than 3 metres from it);

“parking facilities” includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge, and signs, notices and facilities used in connection with the parking of vehicles;

“parking meter” includes the stand on which the meter is erected and a ticket issuing machine;

“parking region” means the whole of the district of the municipality of the Town of Cambridge, excluding the following portions of the district—

(a) all declared highways and main roads and any road which comes under the control of the Commissioner of Main Roads;

(b) the approach and departure prohibition areas of all traffic control signal installations;

(c) prohibition areas applicable to all bridges and subways;

“parking stall” means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

“parking station” means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

“pedestrian crossing” has the meaning given to it in the Code;

“public place” means any place to which the public has access whether or not that place is on private property;

“reserve” means any land—

(a) which belongs to the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an “otherwise unvested facility” within section 3.53 of the Act;

“Road Traffic Act” means the *Road Traffic Act 1974*;

“Schedule” means a Schedule to this Local Law;

“service vehicle” means a vehicle used or intended to be used for the purpose of picking up or setting down goods or merchandising;

“sign” includes a traffic sign, inscription, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

“special purpose vehicle” means a public utility service truck, a tow truck, a vehicle being used for official duties by a member of the Police Service, a motor breakdown service vehicle or a vehicle being used by a government authority or a local government in connection with its functions, but does not include an emergency vehicle;

“stop” in relation to a vehicle, means to permit a vehicle, whether occupied or not by any person, to remain stationary for any period of time except for the purpose of—

(a) avoiding conflict with other traffic; or

(b) complying with the provisions of any law when the vehicle is being driven;

“symbol” includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this Local Law shall be also deemed to include a reference to the corresponding symbol;

“taxi” has the same meaning as “taxi-car” in section 47Z of the *Transport Co-ordination Act 1966*;

“thoroughfare” has the meaning given to it in the Act;

“ticket issuing machine” means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

“tourist bus” means any bus which is used, hired or chartered for any purpose but does not include a public bus;

“trailer” means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

“vehicle” includes every conveyance not being a train, vessel or aircraft, and every object capable of being propelled or drawn on wheels by any means, and, where the context permits, an animal being driven or ridden;

“verge” means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

(2) Unless the context requires otherwise, where a term is used, but not defined, in this Local Law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

Application and pre-existing signs

1.6 (1) Subject to subclause (2), this Local Law applies to all parking stations, metered zones and parking facilities in the parking region.

(2) This Local Law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this Local Law will apply to that facility or station.

(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

(4) A sign that—

(a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this Local Law; and

(b) relates to the parking of vehicles within the parking region,

shall be deemed for the purposes of this Local Law to have been erected by the local government under the authority of this Local Law.

(5) An inscription or symbol on a sign referred to in subclause (4) operates and has effect according to its tenor.

Classes of vehicles

1.7 For the purpose of this Local Law, vehicles are divided into classes as follows—

(a) buses;

(b) commercial vehicles;

(c) motorcycles and bicycles;

(d) taxis; and

(e) all other vehicles.

Part of thoroughfare to which sign applies

1.8 Where under this Local Law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

PART 2—METERED ZONES**Determination of metered zones**

2.1 (1) The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones.

(2) In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs—

- (a) permitted times and conditions of parking depending on and varying with the locality;
- (b) classes of vehicles which are permitted to park;
- (c) the amount payable for parking; and
- (d) the manner of parking.

Parking fee to be paid

2.2 Subject to clause 2.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

Limitation on parking in metered space

2.3 The payment of a fee under clause 2.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorise the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this Local Law.

No parking when meter is expired

2.4 Subject to clause 2.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign "Expired" or a negative time.

Suspension of requirement to pay fee

2.5 The local government may from time to time by a resolution declare that the provisions of clauses 2.2 and 2.4 shall not apply during the periods and days specified in the resolution.

Vehicles to be within metered space

2.6 A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.

Permitted insertions in parking meters

2.7 (1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.

(2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

Parking ticket to be clearly visible

2.8 A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an Authorised Person examining the ticket from outside the vehicle.

One vehicle per metered space

2.9 A person shall not park or attempt to park a vehicle in a metered space in which another vehicle is parking.

No parking when hood on meter

2.10 Notwithstanding any other provision of this Local Law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked "No Parking", "Reserved Parking" or "Temporary Bus Stand" or equivalent symbols depicting these purposes except with the permission of the local government or an Authorised Person.

PART 3—PARKING STALLS AND PARKING STATIONS**Determination of parking stalls and parking stations**

3.1 The local government may by resolution constitute, determine and vary and also indicate by signs—

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

Vehicles to be within parking stall on thoroughfare

3.2 (1) Subject to subclause (2), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—

- (a) parallel to and as close to the kerb as is practicable;
- (b) wholly within the stall; and
- (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.

(2) Where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle wholly within that stall.

Payment of fee to park in parking station

3.3 A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless—

- (a) in the case of a parking station having an Authorised Person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

Suspension of parking station restrictions

3.4 The local government may by resolution declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking stations as specified in such resolution.

Vehicle not to be removed until fee paid

3.5 A person shall not remove a vehicle which has been parked in a parking station until there has been paid the appropriate fee for the period for which the vehicle has been parked.

Entitlement to receipt

3.6 A person paying a fee at a parking station is to be entitled to receive a tax invoice/receipt on demand showing the period of parking covered by such payment.

Parking ticket to be clearly visible

3.7 A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an Authorised Person examining the ticket from outside the vehicle.

Vehicles to be within parking stall in parking station

3.8 Unless otherwise directed by an Authorised Person, a person shall not park a vehicle in a parking station otherwise than wholly within a parking stall.

Parking prohibitions and restrictions

3.9 (1) A person shall not—

- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
- (b) except with the permission of the local government or an Authorised Person park a vehicle on any part of a parking station contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking station, if an Authorised Person directs the driver of such vehicle to move the vehicle; or
- (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C", if the bicycle is parked in accordance with subclause (2).

(2) No person shall park any bicycle—

- (a) in a parking stall other than in a stall marked "M/C"; and
- (b) in such stall other than against the kerb.

PART 4—PARKING GENERALLY**Prohibition and regulation of parking by signs**

4.1 The local government may by resolution prohibit or regulate by signs or otherwise the parking of any vehicle or class of vehicles in any part of the parking region but must do so consistently with the provisions of this Local Law.

Restrictions on parking in particular areas

4.2 (1) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

- (a) if by a sign it is set apart for the parking of vehicles of a different class; or
- (b) if by a sign it is set apart for the parking of vehicles by persons of a different class.

(2) A person shall not stop a vehicle in a thoroughfare or part of a thoroughfare—

- (a) if the stopping of a vehicle is prohibited at all times by a sign;
- (b) during a period in which the stopping of vehicles on that part is prohibited by a sign;

except for the purpose of—

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law when the vehicle is being driven.

(3) A person shall not park a vehicle in a thoroughfare or part of a thoroughfare—

- (a) if the parking of a vehicle is prohibited at all times by a sign;
- (b) during a period in which the parking of vehicles on that part is prohibited by a sign;
- (c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(4) A person shall not stop or park a vehicle in a thoroughfare or part of a thoroughfare whether or not that part is marked as a metered space or as a parking stall for more than the maximum time specified by a sign;

(5) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C”.

(6) A person shall not, without the prior permission of the local government, the CEO, or an Authorised Person, park a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.

(7) In a Loading Zone, a person shall not—

- (a) park a vehicle other than a commercial vehicle which is being loaded or unloaded with goods; or
- (b) park a commercial vehicle which is being loaded or unloaded with goods for more than 15 minutes.

(8) In paragraph (b) of subclause (7) “goods” means an article or collection of articles weighing at least 13.6kg and of which the cubic measurement is not less than 0.17m³.

Parking vehicle on a carriageway

4.3 A person parking a vehicle on a carriageway shall park it—

- (a) in the case of 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 thoroughfare on which the vehicle is parked;
- (b) in the case of 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 on the side of the thoroughfare on which the vehicle is parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this Local Law;
- (e) so that it does not obstruct any vehicle on the carriageway; and
- (f) so that it is entirely within the confines of any parking stall marked on the carriageway.

Vehicle to be wholly within parking area

4.4 A person shall not park a vehicle partly within and partly outside a parking area.

When parallel and right-angled parking apply

4.5 Where a traffic sign associated with a parking area is not inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates or marks on the carriageway indicate that vehicles have to park in a different position where the parking area is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

When angle parking applies

4.6 (1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 4.5 tonnes; or
- (b) a person parking either a motor cycle without a trailer or a bicycle.

(2) Where a sign associated with a parking area is inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park 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.

General prohibitions on parking

4.7 (1) (a) This clause does not apply to a vehicle parked in a metered space or a parking stall nor to a bicycle in a bicycle rack.

- (b) Paragraphs (c), (e) and (g) of subclause (2) do not apply to a vehicle which parks in a bus embayment.

(2) A person shall not park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;
- (b) on or adjacent to a median strip;
- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (f) on or over any footpath or pedestrian crossing;
- (g) on a bridge or other elevated structure or within a tunnel or underpass;
- (h) 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 a 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;
- (i) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (j) 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;
- (k) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
- (l) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked.

(3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—

- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a children’s crossing established on a two-way carriageway; or
- (c) the nearest rail of a railway level crossing.

(4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of—

- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
- (b) a pedestrian crossing or children’s crossing; or
- (c) the nearest rail of a railway level crossing.

Parking on verges

4.8 (1) A person shall not—

- (a) park a vehicle;
- (b) park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
- (c) park a vehicle during any period when the parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge;

so that any portion of it is on a verge.

(2) Subclause 1(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to park the vehicle so that any portion of it is on the verge.

(3) Subclause 1(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a footpath.

Limitation on parking of vehicles with excess weight on carriageway

4.9 A person shall not park a vehicle having a tare in excess of 4.5 tonnes on a carriageway for more than one hour.

Limitation on parking of over length vehicles on carriageway

4.10 A person shall not park a vehicle or any combination of vehicles that together with anything in or on that vehicle is more than 7.5 metres in length, on a carriageway for more than one hour.

Authorised person may order vehicle on thoroughfare to be moved

4.11 The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this Local Law after an Authorised Person has directed the driver to move it.

Authorised person may mark tyres

4.12 (1) An Authorised Person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

(2) A person shall not remove a mark made by an Authorised Person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

No movement of vehicles to avoid time limitation

4.13 Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.

No parking within one hour

4.14 Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least one hour.

No parking of vehicles exposed for sale and in other circumstances

4.15 A person shall not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

Parking on private land

4.16 (1) In this clause a reference to “land” does not include land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*;
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act; or
- (d) which is the subject of an agreement referred to in clause 1.6 (2).

(2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.

(3) Where the owner or occupier of the land, by a sign approved by the local government and referable to that land or otherwise, consents to the parking of vehicles on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

Parking on reserves

4.17 No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

Suspension of parking limitations for urgent, essential or official duties

4.18 (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an Authorised Person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

(2) Where permission is granted under subclause (1), the local government, the CEO or an Authorised Person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

Elected Member Parking Permits

4.19 (1) In this clause “Elected Member Parking Permit” means a permit issued by the Council under this clause.

(2) The Council may issue to any member of the Council an Elected Member parking permit and may revoke a permit at any time.

- (3) The exemption conferred by an Elected Member parking permit shall apply only—
- (a) to the motor vehicle specified in the Elected Member parking permit;
 - (b) if the Elected Member parking permit is clearly displayed in the vehicle and able to be read by an Authorised Person from outside the vehicle;
 - (c) if the Elected Member parking permit is valid; or
 - (d) if the holder of the Elected Member parking permit is carrying out his or her duties or performing his or her functions as a Member of the Council.
- (4) An Elected Member parking permit shall cease to be valid—
- (a) upon the holder of the permit becoming disqualified from acting as a Member of the Council;
 - (b) after the expiry date specified in the permit; or
 - (c) upon being revoked by the Council.

PART 5—RESIDENTIAL PARKING PERMITS

Interpretation

5.1 In this part of this Local Law, unless the context requires otherwise—

“dwelling unit” means premises lawfully used for self contained living quarters;

“eligible person” where used—

- (a) in relation to an application for a residential parking permit means a single house occupier, a unit occupier, a unit owner;
- (b) in relation to an application for a visitor's parking permit means—
 - (i) a single house occupier;
 - (ii) a Strata company; or
 - (iii) a unit owner of a residential unit which is not a strata lot;

“Residential Parking Permit” means a permit issued by the Council pursuant to Clause 5.3(1);

“Residential Unit” means a dwelling unit which is part of a building adjacent to a part of a road on which road the stopping or parking of vehicles is prohibited for more than a specified period and which building contains—

- (a) two or more dwelling units with or without any non residential units; or
- (b) one dwelling unit with one or more non residential units;

“single house” means a dwelling unit constructed on its own lot and used for self contained living quarters and which is adjacent to a part of a road on which the stopping or parking of vehicles is prohibited for more than a specified period;

“single house occupier” means an occupier of a single house;

“strata company” means a body corporate constituted under Section 32 of the *Strata Titles Act 1985*;

“unit occupier” means an occupier of a residential unit;

“visitors parking permit” means a permit issued by the Council pursuant to Clause 5.3(2).

Exemption for Permit Holders

5.2 (1) Where on any part of a road the stopping or parking of vehicles is prohibited by a sign for more than a specified period, is restricted to certain classes of vehicle or where any part of a road is a metered space, the holder of a valid permit is exempted from such prohibition.

(2) The exemption conferred by sub-clause (1) shall apply only—

- (a) to the part of a road specified in the permit or to the metered space or spaces specified in the permit;
- (b) where the permit displayed is a residential parking permit for the motor vehicle specified in the residential parking permit;
- (c) if the permit is displayed at or affixed to the lower left hand corner of the windscreen of the vehicle as to be clearly visible and able to be read by an Authorised Person from outside the vehicle; or
- (d) if the permit is valid.

(3) The exemption conferred by sub-clause (1) shall not apply—

- (a) during any period in which the stopping or parking of vehicles is prohibited in the road or the part of a road specified in the permit, unless otherwise regulated by signs; or
- (b) where the specified period is 30 minutes or less.

Issue of Permits

5.3 (1) The Council may upon a written application of an eligible person issue a residential parking permit in the prescribed form and for the prescribed fee.

(2) The Council may upon a written application of an eligible person issue a visitor's parking permit in the prescribed form and for the prescribed fee.

(3) The Council's power to issue, replace and revoke permits under this Part may be exercised by an Authorised Person.

Restrictions on Issue of Permits to Single House Occupiers

5.4 A maximum of two residential parking permits can be issued to a single house occupier provided that there is no adequate off-street parking on the property and the number of residential parking permits being reduced by one permit for every parking space that is available at the residential address.

Restrictions on Issue of Permits to Single Unit Occupiers

5.5 A maximum of two residential parking permits can be issued to a single unit occupier provided that there is no adequate off-street parking on the property and the number of residential parking permits being reduced by one permit for every parking space that is available at the residential address.

Restrictions on Number of Permits

5.6 (1) The Council shall not issue more than two residential parking permits in respect of any single house or residential unit.

(2) The Council shall not issue more than two visitors parking permits in respect of any single house. Up to two additional "verge only" visitor permits may be issued to any single house where verge parking can be accommodated.

(3) Residential parking permits cannot be issued to multi storey developments where the number of residential units exceeds six in number.

(4) The Council may in its discretion determine the number of visitors parking permits to be issued where the number of residential units exceeds six in number.

(5) The Council may in its discretion issue temporary visitor permits to accommodate requests from single house occupiers to meet short term parking needs.

Validity of Permit

5.7 Every residential parking permit or visitors parking permit as the case may be shall cease to be valid—

- (a) upon the expiry of a period two years from and including the date on which it is issued; or
- (b) upon the holder of the permit ceasing to be an eligible person.

Revocation of a Permit

5.8 The Council may at any time give an eligible person to whom a permit was issued pursuant to the provisions of this Local Law notice requiring that person to notify the Council of any reason why that permit should not be revoked.

Removal of Permit from Vehicle

5.9 The holder of a residential parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.

Replacement of Permit

5.10 (1) The Council may upon a written application from an eligible person and upon payment of the prescribed fee, issue a permit to replace a residential parking permit or visitors parking permit which is lost, destroyed or stolen.

(2) Notwithstanding sub-clause (1), no fee shall be payable for the issue of a replacement permit if evidence is produced in writing to the satisfaction of the CEO.

PART 6—MISCELLANEOUS**Removal of notices on vehicle**

6.1 A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an Authorised Person.

Unauthorised signs and defacing of signs

6.2 A person shall not without the authority of the local government—

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this Local Law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this Local Law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this Local Law.

Signs must be complied with

6.3 An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this Local Law.

General provisions about signs

6.4 (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this Local Law.

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

Special purpose and emergency vehicles

6.5 Notwithstanding anything to the contrary in this Local Law, the driver of—

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (b) an emergency vehicle may, in the course of their duties and when it is expedient and safe to do so or where their honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

Vehicles not to obstruct a public place or thoroughfare

6.6 (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place or thoroughfare so that it obstructs the use of any part of that public place or thoroughfare without the permission of the local government or unless authorised under any written law.

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours;

(3) A vehicle left in a public place or thoroughfare for a period exceeding 24 hours may be impounded and disposed of in accordance with the provisions of the Act.

Appointment of authorised persons, and certificate of appointment for authorised persons

6.7 Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with section 9.10 of the *Local Government Act 1995*.

Name, date of birth and residential address to be given on demand

6.8 (1) An authorised person or member of the Police Service who finds a person committing, or who on reasonable grounds suspects a person of having committed a breach of the provisions of this local law, may demand from the person their name, date of birth and residential address.

(2) A person who refuses to give his or her name, date of birth or residential address, or who states a false name, date of birth or residential address on a demand being made, commits an offence.

Determination of fees and charges

6.9 All fees and charges applicable under this Local Law shall be determined by the local government from time to time in accordance with Section 6.16 of the Act.

PART 7—PENALTIES

Offences and penalties

7.1 (1) Any person who fails to do anything required or directed to be done under this Local Law, or who does anything which under this Local Law that person is prohibited from doing, commits an offence.

(2) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this Local Law shall be liable, upon conviction, to a penalty not less than \$200 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

(4) The amount appearing in the final column of Schedule One directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

Averment on complaint as to clause 1.6 (2) agreement

7.2 An averment on a complaint that this Local Law applies to a parking facility or a parking station under an agreement referred to in clause 1.6 (2), shall be sufficient proof that this Local Law applies to that facility or station, unless there is proof to the contrary that such an agreement does not exist.

Form of notices

7.3 For the purposes of this Local Law—

- (a) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act is set out in Schedule Two;
- (b) the form of the notice referred to in section 9.20 of the Act is set out in Schedule Three.

Schedule One

Parking Local Law

PREScribed OFFENCES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to pay fee for metered space	80
2	2.4	Parking when meter has expired	50
3	2.6	Failure to park wholly within metered space	30
4	2.8	Failure to display ticket clearly in metered zone	30

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
5	2.10	Parking contrary to a meter hood	60
6	3.3	Failure to pay parking station fee	80
7	3.5	Leaving without paying parking station fee	80
8	3.7	Failure to display ticket clearly in parking station	30
9	3.9 (1) (a)	Causing obstruction in parking station	80
10	3.9 (1) (b)	Parking contrary to sign in parking station	80
11	3.9 (1) (c)	Parking contrary to directions of Authorised Person	80
12	4.2 (1) (a)	Parking wrong class of vehicle	80
13	4.2 (1) (b)	Parking by persons of a different class	80
14	4.2 (2) (a)	Stopping in no stopping area	80
15	4.2 (2) (b)	Stopping during a restricted period	80
16	4.2 (3) (a)	Parking in a no parking area	60
17	4.2 (3) (b)	Parking during a restricted period	60
18	4.2 (3) (c)	Parking vehicle in motor cycle only area	60
19	4.2 (4)	Parking longer than time allowed	40
20	4.2(5)	Parking motor cycle in stall not marked "M/C"	80
21	4.2 (7) (a)	Parking non-commercial vehicle in Loading Zone	40
22	4.2 (7) (b)	Parking commercial vehicle in Loading Zone more than 15 minutes	40
23	4.3 (a)	Fail to park on the left of two-way carriageway	30
24	4.3 (b)	Parking against the flow of traffic	30
25	4.3 (c)	Parking when distance from farther boundary or vehicle less than 3 metres	30
26	4.3 (e)	Causing obstruction	60
27	4.7 (2) (a)	Double parking	60
28	4.7 (2) (c)	Denying access to private drive or right of way	80
29	4.7 (2) (d)	Parking beside excavation or obstruction so as to obstruct traffic	60
30	4.7 (2) (e)	Parking within 10 metres of traffic island	60
31	4.7 (2) (f)	Parking on or over a footpath/pedestrian crossing	80
32	4.7 (2) (g)	Parking on bridge or in tunnel	80
33	4.7 (2) (i)	Parking on intersection	60
34	4.7 (2) (l)	Parking within 10 metres of intersection	80
35	4.7 (3) (a)	Parking vehicle within 10 metres of departure side of bus stop	80
36	4.7 (4) (a)	Parking vehicle within 20 metres of approach side of bus stop	80
37	4.7 (4) (b)	Parking vehicle within 20 metres of approach side of pedestrian/children's crossing	80
38	4.8 (1) (a)	Parking vehicle on a verge	60
39	4.8 (1) (b)	Parking commercial vehicle, bus or caravan on a verge	60
40	4.8 (1) (c)	Parking on verge contrary to sign	60
41	4.9	Parking vehicle with tare of over 4.5 tonnes for more than 1 hour	40
42	4.10	Parking over length vehicle for more than 1 hour	40
43	4.11	Parking contrary to direction of Authorised Person	80
44	4.15	Parking vehicle exposed for sale and other circumstances	60
45	4.16 (2)	Parking on land that is not a parking facility without consent	80
46	4.16 (3)	Parking on land not in accordance with consent	80
47	4.17	Driving or parking on reserve	60
48	5.9	Failure to remove permit when residence changed	80
49	6.6 (1)	Leaving vehicle so as to obstruct a public place or thoroughfare	60
50		All other offences not specified	30

Schedule Two

LOCAL GOVERNMENT ACT 1995

NOTICE OF OFFENCE AND INFRINGEMENT NOTICE

Town of Cambridge

Parking Local Law

INFRINGEMENT NOTICE

To the Owner of the of the vehicle

It is alleged that the following offence was committed as indicated below—

Infringement No.

Date:

Time:

Inspector ID:

Location:

Offence:

Clause No.:

Penalty:**Due Date:**

Registration Number:

State:

Authorised Person Signature:

Authorised Person Name:

Title:

Payment of this penalty by the due date as indicated above will prevent additional costs being incurred.

PARKING INFRINGEMENT ONLY

Please Note: That pursuant to sections 9.13(2) and 9.17 of the Local Government Act 1995 you will be deemed to be the person who committed the above offence and court proceedings may be instituted against you unless within 28 days of the date on which this notice was issued—

- (i) the modified penalty prescribed for the offence is paid to the Council; or
- (ii) you inform the Chief Executive Officer or another authorised person of the Town of Cambridge in writing of the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
- (iii) you provide information from which the Chief Executive Officer or another authorised person of the Town of Cambridge is satisfied that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed.

If you do not wish to have a complaint of the alleged offence heard and determined by a court, you may finalise this matter—

1. **In person** (Monday-Friday 8.00am to 5.00pm):

By payment to the Cashier, Town of Cambridge Administration/Civic Centre, 1 Bold Park Drive Floreat 6014

2. **By mail:** Addressed to the Chief Executive Officer, Town of Cambridge, PO Box 15, Floreat 6014

For enquiries in relation to this infringement please telephone 9347 6000.

Cheques should be made payable to the Town of Cambridge

PLEASE BE AWARE THAT IF A FINAL DEMAND IS ISSUED IN RELATION TO THIS MATTER, ADDITIONAL COSTS WILL BE INCURRED.

IF YOU TAKE NO ACTION THIS MATTER MAY BE REGISTERED WITH THE FINES ENFORCEMENT REGISTRY, AFTER WHICH YOUR DRIVERS LICENCE OR ANY VEHICLE LICENCE HELD BY YOU MAY BE SUSPENDED. IF THE MATTER IS LODGED WITH THE REGISTRY ADDITIONAL COSTS WILL ALSO BE PAYABLE.

THIS SECTION MUST BE COMPLETED WHEN MAKING PAYMENT. If you change address prior to the finalisation of this matter it is important that you advise the Town immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Owner:

First Name:

Last Name:

Address:

.....

(see over)

Schedule Three

LOCAL GOVERNMENT ACT 1995

Town of Cambridge

Parking Local Law

WITHDRAWAL OF INFRINGEMENT NOTICE

Date / /

To: (1)

.....

of: (2)

.....

Infringement Notice No. dated / /

in respect of vehicle:

make:

model:

registration:

for the alleged offence of

.....

.....

has been withdrawn.

The modified penalty of \$

* has been paid and a refund is enclosed.

* has not been paid and should not be paid.

* *delete as appropriate.*

(3)

(4)

Insert—

(1) Name of alleged offender to whom infringement notice was given or “the owner”.

(2) Address of alleged offender.

(3) Signature of authorised person

(4) Name and title of authorised person giving notice

Dated 24th of July 2001.

The Common Seal of the Town of Cambridge was affixed by authority of a resolution of the Council in the presence of—

ROSS J. WILLCOCK, Mayor.

GRAHAM D. PARTRIDGE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

**LOCAL GOVERNMENT AND PUBLIC PROPERTY
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SCHEDULE 1—PRESCRIBED OFFENCES**SCHEDULE 2—DETERMINATIONS**

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

**LOCAL GOVERNMENT AND PUBLIC PROPERTY
LOCAL LAW**

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Cambridge resolved on 24 April 2001 to make the following local law.

PART 1—PRELIMINARY**Title**

1.1 This local law may be referred to as the *Town of Cambridge Local Government and Public Property Local Law*.

Objective

1.2 (1) The objective of this local law is to provide for the regulation, control and management of activities and facilities on local government and public property within the district.

(2) The effect of this local law is to establish the requirements with which any persons using or being on local government and public property within the district must comply.

Commencement

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

Repeal

1.4 (1) The following local laws adopted by the Town of Cambridge from the former City of Perth—
Local law No. 3—Streets and Footways, published in the *Government Gazette* of 23 June 1933 and amendments;
Local law No. 4—Street Lawns and Gardens, published in the *Government Gazette* of 24 October 1980 and amendments;
Local law No. 7—Golf Course Reserve, published in the *Government Gazette* of 30 October 1953 and amendments;
Local law No. 9—Parks and Public Reserves, published in the *Government Gazette* of 7 September 1966 and amendments;
Local law No. 44—Control of the Endowment Lands, the Lime Kiln Estates and Reserve 16921, published in the *Government Gazette* of 16 June 1966 and amendments;
Local law No. 44A—Control of City Beach, published in the *Government Gazette* of 27 October 1966 and amendments;
Local law No. 79—Bold Park Swimming Pool, published in the *Government Gazette* of 10 December 1976 and amendments;
Local law No. 80—Removal of Obstructing Animals or Vehicles, published in the *Government Gazette* of 23 July 1967 and amendments;
Local law No. 84—Halls, published in the *Government Gazette* of 13 January 1971 and amendments; and
Town of Cambridge Local law No. 21—Control of Beaches, published in the *Government Gazette* of 26 March 1998 and amendments;

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

(2) Where a policy was made or adopted by the local government under or in relation to a by law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued to have effect on and from the commencement day.

Application

1.5 (1) This local law applies throughout the district of the Town of Cambridge and in the sea adjoining the district for a distance of 200 metres seawards from the low water mark at ordinary spring tides.

(2) Notwithstanding anything to the contrary in this local law, the local government may—

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

Definitions

1.6 In this local law unless the context requires otherwise—

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

“**adjacent owner**” means the owner of any property or lot adjoining a street verge which is subject to a verge treatment;

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

“**appointed place**” means a place or piece of land appointed by the local government or CEO where anything confiscated or impounded under the provisions of this local law, may be held in custody;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law and any member of the Western Australian Police Service;

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

“**boat**” means any structure or vessel, excluding personal water craft, whether motorised or not and made or used to travel or float on water or travel under water;

“**CEO**” means the Chief Executive Officer of the Town of Cambridge or the Officer who, for the time being, is acting in that capacity;

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

“**community facility**” means a facility owned or under the care, control or management of the local government for the benefit of the public, such as a hall, public swimming pool, library, recreation centre, child care centre, infant welfare centre, aged persons centre and the like;

“**Council**” means the Council of the Town of Cambridge;

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

“**decency**” means the wearing of proper and adequate clothing for the occasion, so as to prevent indecent exposure;

“**determination**” means a determination made under clause 2.1;

“**district**” means the district of the Town of Cambridge;

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

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

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

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

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

“**footpath**” means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists;

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

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

“**garden**” means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

“**kerb**” includes the edge of a carriageway;

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

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

“**local government**” means the Town of Cambridge;

“**local government building**” means any structure, hall or room, and any corridor, stairway, or annex therein or thereto attached, and includes all plumbing, electrical installations, fixtures, fittings, furniture, and any other contents, owned or under the care, control or management of the local government;

“**local government property**” means anything which belongs to, is owned by or is under the care, control or management of the local government, and includes any flora and fauna thereon;

“nuisance” means—

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

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

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

“person” means any person, company or employer and includes an owner, occupier, licensee and permit holder, but does not include the local government;

“public place” means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes parklands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the control or management of, the local government;

“public property” means any real property, land, lot, or reserve which is open and available for use by the public for public purposes, whether through payment of a fee or not, and includes any building, structure, flora or fauna thereon;

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

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

“surfing appliance” means a floatation device of any material used for riding or surfing waves, including hand planes, surf boards, surf skis, kick boards, paddle boards, body boards or any other device used or capable of being used for that purpose;

“thoroughfare” means any street, way, or place that is designed and used for the passage of vehicles, and includes the shoulders and embayments at the side or centre of the thoroughfare used for the parking of vehicles;

“trading” means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of—

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them;

“vehicle” includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes—

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

“vehicle crossing specification” means the design details, measurements and materials, approved by the local government as the standard vehicle crossing, which when first constructed on any land in the district, will be eligible for a subsidy from the local government;

“verge” means that portion of land that lies between the front of a property and the edge of the thoroughfare, and between imaginary lines extended at a 90 degree angle with the thoroughfare from the edge of the thoroughfare to meet the side boundaries at the front of the property;

“verge treatment” means any treatments approved by the local government as the standard verge treatments permitted by these local laws and includes any reticulation pipes and sprinklers;

“zoned” means zoned under a town planning scheme of the local government.

Any other expression used in this local law and not defined herein shall have the meaning given to it in the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960* and the Glossary of Building Terms published by Standards Australia and the National Committee on Rationalised Building, unless the context requires otherwise.

Interpretation

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

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY AND BUILDINGS*Division 1—Determinations***Determinations as to use of local government property and buildings**

2.1 (1) The local government may make a determination in accordance with clause 2.2—

- (a) setting aside specified local government property and buildings for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(2); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

(2) The determinations in Schedule 2—

- (a) are to be taken to have been made in accordance with clause 2.2;
- (b) may be amended or revoked in accordance with clause 2.6; and
- (c) have effect on the commencement day.

Procedure for making a determination

2.2 (1) The local government is to give local public notice of its intention to make a determination.

(2) The local public notice referred to in subclause (1) is to state that—

- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
- (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
- (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

(3) If no submissions are received in accordance with subclause (2)(c), the local government is to decide to—

- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
- (b) amend the proposed determination, in which case subclause (5) will apply; or
- (c) not continue with the proposed determination.

(4) If submissions are received in accordance with subclause (2)(c), the local government is to—

- (a) consider those submissions; and
- (b) decide—
 - (i) whether or not to amend the proposed determination; or
 - (ii) not to continue with the proposed determination.

(5) If the local government decides to amend the proposed determination, it is to give local public notice—

- (a) of the effect of the amendments; and
- (b) that the proposed determination has effect as a determination on and from the date of publication.

(6) If the local government decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.

(7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

(8) A decision under subclause (3) or (4) is not to be delegated by the local government.

Discretion to erect sign

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

Determination to be complied with

2.4 A person shall comply with a determination.

Register of determinations

2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

Amendment or revocation of a determination

2.6 (1) The Council may amend or revoke a determination.

(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination, it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

*Division 2—Activities which may be pursued or prohibited under a determination***Activities which may be pursued on specified local government property and buildings**

2.7 (1) A determination may provide that specified local government property, local government building or reserve, or a portion thereof, is set aside as an area on which a person may—

- (a) bring, ride or drive an animal;
- (b) take, ride or drive a vehicle, or a particular class of vehicle;
- (c) use, launch or fly a kite or motorised model aeroplanes, gliders or rockets that are propelled by mechanical, hydraulic, combustion or pyrotechnic means;
- (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
- (e) launch, beach, use or leave a boat, a particular class of boat or a personal watercraft;
- (f) land or launch a balloon, aircraft, helicopter; hang glider or parachute;
- (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
- (h) play or practice—
 - (i) golf or archery;
 - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
 - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (j) wear no clothing; or
- (k) light a fire.

(2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—

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

Activities which may be prohibited on specified local government property and buildings

2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property and buildings—

- (a) smoking on premises;
- (b) consume food, non alcoholic beverages or liquor;
- (c) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (d) use, launch or fly a kite or motorised model aeroplanes, gliders or rockets that are propelled by mechanical, hydraulic, combustion or pyrotechnic means;
- (e) taking, riding or driving a vehicle or a particular class of vehicle on the property;
- (f) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
- (g) taking or using a boat, a particular class of boat or a personal watercraft;
- (h) land or launch a balloon, aircraft, helicopter, hang glider or parachute;
- (i) the playing or practice of—
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (j) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property;
- (k) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose;
- (l) swimming, diving, wading and fishing;
- (m) harmful or detrimental feeding of fauna;
- (n) lighting of fires.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular—

- (a) the days and times during which the activity is prohibited;
- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and
- (e) may distinguish between different classes of the activity.

Division 3—Transitional

Signs taken to be determinations

2.9 (1) Where a sign erected on local government property has been erected under a by law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3—PERMITS

Division 1—Preliminary

Application of Part

3.1 This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

Division 2—Applying for a permit

Application for permit

3.2 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law shall—

- (a) be in the form determined by the local government;
- (b) be signed by the applicant;
- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

(4) The local government may require an applicant to give local public notice of the application for a permit.

(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

Decision on application for permit

3.3 (1) The local government may—

- (a) approve an application for a permit unconditionally or subject to any conditions; or
- (b) refuse to approve an application for a permit.

(2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.

(3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

Division 3—Conditions

Conditions which may be imposed on a permit

3.4 (1) Without limiting the generality of clause 3.3 (1)(a), the local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of fees and charges;
- (b) compliance with a standard or a policy of the local government adopted by the local government;
- (c) the duration and commencement of the permit;
- (d) the commencement of the permit being contingent on the happening of an event;
- (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;

- (f) the approval of another application for a permit which may be required by the local government under any written law;
 - (g) the area of the district to which the permit applies;
 - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or secure sum against such damage; and
 - (i) the obtaining of public liability insurance in an amount and on terms reasonably required by the local government.
- (2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued—
- (a) when fees and charges are to be paid;
 - (b) payment of a bond or secure sum against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) in accordance with clause 13.8, the obtaining of a policy of insurance in the name of the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
 - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

Imposing conditions under a policy

3.5 (1) In this clause—

“**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3 (1)(a).

(2) Under clause 3.3 (1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).

(4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

Compliance with and variation of conditions

3.6 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Division 4—General

Agreement for building

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

Duration of permit

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

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.12.

Renewal of permit

3.9 (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.

Transfer of permit

3.10 (1) An application for the transfer of a valid permit is to—

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.

(4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

Production of permit

3.11 A permit holder is to produce to an authorised person their permit immediately upon being required to do so by that authorised person.

Cancellation of permit

3.12 (1) Subject to clause 12.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

- (a) condition of the permit; or
- (b) determination or a provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder—

- (a) shall return the permit as soon as practicable to the CEO; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

*Division 5—When a permit is required***Activities needing a permit**

3.13 (1) A person shall not without a permit—

- (a) subject to subclause 3, hire local government property or building;
- (b) advertise anything by any means on local government property or building;
- (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
- (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
- (e) plant any plant or sow any seeds on local government property;
- (f) carry on any trading on local government property unless the trading is conducted—
 - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
- (g) unless an employee of the local government in the course of their duties or on an area set aside for that purpose—
 - (i) drive or ride or take any vehicle on to local government property;
 - (ii) park or stand any vehicle on local government property; or
 - (iii) land on, or take-off from local government property in a balloon, aircraft, helicopter;
- (h) conduct a function or public gathering on local government property;
- (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
- (j) light a fire on local government property except in a facility provided by the local government for that purpose;
- (k) parachute, hang glide, abseil or base jump from or on to local government property;
- (l) erect a building or a refuelling site on local government property;
- (m) make any excavation on or erect or remove any fence on local government property;
- (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
- (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;
- (p) light or set off any fireworks or conduct a fireworks display;
- (q) operate any broadcasting or public address system or sound amplification equipment or apparatus;

- (r) carry out any works in a street, thoroughfare or other public place, including but not limited to—
 - (i) verge treatments;
 - (ii) vehicle cross overs;
 - (iii) crossing a footpath with a vehicle which is likely to, or causes damage to, the footpath;
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

Permit required to camp outside a facility

3.14 (1) In this clause—

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

(2) A person shall not without a permit—

- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
 - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (3) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (2) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

Permit required for possession and consumption of liquor

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

- (a) that is permitted under the *Liquor Licensing Act 1988*; and
 - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 6—Responsibilities of permit holder

Responsibilities of permit holder

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

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

PART 4—BEHAVIOUR ON LOCAL GOVERNMENT PROPERTY AND BUILDINGS

Division 1—Behaviour on and interference with local government property and buildings

Personal behaviour

4.1 A person shall not in or on any local government property or building behave in a manner which—

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

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

4.2 (1) Where a sign on a toilet block or change room specifies that a particular toilet block or change room is to be used by—

- (a) females, then a person of the male gender shall not use that toilet block or change room; or
- (b) males, then a person of the female gender shall not use that toilet block or change room.

(2) A person over the age of 6 years shall not on any local government property, local government building, reserve or other public place—

- (a) loiter outside or act in an unacceptable manner, in any portion of a toilet block or change room; or
- (b) enter, or attempt to enter a cubicle or compartment of a toilet block or change room which is already occupied or in use.

Decency and adequate clothing

4.3 (1) A person over the age of 6 years shall not on any local government property, local government building, reserve or other public place appear in public unless dressed in a bathing costume or other clothing which covers the body to prevent indecent exposure.

(2) Where an authorised person considers that the clothing of any person on any local government property, local government building, reserve or other public place is not proper and adequate to secure decency, the authorised person may direct that person to put on adequate clothing and that person shall comply with the direction immediately.

Behaviour detrimental to property

4.4 (1) A person shall not behave in or on any local government property, local government building, reserve or other public place in a way which is or might be detrimental to the property.

(2) In subclause (1)—

“**detrimental to the property**” includes—

- (a) removing any thing from local government property such as a sign, rock, plant or seat provided for the use of any person;
- (b) destroying, defacing or damaging any thing on the local government property, such as a sign, plant or tree, or a seat provided for the use of any person; and
- (c) climbing on or over local government property.

Taking or injuring any fauna

4.5 (1) A person shall not, on or above any local government property, local government building, reserve or other public place, unless that person is authorised under a written law to do so—

- (a) take, injure or kill or attempt to take, injure or kill any fauna; or
- (b) take on to, set or use or attempt to take on to, set or use any animal trap, bird trap, fish trap, net or similar device.

(2) In this clause—

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

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

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

Intoxicated persons not to enter local government property or buildings

4.6 A person shall not enter or remain on any local government property, local government building, reserve or other public place while under the influence of liquor or a prohibited drug.

No prohibited drugs

4.7 A person shall not take a prohibited drug on to, or consume or use a prohibited drug on any local government property, local government building, reserve or other public place.

*Division 2—Signs***Signs**

4.8 (1) A local government may erect a sign on local government property or local government building specifying any conditions of use which apply to that property or building.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is—

- (a) not to be inconsistent with any provision of this local law or any determination; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY*Division 1—Community facilities***Interpretation**

5.1 In this Division—

“**manager**” means the person for the time being employed by the local government to manage a pool premises or community facility and includes any assistant or deputy;

“**pool premises**” means the place or premises provided for the purpose of swimming or bathing and known as Bold Park Swimming Pool constructed on part of the land being Lot 722, Plan 26685, Certificate of Title Volume 2038, Folio 24, and includes buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the swimming pool or used in connection with it.

Direction of manager or authorised person to be observed

5.2 (1) The manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from the pool premises or community facility, any person who—

- (a) in their opinion is—
 - (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition;
 - (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.
- (2) A person shall, on being requested by the manager or an authorised person to leave the pool premises or community facility, do so immediately, quietly and peaceably.
- (3) The manager or an authorised person may temporarily suspend admission to, or remove from the pool premises or community facility, or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.
- (4) At the discretion of the manager, the pool premises or community facility, or any part thereof, may at any time be set aside for the use of certain persons to the exclusion of others.

Responsibilities of users of a community facility

5.3 A person while in the pool premises or community facility shall not—

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

*Division 2 —Beaches, Dunes and Groynes***Interpretation**

5.4 In this Division—

- “**beach**” means and includes that part of the Indian Ocean foreshore area to the west of the western boundary of Challenger Drive and West Coast Highway;
- “**berley**” means any substance used for the attraction of fish;
- “**patrolled area**” means any part of the beach which is for the time being under the supervision of members of the Surf Life Saving Association of Western Australia, a beach inspector or an authorised person;
- “**personal watercraft**” means any vessel designed for the transport of 1, 2, or 3 persons that—
 - (a) is propelled by means of an inboard motor powering a water jet pump; and
 - (b) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it;
- “**sand board**” means a board or device used for sliding down a slope of land, and sand boarding has a correlative meaning;
- “**surf life saving club**” means a life saving club affiliated with the Surf Life Saving Association of Western Australia or any branch;
- “**surf life saving equipment**” means any equipment or appliances for use in the provision of life saving or for training of life saving club members in their duties;
- “**surf life saving patrol**” means a patrol comprising such members of a surf life saving club as are appointed by that club from time to time to provide life saving services in a defined area and the term includes an employee of the local government appointed as a beach patrol officer or inspector;
- “**surf patrol flag**” means a flag or notice erected at the limits of a bathing area to indicate the extremities of that patrolled area.

Sand dune protection

5.5 A person shall not—

- (a) use a sandboard or any other board or thing to slide down sand dunes;
- (b) take onto any sand dunes a sandboard or other thing used for sliding down sand dunes;
- (c) traverse sand dunes except along pathways designated by signs or fences for the purpose; or
- (d) unless authorised to do so in the course of their duties, or otherwise permitted by a sign, take a vehicle of any kind onto any beach or sand dune.

Boat launching

5.6 (1) A person shall not launch a boat into the sea other than at a boat launching ramp designed, constructed and approved for the purpose, or from the beach where this activity is permitted and designated by signs.

(2) A person shall not launch a personal water craft into the sea other than at a boat launching ramp designed, constructed and approved for the purpose.

(3) Sub clauses (1) and (2) do not apply to any member of a surf life saving club or life saving patrol in the course of their duties, training or in competition.

Surf life saving activities

5.7 The local government may appoint beach inspectors and authorise members of surf life saving clubs to perform all or any of the following functions in the interests of maintaining safety at beaches in the district—

- (a) patrol any beach, or close any beach considered so dangerous as to warrant that action;
- (b) take onto any beach any life saving equipment including vehicles or boats that are used for life saving activities;
- (c) indicate by signs or patrol flags, any areas of a beach and the adjacent water beyond the beach, where bathing is permitted or prohibited;
- (d) indicate by signs any area of a beach and the adjacent water beyond the beach where—
 - (i) riding of surfboards or any other bathing appliance is prohibited;
 - (ii) driving of boats is prohibited;
 - (iii) fishing or spear fishing is prohibited;
- (e) regulate, prohibit, restrict or set aside by signs any areas for the following activities—
 - (i) entry by any persons;
 - (ii) playing of games;
 - (iii) conduct of training or surf club carnivals;
 - (iv) establishing a first aid or command post;
- (f) direct any person to—
 - (i) bathe within the designated permitted bathing area indicated by signs or patrol flags;
 - (ii) leave the water adjacent to a beach during any period of potential dangerous conditions or sighting of a shark;
- (g) cease any activity not in accordance with this local law.

Identification of life saving patrol

5.8 (1) A member of a life saving patrol on duty at any beach shall wear a red and yellow quartered swimming cap for the time they are on patrol.

(2) A person who is not a member of an on duty life saving patrol shall not wear a red and yellow quartered swimming cap or give the impression they are a member of an on duty life saving patrol.

Compliance with signs and directions

5.9 A person attending any beach in the district shall—

- (a) comply with any sign erected on the beach;
- (b) comply with any lawful direction given by a beach inspector or authorised member of a surf life saving club patrolling the beach; and
- (c) not enter any area set aside for any life saving activity, training, competition or carnival.

Fishing

5.10 (1) A person shall not fish in any area—

- (a) where fishing is prohibited or restricted and the prohibition or restriction is designated by signs; or
- (b) set aside by a beach inspector or member of a life saving patrol as a designated permitted bathing area.

(2) A person shall not at any place whether fishing is permitted or not—

- (a) clean fish or cut bait such that it may cause a nuisance to beach users;
- (b) leave or deposit fish offal or bait on land or in the sea within 200 metres of any part of the beach;
- (c) use berley or oil or composite material such that it may cause a nuisance to beach users or be detrimental to the environment; or
- (d) without written approval of the local government, fish for sharks by use of set or buoyed lines or use blood, offal or any other lure for the purpose of attracting sharks within 200 metres of any part of a beach.

Surfboards and boats

5.11 (1) A person shall not use or ride a surfing appliance or drive a personal watercraft or boat in any area set aside by the local government, an authorised person, a beach inspector or member of a surf life saving patrol, as a designated permitted bathing area.

(2) At the discretion of an authorised person, a beach inspector or member of a surf life saving patrol, subclause (1) does not apply to the use of bathing appliances up to a maximum of 1.2 metres by children under the age of 8 years.

*Division 3—Fenced or closed property***No entry to fenced or closed local government property**

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

*Division 4—Golf course***Interpretation**

5.13 In this Division—

“**controller**” means the person appointed by the local government to direct, control and manage a golf course and includes any assistant or deputy;

“**golf course**” means that portion of a golf course reserve which is laid out as a golf course and includes all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range;

“**golf course reserve**” means those pieces of land known as Wembley Golf Complex containing approximately 36 hectares being Part Lot 1 of Location 129, Diagram 16637 in Certificate of Title, Volume 1150, Folio 279; and Lot 1, Diagram 54860 in Certificate of Title, Volume 1522, Folio 898, and includes all buildings, structures, fittings, fixtures and equipment on that land;

“**sufficient and suitable golfing equipment**” comprises not less than one putter, two clubs, two golf balls and a golf bag.

Observance of ordinary and special conditions of play

5.14 While on a golf course, every player shall observe and comply with—

- (a) the general conditions of play and local rules of golf;
- (b) any direction of a controller or authorised person in respect of any special conditions of play; or
- (c) any requirement of any notice erected to direct or control play.

Controller’s approval required

5.15 A person shall not, without the prior approval of the controller or authorised person—

- (a) be accompanied by a non-playing spectator whilst playing golf on a golf course;
- (b) cross or trespass on any portion of the golf course prepared for play or practice or on any practice fairway or practice putting green, unless that person is a fee paying player;
- (c) offer themselves for employment or be employed for a fee as a caddie on the golf course; or
- (d) sell, offer or expose for sale or exchange any golf ball or any golf equipment or other goods or services on a golf course.

Direction of controller or authorised person to be observed

5.16 The controller or an authorised person may temporarily suspend admission to, or remove from the golf course reserve, or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.

Inspection of authorisation

5.17 A player or person on a golf course, shall at any time requested by the controller or other authorised person, produce any written authority granted or ticket issued, to the player or person, to play golf for the number of holes being played and valid for play on that day and at that time.

Use of vehicles and equipment

5.18 A person shall not—

- (a) take on to a golf course a bicycle, motor cycle, motor car, motorised golf buggy or any other vehicle unless—
 - (i) with the prior consent of the controller;
 - (ii) the vehicle is under the control of the controller and used for hire purposes;
- (b) drive, use or park a bicycle, motor cycle, motor car, motorised golf buggy or other vehicle on any portion of a golf course except in such areas paved, marked and set apart for such purpose without the prior consent of the controller;
- (c) while driving, using or parking any bicycle, motor cycle, motor car, motorised golf buggy or other vehicle on any portion of a golf course, refuse or fail to comply with all signs applicable thereto and any order or direction given by an authorised person or the controller;
- (d) take any golf buggy or like conveyance fitted with wheels on to any part of a golf course unless the width of its wheels is 25 millimetres or greater;
- (e) take any golf bag or golf bag buggy on to any part of the golf course laid out as a putting green, practice putting green, sand trap or bunker;
- (f) play golf on a golf course unless in full possession of sufficient and suitable golfing equipment for that purpose; or
- (g) leave on a golf course any vehicle, object, thing or any animal which the controller has directed to be removed.

Limit on liability

5.19 A player or other person is not entitled to make any claim by way of damages or otherwise against the local government, an authorised person, local government employee, local government appointed sub-contractor or person for whose acts the local government is responsible in law, for any injury or damage sustained by that player or person through any act, default or omission of an authorised or other person.

*Division 5—Awnings, Verandahs and Balconies over Local Government Property***Interpretation**

5.20 In this Division—

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

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

“**verandah**” means a roofed structure attached to a building with the outer edge supported on posts, and covered either by the main roof or a separate, lower roof, of which any part extends over any part of a footpath, street or local government property;

Approval to erect or maintain

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

Projection over local government property

5.22 All awnings, verandahs and balconies shall finish 600 millimetres closer to the building line than the face of the kerb or 2.75 metres from the building line, whichever is the lesser.

Height above local government property

5.23 The height of an awning, verandah or balcony ceiling shall, except in special cases, be 3.4 metres above the pavement level. Where there are existing awnings, verandahs or balconies, the new awning, verandah or balcony shall conform thereto subject to no awning, verandah or balcony ceiling being at a lesser height than 3 metres above the pavement level.

Maintenance and public safety

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

(2) Where the local government has reason to suspect that any awning, verandah or balcony is not in a sound and safe structural condition or in good and substantial repair, the local government may by notice in writing require the owner or occupier of any building to which that awning, verandah or balcony is attached to provide to the local government within the period specified in the notice, a report of a practising structural engineer or an architect which certifies that the awning, verandah or balcony is in a safe structural condition or specifies the work necessary to render the structure safe.

PART 6—FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY AND BUILDINGS**Payment of applicable fees**

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

No unauthorised entry to function

6.2 (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except—

(a) through the proper entrance for that purpose; and

(b) on payment of the fee chargeable for admission at the time.

(2) The local government may exempt a person from compliance with subclause (1)(b).

Determination of fees and charges

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

PART 7—OBSTRUCTING VEHICLES AND SHOPPING TROLLEYS**Interpretation**

7.1 In this Part—

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

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

Leaving vehicle in public place or on local government property

7.2 (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorized to do so under a written law.

(2) A person contravenes subclause (1) where the vehicle is left for a period exceeding 24 hours.

Name of owner of shopping trolley

7.3 A retailer shall clearly mark its name or trading name on any shopping trolley made available for the use of customers.

Shopping trolleys in public places

7.4 A person shall not leave a shopping trolley in a public place, other than in an area set aside for the storage of shopping trolleys.

Retailer taken to own shopping trolley

7.5 In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

Shopping trolley to be removed by owner

7.6 Where a shopping trolley is found abandoned in a public place and the owner has been advised verbally or in writing of its location by the local government, the owner shall remove the shopping trolley from the public place within 24 hours of being advised.

Impounding of shopping trolley

7.7 (1) Where an authorised person or a member of the Police Service finds a shopping trolley abandoned in a public place, the authorised person or a member of the Police Service may impound the shopping trolley and place it in an appointed place.

(2) Where a shopping trolley has been impounded and placed in an appointed place, the apparent owner shall be advised verbally or in writing of its location by the local government, the owner shall recover the impounded shopping trolley from the appointed place as set out in the Act.

PART 8—SECURE SUM**Security for restoration and reinstatement**

8.1 (1) The local government may require an applicant to pay a bond or secure sum to a value determined by the local government as a condition of an approval or permit; before the issue of an approval or permit; or where a land owner proposes to develop, amalgamate or sub-divide land for the purpose of ensuring that—

- (a) a hired local government building or local government property, including fixtures and fittings can be cleaned, replaced or repaired;
- (b) a footpath or local government property damaged, removed or destroyed during the construction of any building on an adjacent lot, can be repaired or reinstated;
- (c) a footpath or local government property damaged, removed or destroyed during the amalgamation or sub-division of adjacent land, can be repaired or reinstated;
- (d) conditions of an approval or permit insofar as they relate to local government or public property, are complied with.

(2) A bond or secure sum required under subclause (1) is to be paid into an account established by the local government for the purposes of this clause.

Use by local government of secure sum

8.2 (1) If an applicant, permit or approval holder or adjacent owner or occupier fails to carry out or complete the reinstatement works required by the permit or approval conditions, or by a notice served by the local government, either—

- (a) within the time specified in those conditions; or
- (b) where no such time has been specified, a reasonable time from the expiration of the permit or approval; or
- (c) within 14 days or such time as specified in the notice given by the local government,

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

(2) The permit or approval holder, owner or occupier shall pay to the local government on demand all administrative, legal, contractor and other costs including, but not limited to loss of income, estimated or incurred by the local government to restore and reinstate the site or which the local government may be required to pay under this clause.

(3) The local government may apply the proceeds of any bond or secure sum obtained under clause 8.1 to meet any costs incurred under this clause.

(4) The liability of the applicant, permit or approval holder, adjacent owner or occupier to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 8.1.

PART 9—WORKS IN THOROUGHFARES**Works in public property**

9.1 A person shall not carry out any works in a thoroughfare or public place without first obtaining written approval from the local government, in accordance with regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*, unless otherwise provided for in this local law.

Verge treatment

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

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

Permissible verge treatments

9.3 The owner or occupier of land adjacent to a thoroughfare may on the verge in front of such land, install a verge treatment in accordance with the local government's Standard Verge Treatment specifications as varied from time to time.

Owners or occupiers responsibility for verge treatments

9.4 An owner or occupier who installs and maintains a verge treatment shall—

- (a) indemnify the local government against all or any damage or injury caused to any person or thing including any thoroughfare, pavement, footpath or crossover or any pipe or cable and shall make good at such owner's or occupier's expense all such damage caused;
- (b) keep the verge treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn, that no obstruction of any sort (physical, sight or other) is caused to any accessway, footpath, pavement or thoroughfare;
- (c) lay, install or pave a surface with a specified material only;
- (d) not place any obstruction on or around any verge treatment;
- (e) not water or maintain a verge treatment in such a manner as to cause a nuisance or hazard to any person using the adjacent footpath, accessway or thoroughfare;
- (f) not extend the verge treatment beyond the verge immediately adjacent to the property owned or occupied, without the written approval of the owner of the adjoining property, immediately adjacent to the verge to be treated.

Enforcement

9.5 The local government may give notice in writing requiring the adjacent owner or occupier of any land to make good, or to remove all or any part of a verge treatment that does not comply with the local government's Standard Verge Treatment specifications, within the time period specified in the notice.

Public works on verges

9.6 (1) For the purpose of carrying out any works the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works, may without notice and without being liable to compensate any person, dig up all or part of a thoroughfare and disturb any verge treatment placed there by an adjacent owner or occupier.

(2) Where the local government digs up or carries out any works in a verge which has a verge treatment, then the local government shall use its best endeavours to—

- (a) replace and restore any reticulation pipes and sprinklers; and
- (b) back fill with sand any garden or lawn,

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

Vehicle crossing treatment

9.7 The owner or occupier of land adjacent to a thoroughfare may only install or have installed a vehicle crossing in front of such land which is a permissible vehicle crossing treatment.

Permissible treatments for standard vehicle crossings

9.8 The owner or occupier of land adjacent to a thoroughfare may install a standard vehicle crossing in accordance with the local government's Standard Vehicle Crossing specifications as varied from time to time.

Contribution towards construction of standard vehicle crossing

9.9 For the purpose of determining the local government's contribution towards the construction of a standard vehicle crossing as stipulated in *Local Government (Uniform Local Provisions) Regulations 1996*, the minimum requirements for a standard vehicle crossing for a residential area shall be used to determine the contribution for construction of a standard vehicle crossing.

Footpath, verge and street tree protection

9.10 (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a footpath, verge or street tree, shall—

- (a) take all necessary precautions to ensure that the footpath, verge or a street tree is not damaged during the course of the works;
- (b) take all necessary action to ensure that the footpath remains in a safe functional state suitable for use by the public; and
- (c) notify the local government of any existing damage to the footpath, verge or street tree prior to the commencement of the works.

(2) A person who carries out any building or other operations or works necessitating the crossing of a footpath with vehicles that may cause damage to the footpath, verge or a street tree, shall ensure that—

- (a) all reasonable precautions are taken to prevent damage to the footpath, verge or street tree during the course of the works; and
- (b) heavy vehicles that access the private property, are to cross the footpath at the designated area for the proposed vehicle crossing.

(3) Any person who causes damage to a footpath, verge or street tree during works undertaken on private property or works within the road reserve shall pay the costs of the local government to reinstate street trees and repair the damage.

Temporary vehicle crossings

9.11 (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where—

- (a) a crossing does not exist; or
- (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.

(2) The “person responsible for the works” in subclause (1) is to be taken to be—

- (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
- (b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.

(3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

Removal of redundant vehicle crossings

9.12 (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.

(2) The local government may give written notice to the owner or occupier of a lot requiring them to—

- (a) remove any part or all of a crossing which does not give access to the lot; and
- (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

PART 10—ACTIVITIES IN LOCAL GOVERNMENT AND PUBLIC PLACES**General prohibitions**

10.1 A person shall not—

- (a) plant any plant which exceeds or which may exceed 0.75 metres in height on a thoroughfare so that the plant is within 10 metres from the truncation point of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless—
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the authority of a written law;
- (c) plant any plant (except grass or a similar plant) on a thoroughfare or verge contrary to the local government’s Standard Verge Treatment specifications;
- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;

- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare; or
- (g) within a mall, arcade or verandah of a shopping centre, ride any skateboard, rollerblades or similar device.

Activities allowed with a permit

10.2 (1) A person shall not, without a permit—

- (a) dig or otherwise create a trench through or under a kerb or footpath;
- (b) subject to Part 9 of this local law, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only during the period of time advertised in connection with that collection by the local government;
- (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
- (d) cause any obstruction to a water channel or a water course in a thoroughfare;
- (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;
- (f) damage a thoroughfare;
- (g) light any fire or burn any thing on a thoroughfare;
- (h) fell any tree onto a thoroughfare;
- (i) unless installing a permissible verge treatment—
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
- (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
- (k) on a public place use anything or do anything so as to create a nuisance;
- (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
- (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

PART 11—MISCELLANEOUS NOTICES

Notice to redirect or repair sprinkler

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

Hazardous plants

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

(2) Subclause (1) does not apply where the plant was planted by the local government.

Notice to repair damage to thoroughfare

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

Notice to remove thing unlawfully placed on thoroughfare

11.4 Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

PART 12—OBJECTIONS AND APPEALS

Application of Division 1, Part 9 of the Act

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

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

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations apply to that decision.

PART 13—MISCELLANEOUS**Appointment of authorised persons, and certificate of appointment for authorised persons**

13.1 Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with section 9.10 of the Local Government Act 1995.

Authorised person to be obeyed

13.2 A person on local government property or in a local government building shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of their duties.

Persons may be directed to leave local government property or building

13.3 An authorised person may direct a person to leave local government property or a local government building where the authorised person reasonably suspects that the person has contravened a provision of any written law.

Name, date of birth and residential address to be given on demand

13.4 (1) An authorised person or member of the Police Service who finds a person committing, or who on reasonable grounds suspects a person of having committed a breach of the provisions of this local law, may demand from the person their name, date of birth and residential address.

(2) A person who refuses to give his or her name, date of birth or residential address, or who states a false name, date of birth or residential address on a demand being made, commits an offence.

Disposal of lost property

13.5 (1) An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

(2) Neither the local government nor any local government employee or any authorised person shall in any way be responsible for any articles or money lost, stolen, damaged, destroyed whilst on or in any local government property or building.

Impounding of goods and recovery of expenses

13.6 The local government may—

- (a) impound goods in accordance with regulation 29 of the *Local Government (Functions and General) Regulations 1996*, and
- (b) withhold impounded or confiscated goods until costs are paid, dispose of impounded, confiscated or uncollected goods and recover impounding fees, in accordance with sections 3.46, 3.47 and 3.48 of the Act.

Liability for damage to local government property or building

13.7 (1) Where a person unlawfully causes physical damage or detrimentally affects the appearance or nature of any local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of—

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property.

(2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where—

- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or
- (b) the damage occurred under a permit or approval, the person is the permit or approval holder in relation to that permit.

(3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

Public liability insurance and indemnity

13.8 (1) Where, as a condition of a permit or approval, the permit or approval holder or the property owner is required to provide a public liability insurance policy, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the permit and keep that insurance policy current for the duration of the permit or at all times, the permit or approval holder or the property owner shall—

- (a) enter into an agreement with the local government to provide and maintain the required public liability insurance protection;
- (b) take out a public liability insurance policy in the name of the permit or approval holder for a minimum value of 10 million dollars or such other amount as the local government considers appropriate to the risk and liability involved;
- (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;
- (d) include a clause in the policy which requires the insurance company to advise the local government if the policy lapses, is cancelled or is no longer in operation;
- (e) on the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.

(2) A permit or approval holder or a property owner who refuses to or cannot provide a current certificate of insurance 14 days prior to the commencement of any activity, action or thing performed or erected in accordance with the permit, as required in accordance with sub clause (1) commits an offence.

PART 14—ENFORCEMENT

Division 1—Notices given under this local law

Offence to fail to comply with notice

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

Local government may undertake requirements of notice

14.2 Where a person fails to comply with a notice referred to in clause 14.1, the local government may by its employees, agents or contractors carry out the works and do all things specified in the notice and may recover from that person, as a debt, the costs incurred so doing.

Division 2—Offences and penalties

Offences and general penalties

14.3 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Prescribed offences

14.4 (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

Infringement and infringement withdrawal notices

14.5 (1) For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the infringement notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

Records to be kept

14.6 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Division 3—Evidence in legal proceedings

Evidence of a determination

14.7 (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.

(2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.

(3) Subclause (2) does not make valid a determination that has not been properly made.

Schedule 1
PRESCRIBED OFFENCES

Clause	Description	Modified Penalty \$
2.4	Failure to comply with determination	100
3.6 (1)	Failure to comply with conditions of a permit	100
3.6 (2)	Failure to comply with conditions of a permit as varied	100
3.13 (1)	Failure to obtain a permit	300
3.14 (2)	Failure to obtain a permit to camp outside a facility	100
3.15 (1)	Consumption or possession of liquor without a permit	100
3.16	Failure of permit holder to comply with responsibilities	100
4.1 (a)	Behaviour likely to cause injury, interrupt, disturb or interfere with enjoyment by other persons	100
4.1 (b)	Behaviour which causes injury, interrupts, disturbs or interferes with enjoyment by other persons	100
4.1 (c)	Disorderly or offensive conduct, or use of indecent or improper language	100
4.2 (1)	Gender not specified using toilet block or change room	100
4.2 (2) (a)	Loiter outside or act in an unacceptable manner in any toilet block or change room	100
4.2 (2) (b)	Enter or attempt to enter an occupied cubicle or compartment	100
4.3 (1)	Failure to wear adequate clothing to secure decency	100
4.4 (1)	Behaviour detrimental to property	100
4.5 (1) (a)	Take, injure or kill, or attempt to take, injure or kill any fauna.	100
4.5 (1) (b)	Take onto, set or use any animal, bird or fish trap while on any local government property.	100
4.6	Under influence of liquor or prohibited drug	100
4.8 (2)	Failure to comply with sign on local government property	100
5.2 (2)	Failure to leave a community facility when requested to do so	50
5.3 (a)	Smoke or consume food or drink in a prohibited area	100
5.3 (b)	Climbing up or upon a community facility	100
5.3 (c)	Enter or use, or attempt to enter or use a community facility whilst unclean or suffering from a contagious, infectious or cutaneous disease	100
5.5 (a)	Use a sandboard, other board or thing to slide down sand dunes	100
5.5 (c)	Traverse sand dunes other than along designated paths.	100
5.5 (d)	Take a vehicle onto any beach or sand dune	100
5.6 (1)	Launch a boat into sea from area not approved or not permitted by signs	100
5.6 (2)	Launch personal water craft into sea other than from a boat launching ramp	100
5.9 (a)	Failure to comply with a sign erected on a beach	100
5.9 (b)	Failure to comply with a direction given by a beach inspector or authorised person	100
5.10 (1)(a)	Fishing in an area where fishing is prohibited or restricted by signs	100
5.10 (1)(b)	Fishing in an area set aside as designated permitted bathing area	100
5.10(2) (a)	Clean fish or cut bait that causes a nuisance to beach users	100
5.10(2) (b)	Leave or deposit fish offal on land or in sea within 200 metres of any beach	100
5.10 (2) (c)	Use berley, oil or material that causes a nuisance to beach users or is detrimental to the environment	100
5.10 (2)(d)	Fishing for sharks without approval of local government	200
5.11 (1)	Use or ride a surfing appliance, or drive a personal watercraft or boat in a designated permitted bathing area	100
5.12	Unauthorised entry to fenced or closed local government property	100
5.14 (a)	Failure to observe and comply with general conditions of play and local rules of golf	100
5.14 (b)	Failure to comply with direction of controller or authorised person	100
5.14 (c)	Failure to comply with notice to direct or control play on golf course	100
5.15 (a)	Without approval of the controller, be accompanied by a non-playing spectator whilst playing golf	50
5.15 (b)	Without approval of the controller, cross or trespass on any portion of the golf course prepared for play	50
5.15 (c)	Without approval of the controller, seeking employment or be employed for a fee as a caddie	50
5.15 (d)	Without approval of the controller, sell, offer or expose for sale or exchange any golf ball or any golf equipment or other goods or services	50

Clause	Description	Modified Penalty \$
5.17	Failure to produce written authority to play golf for number of holes, day and time on the golf course	100
5.18 (a)	Take a vehicle onto the golf course without approval of Controller	100
5.18 (b)	Drive, use or park a bicycle, motor cycle, motor car, motorised golf buggy or other vehicle on any portion of the golf course reserve except in such areas paved, marked and set apart for such purpose without the prior consent of the controller	100
5.18 (c)	Refuse or fail to comply with all signs while driving, using or parking any bicycle, motor cycle, motor car, motorised golf buggy or other vehicle on any portion of the golf course reserve, or any order or direction given by an authorised person or the controller	100
5.18 (d)	Take any golf buggy with wheels less than 25mm wide onto any part of the golf course	100
5.18 (g)	Leave on the golf course any vehicle, object or animal	100
5.21	Erecting or maintaining an awning, verandah or balcony without a permit	300
6.1	Failure to pay the fees and charges fixed by the local government from time to time	100
6.2	Unauthorised entry to a function on local government property	100
7.2	Vehicle obstructing a public place or local government property	100
7.4	Leaving shopping trolley in public place other than trolley bay	50
7.6	Failure to remove shopping trolley upon being advised of location	100
9.1	Carrying out works in a thoroughfare or public place without approval	200
9.2 (a)	Altering finished level of a verge	100
9.2 (b)	Excavating verge within the drip line of street tree	100
9.2 (c)	Cover or obstruct any manholes, gullies or inspection pits	100
9.3	Installation of verge treatment other than permissible verge treatment	200
9.4 (b)	Failure to keep verge treatment in good or tidy condition and avoid obstruction of any sort	100
9.4 (c)	Failure to lay, install or pave a verge with a specified material	100
9.4 (d)	Place any obstruction on or around any verge treatment	100
9.4 (e)	Water or maintain a verge treatment so as to cause a nuisance or a hazard to any person using footpath, accessway or thoroughfare	100
9.7	Failure to install a permissible vehicle crossing	200
9.10 (1)(a)	Failure to take necessary precautions to ensure footpath is not damaged during works	200
9.10 (1)(b)	Failure to ensure footpath remains in a safe function state suitable for use by the public	200
9.10 (1)(c)	Fail to notify local government of existing footpath damage prior to commencement of works	50
9.10 (2)(a)	Failure to take reasonable precautions to prevent damage to footpath, verge or street tree	200
9.11 (1)	Failure to obtain permit for temporary crossing	200
9.12 (2)	Failure to comply with notice to remove crossing and reinstate kerb	300
10.1 (a)	Plant of 0.75 metres in height on thoroughfare within 10 metres from the truncation of an intersection	100
10.1 (b)	Damaging lawn or garden, or remove any plant	100
10.1 (c)	Plant any plant (except grass) on thoroughfare or verge contrary to standard verge treatment specifications	100
10.1 (d)	Placing any fruit, substance or fluid on footpath which may create a hazard	100
10.1 (e)	Damaging or interfering with signpost or structure on thoroughfare	200
10.1 (f)	Playing games so as to impede vehicles or persons on thoroughfare	100
10.1 (g)	Riding of skateboard or similar device within mall, arcade or verandah of shopping centre	100
10.2(1)(a)	Digging a trench through a kerb or footpath without a permit	200
10.2(1)(b)	Throwing or placing anything on a verge without a permit	200
10.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200
10.2 (1)(d)	Causing obstruction to water channel on thoroughfare without a permit	200
10.2 (1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	200
10.2 (1)(g)	Lighting a fire on a thoroughfare without a permit	300
10.2 (1)(h)	Felling tree onto thoroughfare without a permit	200
10.2 (1)(i)	Installing pipes or stone on thoroughfare without a permit	200
10.2 (1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	200
10.2 (1)(k)	Creating a nuisance on a thoroughfare without a permit	100

Clause	Description	Modified Penalty \$
10.2 (1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	100
10.2 (1)(m)	Interfering with anything on a thoroughfare without a permit	100
14.1	Failure to comply with notice given under local law where not specified in Schedule 1	300
14.3 (1)	Other offences not specified	100

Schedule 2

DETERMINATIONS

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

PART 1—PRELIMINARY

Definitions

1.1 In these determinations unless the context requires otherwise—

“**local law**” means the Town Of Cambridge Local Government and Public Property Local Law made by the local government;

Interpretation

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

Dated 24th of July 2001.

The Common Seal of the Town of Cambridge was affixed by authority of a resolution of the Council in the presence of—

ROSS J. WILLCOCK, Mayor.
GRAHAM D. PARTRIDGE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

TRADING IN PUBLIC PLACES LOCAL LAW**PART 1—PRELIMINARY**

- 1.1 Title
- 1.2 Objective
- 1.3 Commencement
- 1.4 Repeal
- 1.5 Application
- 1.6 Definitions

PART 2—TRADING IN THOROUGHFARES AND PUBLIC PLACES*Division 1—Stallholders and traders*

- 2.1 Definitions
- 2.2 Stallholder's permit
- 2.3 Trader's permit
- 2.4 No permit required to sell newspapers
- 2.5 Relevant considerations in determining application for permit
- 2.6 Conditions of permit
- 2.7 Exemptions from requirement to pay fee
- 2.8 Conduct of stallholders and traders

Division 2—Street entertainers

- 2.9 Definitions
- 2.10 Permit required to perform
- 2.11 Variation of permitted area and permitted time
- 2.12 Duration of permit
- 2.13 Cancellation of permit
- 2.14 Obligations of permit holder

Division 3—Outdoor eating facilities

- 2.15 Definitions
- 2.16 Permit required to conduct facility
- 2.17 Matters to be considered in determining application
- 2.18 Obligations of permit holder
- 2.19 Removal of facility unlawfully conducted
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- 2.21 Temporary removal of facility may be requested

Division 4—Itinerant Food Vendors

- 2.22 Definitions
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- 3.1 Application for permit
- 3.2 Decision on application for permit
- 3.3 Conditions which may be imposed on a permit
- 3.4 Imposing conditions under a policy
- 3.5 Compliance with and variations of conditions
- 3.6 Duration of permit
- 3.7 Renewal of permit
- 3.8 Transfer of permit
- 3.9 Production of permit
- 3.10 Cancellation of permit
- 3.11 Suspension of permit holder rights and privileges
- 3.12 Planning approval

PART 4—SECURED SUM

- 4.1 Security for restoration and reinstatement
- 4.2 Use by the local government of secured sum

PART 5—MISCELLANEOUS

- 5.1 Notice requiring works to be done to remedy breach
- 5.2 Notice to advise permit holder of planned or emergency works
- 5.3 Serving of notices
- 5.4 Limit on liability
- 5.5 Works on public property
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PART 6—GENERAL

- 6.1 Appointment of authorised persons and certificate of appointment for authorised persons
- 6.2 Authorised person to be obeyed
- 6.3 Persons may be directed to leave local government property
- 6.4 Name, date of birth and residential address to be given on demand
- 6.5 Disposal of lost property
- 6.6 Impounding of goods and recovery of expenses
- 6.7 Liability for damage to local government property
- 6.8 Right of appeal

PART 7—OFFENCES AND PENALTIES

- 7.1 Offences
- 7.2 Infringement and infringement withdrawal notices
- 7.3 Offence description and modified penalty
- 7.4 Prosecution for offences
- 7.5 Records to be kept

SCHEDULE 1

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

TRADING IN PUBLIC PLACES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Cambridge resolved on 24 April 2001 to make the following local law.

PART 1—PRELIMINARY**Title**

1.1 This local law may be referred to as the *Town of Cambridge Trading In Public Places Local Law*.

Objective

1.2 The objective of this local law is to provide for the regulation, control and management of outdoor eating facilities, stalls, traders and entertainers in any street or public place within the district by establishing the requirements with which persons must comply in order to undertake those activities.

Commencement

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

Repeal

1.4 (1) The following local laws adopted by the Town of Cambridge from the former City of Perth are repealed on the day this local law comes into operation—

Local law No. 5—Stalls, published in the *Government Gazette* of 25 May 1979 and amendments;

Local law No. 13—Eating Areas, published in the *Government Gazette* of 28 February 1986 and amendments;

Local law No. 15—Street Trading, published in the *Government Gazette* of 23 November 1984 and amendments;

Local law No. 16—Street Performers, published in the *Government Gazette* of 8 July 1988 and amendments.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

Application

1.5 This local law applies throughout the district of the Town of Cambridge.

Definitions

1.6 In this local law unless the context requires otherwise—

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

“**application fee**” means the fee payable upon lodgement of an application for a permit and which relates to the lodgement, assessment and determination of the application but does not include the permit fee;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law and any member of the Western Australian Police Service;

“**district**” means the district of the local government;

“**eating house**” means premises which are either registered as an eating house under the Health Act or the subject of a hotel licence, a limited hotel licence, special facility licence or a restaurant licence granted under the *Liquor Licensing Act 1988*;

“**Health Act**” means the *Health Act 1911*;

“**hire**” includes offer to hire and expose for hire;

“**Liquor Act**” means the *Liquor Licensing Act 1988* and includes any regulations made under that Act;

“local government” means the Town of Cambridge;

“notice” means a notice issued in accordance with Part 5 of this local law;

“nuisance” means—

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

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

“proprietor”—

- (a) includes the owner, the occupier and any person having the management or control of any eating house; or
- (b) the holder of a licence granted under the *Liquor Licensing Act 1988* where the premises in question is the subject of a hotel licence, a limited hotel licence, special facility licence or a restaurant licence granted under that Act;

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

“street” means any highway, thoroughfare or land, otherwise used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the street verge and footpath;

“street market” means a collection of stalls, stands or displays erected on a street or other public place for the purpose of selling goods, wares, merchandise, or services or carrying out any other transaction;

“vehicle” includes every conveyance, not being a train, vessel or aircraft and every object capable of being propelled or drawn, on wheels or tracks, by any means.

Any other expression used in this local law and not defined herein shall have the meaning given to it in the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960* and the *Health Act 1911*, unless the context requires otherwise.

PART 2— TRADING IN THOROUGHFARES AND PUBLIC PLACES

Division 1—Stallholders and Traders

Definitions

2.1 In this Division, unless the context requires otherwise—

“Competition Principles Agreement” means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995;

“stallholder” means a person in charge of a stall;

“stallholder’s permit” means a permit issued to a stallholder;

“trader” means a person who carries on trading;

“trader’s permit” means a permit issued to a trader; and

“trading” includes—

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

but does not include—

- (d) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder's permit;
- (e) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (f) the selling or the offering for sale or hire by a person of goods of their own manufacture or services which they provide;
- (g) the selling or hiring or the offering for sale or hire of—
 - (i) goods by a person who represents a manufacturer of the goods; or
 - (ii) services by a person who represents a provider of the services, andwhich are sold directly to consumers and not through a shop.

Stallholder's permit

2.2 (1) A person shall not conduct a stall on a public place unless that person is—

- (a) the holder of a valid stallholder's permit; or
- (b) an assistant specified in a valid stallholder's permit.

(2) Every application for a stallholder's permit shall—

- (a) state the full name and address of the applicant;
- (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
- (c) specify the proposed location of the stall;
- (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
- (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
- (f) be accompanied by an accurate plan and description of the proposed stall.

Trader's permit

2.3 (1) A person shall not carry on trading unless that person is—

- (a) the holder of a valid trader's permit; or
- (b) an assistant specified in a valid trader's permit.

(2) Every application for a trader's permit shall—

- (a) state the full name and address of the applicant;
- (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
- (c) specify the location or locations in which the applicant proposes to trade;
- (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
- (e) specify the proposed goods or services which will be traded; and
- (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

(3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

No permit required to sell newspapers

2.4 Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper is not required to obtain a permit.

Relevant considerations in determining application for permit

2.5 (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to—

- (a) any relevant policies of the local government;
- (b) the desirability of the proposed activity;
- (c) the location of the proposed activity;
- (d) the principles set out in the Competition Principles Agreement; and
- (e) such other matters as the local government may consider to be relevant in the circumstances of the case.

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

- (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;
- (b) that the applicant is not a desirable or suitable person to hold a permit;

- (c) that—
 - (i) the applicant is an undischarged bankrupt or is in liquidation;
 - (ii) the applicant has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or
- (d) such other grounds as the local government may consider to be relevant in the circumstances of the case.

Conditions of permit

2.6 (1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include—

- (a) the place, the part of the district, or the thoroughfare to which the permit applies;
- (b) the days and hours during which a permit holder may conduct a stall or trade;
- (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
- (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
- (e) the number of persons and the names of persons permitted to conduct a stall or trade;
- (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
- (g) whether and under what terms the permit is transferable;
- (h) any prohibitions or restrictions concerning the—
 - (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
 - (ii) the use of amplifiers, sound equipment and sound instruments;
 - (iii) the use of signs; and
 - (iv) the use of any lighting apparatus or device;
- (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
- (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
- (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
- (l) the acquisition by the stallholder or trader of public liability insurance;
- (m) the lodgement of a secure sum or bond of a value determined by the local government;
- (n) the period for which the permit is valid; and
- (o) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.

(2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

Exemptions from requirement to pay fee

2.7 (1) In this clause—

“charitable organisation” means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

“commercial participant” means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

(2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on—

- (a) on a portion of a public place adjoining the normal place of business of the applicant; or
- (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

(3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

Conduct of stallholders and traders

2.8 (1) A stallholder while conducting a stall or a trader while trading shall—

- (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;

- (b) not display a permit unless it is a valid permit; and
 - (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *Weights and Measures Act 1915*.
- (2) A stallholder or trader shall not—
- (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
 - (b) act in an offensive manner;
 - (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
 - (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

Division 2—Street Entertainers

Definitions

2.9 In this Division, unless the context requires otherwise—

“**perform**” includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

“**permit**” means a permit issued for the purpose of clause 2.10;

“**permitted area**” means the area or areas, specified in a permit, in which the permit holder may perform; and

“**permitted time**” means the time or times, specified in a permit, during which the permit holder may perform.

Permit required to perform

2.10 A person shall not perform in a public place without a permit.

Variation of permitted area and permitted time

2.11 (1) The local government may by notice in writing to a permit holder vary—

- (a) the permitted area;
- (b) the permitted time; or
- (c) both the permitted area and the permitted time,

shown on a permit.

(2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

Duration of permit

2.12 A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

Cancellation of permit

2.13 The local government may cancel a permit if, in the opinion of an authorised person, the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or the performance otherwise constitutes a nuisance.

Obligations of permit holder

2.14 A permit holder shall not in a public place—

- (a) perform wearing dirty, torn or ragged clothing;
- (b) act in an offensive manner; or
- (c) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier—
 - (i) other than in the permitted area; and
 - (ii) unless the musical instrument or device is specified in the permit.

Division 3—Outdoor Eating Facilities

Definitions

2.15 In this Division, unless the context requires otherwise—

“**Facility**” means an outdoor eating facility or establishment on any part of a public place in which tables, chairs and other structures are provided for the purpose of the supply of food or drink to the public or the consumption of food or drink by the public, but does not include such a facility or establishment on private land;

“**permit holder**” means the person to whom a permit has been issued for the purpose of clause 2.16.

Permit required to conduct Facility

2.16 A person shall not establish or conduct a Facility without a permit.

Matters to be considered in determining application

2.17 In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not—

- (a) the Facility is conducted in conjunction with and as an extension of food premises which abut the Facility, and whether the applicant is the person conducting such food premises;
- (b) any abutting food premises are registered in accordance with the *Health Act 1911* and whether the use of the premises is permitted under the town planning scheme;
- (c) the Facility will comply with any local law made under section 172 of the *Health Act 1911*;
- (d) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;
- (e) the Facility would—
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access; and
- (f) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

Obligations of permit holder

2.18 (1) The permit holder for a Facility shall—

- (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law and any local law made under section 172 of the *Health Act 1911*;
 - (b) ensure that the eating area is kept in a clean and tidy condition at all times;
 - (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
 - (d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility; and
 - (e) be solely responsible for all rates and taxes levied upon the land occupied by the Facility.
- (2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.
- (3) In subclause (2), “work” includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

Removal of Facility unlawfully conducted

2.19 Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

Use of Facility by public

2.20 (1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.

(2) A person shall leave a Facility when requested to do so by the permit holder.

Temporary removal of Facility may be requested

2.21 (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service in the event of an emergency.

(2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

*Division 4—Itinerant Food Vendors***Definitions**

2.22 In this Division, unless the context requires otherwise—

“**itinerant food vendor**” means a person who travels along the road looking for customers and who sells food from their vehicle parked temporarily on the road to customers who stop or come to them while they are so parked;

“**itinerant food vendor’s permit**” means a permit to conduct an itinerant food vending service issued by the local government under this local law.

Itinerant Food Vendor’s Permit

2.23 (1) An itinerant food vendor shall not offer for sale or sell food unless they—

- (a) are the holder of an itinerant food vendor’s permit issued by the Local Government under this clause; and

- (b) comply with any conditions to which the permit is subject.
- (2) An application seeking the issue of an itinerant food vendor's permit shall be made by the proprietor or, where there is more than one proprietor, by each proprietor; on the approved form and shall be forwarded by the applicant to the local government together with the approved fee.
- (3) An application for a food vendor's permit shall be determined by the local government which may approve the application, with or without conditions, or reject the application.
- (4) A permit issued under this clause shall, unless cancelled in the meantime in accordance with the provisions of the Act, be valid from the date of issue until the following 30th day of June.

PART 3—PERMITS

Application for permit

- 3.1 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall—
- (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

Decision on application for permit

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

Conditions which may be imposed on a permit

- 3.3 The local government may approve an application for a permit subject to conditions relating to—
- (a) the payment of a fee;
 - (b) the duration and commencement of the permit;
 - (c) the commencement of the permit being contingent on the happening of an event;
 - (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
 - (e) the approval of another application for a permit which may be required by the local government under any written law;
 - (f) the area of the district to which the permit applies;
 - (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
 - (h) the obtaining of public liability insurance in an amount and on terms reasonably required by the local government;
 - (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder; and
 - (j) the safe storage, handling, preparation, display and sale of food.

Imposing conditions under a policy

- 3.4 (1) In this clause—
- “**policy**” means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.2 (1) (a).

(2) Under clause 3.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.2 (2).

(4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94 (u)(i) of the Act.

Compliance with and variation of conditions

3.5 (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

Duration of permit

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

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.10.

Renewal of permit

3.7 (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of—

- (a) this Part; and
- (b) any other provision of this local law relevant to the permit which is to be renewed, shall apply to an application for the renewal of a permit *mutatis mutandis*.

Transfer of permit

3.8 (1) An application for the transfer of a valid permit is to—

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by—

- (a) an endorsement on the permit signed by the CEO; or
- (b) issuing to the transferee a permit in the form determined by the local government.

(4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

Production of permit

3.9 A permit holder is to produce to an authorised person their permit immediately upon being required to do so by that authorised person.

Cancellation of permit

3.10 (1) Subject to clause 6.8, a permit may be cancelled by the local government on any one or more of the following grounds—

- (a) the permit holder has not complied with a—
 - (i) condition of the permit; or
 - (ii) provision of any written law which may relate to the activity regulated by the permit;
- (b) the permit holder is convicted of an offence against this local law;
- (c) the permit holder fails to maintain the required public liability insurance cover indemnifying the local government against damages; or
- (d) if it is relevant to the activity regulated by the permit—
 - (i) the permit holder has become bankrupt, or gone into liquidation;
 - (ii) the permit holder has entered into any composition or arrangement with creditors; or
 - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder's undertakings or property.

- (2) On the cancellation of a permit the permit holder—
- (a) shall return the permit as soon as practicable to the local government; and
 - (b) is to be taken to have forfeited any fees paid in respect of the permit.

Suspension of Permit Holder Rights and Privileges

3.11 (1) The rights and privileges granted to a permit holder on the issue of a permit, shall be automatically suspended, where the public liability insurance required as a condition of a permit, lapses, is cancelled or is no longer current.

(2) The rights and privileges granted to a permit holder on the issue of a permit, may be suspended by the local government, for the purpose and duration of any works, proposed or done in or adjacent to the area subject of the licence, by or on behalf of a Government department, instrumentality of the Crown or the local government.

Planning Approval

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

PART 4—SECURE SUM

Security for Restoration and Reinstatement

4.1 (1) For the purpose of ensuring that an outdoor eating facility or street market area is properly restored or reinstated, on the expiry of a permit, the local government may require that the applicant or permit holder—

- (a) as a condition of a permit; or
- (b) before the issue of a permit; or
- (c) before the renewal of a permit;

give to the local government a bond, bank guarantee or other security, of a kind and in a form acceptable to the local government, in or for a sum determined by the local government.

(2) A bond required under sub clause (1) is to be paid into an account established by the local government for the purposes of this clause.

Use by the Local Government of Secured Sum

4.2 (1) If a permit holder fails to carry out or complete the reinstatement works required by the permit conditions or by a notice served by the local government, either—

- (a) within the time specified in those conditions;
- (b) where no such time has been specified, a reasonable period of time from the expiration of the permit of the outdoor eating facility specified in the permit conditions; or
- (c) within 14 days or such other time as specified in the notice given by the local government to the permit holder, then—

the local government may carry out or cause to be carried out the required restoration and reinstatement work or so much of that work as remains undone.

(2) The permit holder shall pay to the local government on demand all administrative, legal, contractor and other costs, estimated or incurred by the local government, to restore and reinstate the site or which the local government may be required to pay under this clause.

(3) The local government may apply the proceeds of any bond, bank guarantee or other security provided by the permit holder under clause 4.1 to meet costs under this clause.

(4) The liability of a permit holder to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 4.1.

PART 5—MISCELLANEOUS

Notice Requiring Works to be Done To Remedy Breach

5.1 (1) Where the local government requires works to be done—

- (a) to rectify a breach of any provision of a permit; or
- (b) to change the arrangement or operation of an outdoor eating facility considered necessary to maintain public safety, facilitate public works to the footpath or street, or protect the amenity of an adjacent premises; the local government may give notice in writing to the permit holder—
 - (i) advising details of the breach of the local law or works required;
 - (ii) requiring the permit holder to remedy the breach or do the works required within the time specified in the notice; and
 - (iii) advising that where the permit holder fails to comply with the requirements of the notice within the time specified, the local government may do the required work.

(2) Where the permit holder fails to comply with the requirements of the notice, the local government may by its employees, agents or contractors carry out all works and do all things necessary to comply with the requirements of the notice.

(3) The local government may recover the expenses incurred in carrying out the works in accordance with sub-clause (2)—

- (a) as a charge against the secured sum lodged for the purpose in accordance with clause 4.1;
- (b) from the permit holder in a court of competent jurisdiction.

Notice to Advise Permit Holder of Planned or Emergency Works

5.2 (1) The local government shall give 14 days notice of any planned works to be undertaken by the local government, that will require closure, part closure or access to an outdoor eating facility or street market location, approved in accordance with this local law.

(2) Where the local government is to carry out emergency works in an outdoor eating facility or street market location, there shall be no specified time for the giving of notice of the works to the permit holder, other than that which is considered reasonable under the circumstances.

(3) A notice referred to in sub clauses (1) and (2) shall be served in accordance with clause 5.3.

(4) The permit holder shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to any works, actions or activity whatsoever referred to in sub clauses (1) and (2) and all rights and privileges granted by the permit shall be suspended in accordance with clause 3.11 (2).

Serving of Notices

5.3 Notices served under this local law are to be delivered to the permit holder personally, or sent by mail addressed to the permit holder.

Limit on Liability

5.4 A permit holder, or other person is not entitled to make any claim by way of damages or otherwise, against the local government, an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to carry out all or part of the works and do all things necessary that the permit holder was required to do to comply with this local law.

Works on Public Property

5.5 A person shall not carry out any works of a structural nature, within the street or public place without first obtaining written permission from the local government, in accordance with Regulation 17 of the *Local Government (Uniform Local Provisions) Regulations 1996*.

Public Liability Insurance and Indemnity

5.6 (1) Where, as a condition of a permit, the applicant, permit holder or the property owner is required to provide a public liability insurance policy, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the permit and keep that insurance policy current for the duration of the permit or at all times, the permit or approval holder or the property owner shall—

- (a) enter into an agreement with the local government to provide and maintain the required public liability insurance protection;
- (b) take out a public liability insurance policy in the name of the permit holder for a minimum value of 10 million dollars or such other amount as the local government considers appropriate to the risk and liability involved;
- (c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;
- (d) include a clause in the policy which requires the insurance company to advise the local government if the policy lapses, is cancelled or is no longer in operation;
- (e) on the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.

(2) A permit holder or a property owner who refuses or cannot provide a current certificate of insurance 14 days prior to the commencement of any activity, action or thing performed or erected in accordance with the permit, as requested in accordance with sub clause (1) commits an offence.

PART 6—GENERAL

Appointment of Authorised Persons, and Certificate of Appointment for Authorised Persons

6.1 Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with section 9.10 of the Act.

Authorised person to be obeyed

6.2 A person on local government property or in a local government building shall obey any lawful direction of an authorised person and shall not in any way obstruct or hinder an authorised person in the execution of her or his duties.

Persons may be directed to leave local government property

6.3 An authorised person may direct a person to leave local government property or a local government building where the authorised person reasonably suspects that the person has contravened a provision of any written law.

Name, Date of Birth and Residential address to be Given on Demand

6.4 (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 local law, may demand from the person their name, date of birth and residential address.

(2) A person who refuses to give their name, date of birth and residential address, or who states a false name, date of birth or residential address on a demand being made, commits an offence.

Disposal of lost property

6.5 (1) An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

(2) Neither the local government nor any local government employee or any authorised person shall in any way be responsible for any articles or money lost, stolen, damaged, destroyed whilst on or in any local government property or building.

Impounding of goods and recovery of expenses

6.6 The local government may—

- (a) impound goods in accordance with regulation 29 of the *Local Government (Functions and General) Regulations 1996*, and
- (b) withhold impounded or confiscated goods until costs are paid, dispose of impounded, confiscated or uncollected goods and recover impounding fees, in accordance with sections 3.46, 3.47 and 3.48 of the Act.

Liability for damage to local government property

6.7 (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of—

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property.

(2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property within subclause (1) where—

- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or
- (b) the damage occurred under a permit or approval, the person is the permit or approval holder in relation to that permit.

(3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

Right of appeal

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

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

the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

PART 7—OFFENCES AND PENALTIES**Offences**

7.1 (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against a clause specified in Schedule 1 of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Infringement and Infringement Withdrawal Notices

7.2 For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*.

Offence Description and Modified Penalty

7.3 The amount appearing in the final column of Schedule 1 directly opposite an offence described in that Schedule is the modified penalty for that offence.

Prosecution for Offences

7.4 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

7.5 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Footnotes—**Outdoor Dining Facility**

1 Applicants seeking the issue of planning approval and a permit to conduct an Outdoor Eating Facility, should refer to the "Guidelines For Outdoor Eating Facility", which provide information on specific issues for particular areas, plus a wide range of general outdoor eating matters. Prior reference to the guidelines will assist in completing the application.

Schedule 1
PRESCRIBED OFFENCES

Clause No	Nature of Offence	Modified Penalty \$
2.2 (1)	Conducting of stall in public place without a permit	300
2.3 (1)	Trading without a permit	300
2.8 (1)(a)	Failure of stallholder or trader to display or carry permit	100
2.8 (1)(b)	Stallholder or trader not displaying valid permit	100
2.8 (1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	100
2.8 (2)	Stallholder or trader engaged in prohibited conduct	100
2.10	Performing in a public place without a permit	100
2.11 (2)	Failure of performer to move onto another area when directed	100
2.14	Failure of performer to comply with obligations	100
2.16	Establishment or conduct of outdoor eating facility without a permit	300
2.18	Failure of permit holder of outdoor eating facility to comply with obligations	100
2.20 (1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	100
2.20 (2)	Failure to leave outdoor eating facility when requested to do so by permit holder	100
2.23 (1) (a)	Offering food for sale or selling food by an itinerant food vendor without a permit	300
3.5 (1)	Failure to comply with a condition of a permit	200
5.1 (1)	Failure to comply with requirements of a notice	200
6.4 (1)	Refusal to give name, date of birth or residential address or give a false name, date of birth or residential address on a demand being made	100
7.1	Other offences not specified	100

Dated 24 th of July 2001

The Common Seal of the Town of Cambridge was affixed by authority of a resolution of the Council in the presence of—

ROSS J. WILLCOCK, JP, Mayor.

GRAHAM D. PARTRIDGE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

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LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

PRIVATE PROPERTY LOCAL LAW

Under the powers conferred by the Local Government Act 1995 and all other powers enabling it, the Council of the Town of Cambridge resolved on 27 March 2001 to make the following local law.

PART 1—PRELIMINARY**Title**

1.1 This Local Law may be referred to as the *Town of Cambridge Private Property Local Law*.

Objective

1.2 (1) The objective of this local law is to provide for the regulation, control and management of dividing fences between private properties, fencing and lighting of tennis courts, outdoor lighting, street numbering, unsightly land, hazardous plants, sand drift and stormwater and swimming pool wastewater containment and disposal on private land within the district.

(2) The effect of this local law is to establish—

- (a) the standard of a sufficient fence according to land use,
- (b) requirements to reduce the intrusive effects of tennis court and outdoor lighting,
- (c) requirements for the orderly assignment of street numbers to each lot,
- (d) requirements for the prevention of unsightly land and the accumulation of disused materials within the district,
- (e) requirements to prevent plants and trees becoming a hazard to a person or thing,
- (f) requirement to control and prevent sand drift, and
- (g) requirements for the containment and disposal of stormwater and swimming pool waste water.

Commencement

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

Repeal

1.4 The following local laws adopted by the Town of Cambridge from the former City of Perth are repealed on the day this local law comes into operation—

Local law No 19—Fencing, published in the *Government Gazette* of 25 October 1967 and amendments;

Local law No 61—Removal of Refuse and Disused Materials, published in the *Government Gazette* of 5 May 1967 and amendments; and

Clauses 20 and 21 of the City of Perth Health Local law published in the *Government Gazette* of 15 October 1993.

Application

1.5 This local law applies throughout the district of the Town of Cambridge.

Interpretation

1.6 In this Local Law, unless the context requires otherwise—

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

“**AS**” means Australian Standard published by Standards Australia;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Local Government Act 1995 to perform any of the functions of an authorised person under this local law;

“**building**” means any roofed structure enclosing space and intended for use as shelter (for people, animals or property) or for recreational, commercial or industrial purposes;

“**Building Surveyor**” means a Building Surveyor of the local government;

“**Building Licence**” means a building licence issued pursuant to Section 374 of the *Local Government (Miscellaneous Provisions) Act 1960*;

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

“Commercial Lot” means a lot where a commercial or light industrial use is or may be permitted under the town planning scheme; and is or will be the predominant use of the lot;

“dangerous” in relation to any fence means—

- (a) an electrified fence;
- (b) a fence containing barbed wire, other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material;
- (d) a fence which in the opinion of the local government is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause; or
- (e) a fence that has become dangerous through lack of maintenance or repair;

“development” has the same meaning given to it in the *Town Planning and Development Act 1928*;

“district” means the district of the Town of Cambridge;

“disused” means in relation to anything, that the thing—

- (a) is not in use for the purpose for which it was designed or appears to have been designed or intended for; or
- (b) has been stored or left stationary on land in the district for more than 3 months.

“dividing fence” has the meaning given to it in and for the purposes of the *Dividing Fences Act 1961*, [Section 5 of the *Dividing Fences Act 1961* defines “dividing fence” to mean “a fence that separates the land of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary”];

“electrified fence” means a fence carrying or designed to carry an electric charge;

“fence” means any structure used or functioning as a barrier, irrespective of where it is located and includes any gate;

“floodlight” means a specific form of luminaire that emits light within a limited range of direction, such as a beam;

“height” in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

“land” means land in the district and includes houses, buildings, works, and structures, in or upon the land;

“local government” means the Town of Cambridge;

“lot” has the meaning given to it in and for the purposes of the *Town Planning and Development Act 1928*;

“luminaire” means apparatus which distributes, filters or transforms the light transmitted from one or more lamps and which includes, except for the lamps themselves, all parts necessary for fixing and protecting the lamps and, where necessary, circuit auxiliaries with the means for connecting them to the electricity supply;

“notice of breach” means a notice referred to in Part 10 of this local law;

“non sacrificial graffiti protection” means a coating applied to a fence or wall which is not removed in the process of removing graffiti;

“nuisance” means—

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

“obtrusive lighting” means spill light which, because of quantitative, directional or spectral attributes in a given context, gives rise to a nuisance, distraction, discomfort, or reduces the ability of a person to see essential information such as signal lights;

“outdoor lighting” means any form of permanently installed exterior lighting (including advertising signs) and interior lighting systems which emit light that impacts on the outdoor environment;

“public lighting” means lighting provided for the purpose of all night safety and security on thoroughfares, pedestrian movement areas and public property;

“residential lot” means a lot where a residential use is or may be permitted under the town planning scheme; and is or will be the predominant use of the lot;

“**retaining wall**” means any structure which prevents the movement of soil in order to allow ground levels of different elevations to exist adjacent to one another;

“**sand**” means any granular, siliceous and non-cohesive material;

“**Schedule**” means a Schedule to this local law;

“**street setback area**” means the area between the prescribed building line of a lot and the property boundaries of that lot adjacent to any streets;

“**spill lighting**” means the light emitted by a lighting installation which falls outside the boundaries of the lot on which the installation is located;

“**street number**” means a number with or without an alphabetical suffix indicating the address of land as assigned by the local government from time to time, in accordance with this local law;

“**sufficient fence**” means a fence described in Part 2 of this local law;

“**town planning scheme**” means a town planning scheme of the local government made under the *Town Planning and Development Act 1928*.

“**unsightly**” has the meaning given to it in and for the purposes of the *Local Government Act 1995*.

Any other expression used in this local law and not defined herein shall have the meaning given to it in—

- (a) the *Local Government Act 1995*,
- (b) the *Local Government (Miscellaneous Provisions) Act 1960*,
- (c) the Glossary of Building Terms published by Standards Australia and the National Committee on Rationalised Building, and
- (d) Australian Standard 4282—Control of the obtrusive effects of outdoor lighting; unless the context requires otherwise.

PART 2—FENCES

Division 1—Sufficient Fences

Sufficient fence

2.1 (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.

(2) Subject to sub-clauses (3) and (4), a sufficient fence—

- (a) on a Residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
- (b) on a Commercial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3.

(3) Where a fence is erected on or near the boundary between a Residential lot and a Commercial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2.

(4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 1.

(5) Notwithstanding any other provisions in this local law, a fence constructed of stone or concrete shall be a sufficient fence only if it is designed by a structural engineer where—

- (a) it is greater than 1.8 metres in height; or
- (b) the Building Surveyor so requires.

(6) Notwithstanding any other provisions in this local law, a sufficient fence shall not exceed 2 metres in height unless the local government has approved such fence by way of a building licence.

Division 2—General

Fences within setback areas

2.2 A person shall not erect or modify a fence within the street set-back area of a Residential or Commercial lot without the written consent of the local government.

Fences in relation to fill

2.3 (1) A free standing fence constructed of corrugated fibre reinforced pressed cement shall not have more than 150 millimetres difference in soil levels on each side.

(2) Where land has been filled or retained to a height of more than 500 millimetres above natural ground level at or within 1 metre of a boundary, a person shall only erect a dividing fence that is a sufficient fence on the said fill or retaining wall if the applicant produces to the local government written agreement from all and any adjoining owners.

Maintenance of fences

2.4 (1) An owner and occupier of a lot on which a fence is erected adjacent to a thoroughfare, public place or reserve shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated, unsightly or prejudicial to the amenity of the locality. For the purposes of this clause, the term “unsightly” includes the presence of graffiti.

(2) Where in the opinion of an authorised person, a fence adjacent to a thoroughfare, public place or reserve is in a state of disrepair or is dangerous or is otherwise in breach of a provision of this local law, an authorised person may give notice in writing to the owner or occupier (as the case requires) of the land on which the fence is erected, requiring the owner or occupier to modify, repair, paint, or maintain the fence within the time and in the manner specified in the notice.

(3) A notice issued pursuant to subclause (2) may contain a condition requiring that the fence be treated with a non-sacrificial graffiti protection treatment, which protection treatment shall be applied in accordance with the manufactures specifications.

Graffiti protection

2.5 (1) A person shall not erect a fence or a wall constructed of masonry or other materials, adjacent to a thoroughfare, public place or reserve without treating the fence or wall with non-sacrificial graffiti protection.

(2) An owner or occupier of a lot with a fence or wall erected adjacent to a thoroughfare, public place or reserve shall treat that fence or wall with non-sacrificial graffiti protection when required by the local government or an authorised person.

(3) The non-sacrificial graffiti protection treatment required in accordance with sub-clauses (1) and (2) shall be applied in accordance with the manufacturer's specifications.

Record of graffiti protection treatment

2.6 Where in accordance with this local law, a person is required to treat a fence or wall adjacent to a thoroughfare, public place or reserve with non-sacrificial graffiti protection, that person shall cause to be affixed to that fence or wall a plate which identifies the name of the graffiti protection treatment applied to the fence or wall, and details of the manufacturer's recommended treatment including materials to be used for removal of graffiti.

General discretion of the local government

2.7 (1) Notwithstanding the provisions of clause 2.1, the local government may consent to the erection or repair of a fence which does not comply with the requirements of this local law where there is written agreement between the owners of the adjoining properties.

(2) In determining whether to grant its consent to the erection or repair of any fence which does not comply with the requirements of this local law, the local government may consider, in addition to any other matter that it is authorised to consider, whether the erection or retention of the fence would have an adverse effect on—

- (a) the safe or convenient use of any land;
- (b) the safety or convenience of any person; or
- (c) the visual amenity of the locality.

Division 3—Fencing Materials

Pre-used fencing materials

2.8 (1) A person shall not construct a dividing fence on a Residential lot or a Commercial lot from pre-used materials without the written consent of the local government or an authorised person.

(2) Where the local government or an authorised person approves the use of pre-used materials in the construction of a fence under subclause (1), that approval shall be conditional on the applicant painting or treating the pre-used material as directed by the local government or authorised person.

Barbed wire fences

2.9 (1) An owner or occupier of a Residential lot or a Commercial lot shall not erect, affix to or allow to remain on any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of an authorised person has been obtained.

(2) Where written approval has been obtained in accordance with subclause (1), an owner or occupier shall not erect, affix or allow to remain on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless such wire or materials is carried on posts set at an angle of 45 degrees into the lot, and unless the bottom row of wire or other materials is set back 150 millimetres from the face of the fence and is at least 2 metres above ground level.

Broken glass, electrified and razor wire fences not permitted

2.10 (1) An owner or occupier of a lot shall not have and use an electrified fence, or construct a fence wholly or partly of razor wire, on the lot.

(2) An owner or occupier of a lot shall not affix or allow to remain as part of any fence or wall on that lot, whether internal or external, any broken glass.

Division 4—Tennis Court Fencing

Tennis court fencing

2.11 (1) A person shall not erect or repair a fence around or partly around a tennis court on a lot unless—

- (a) the fence is not more than 3.6 metres in height;
- (b) the whole of the fence is at least 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot or if it is less than 900 millimetres, the owner of the adjoining lot has first been given the opportunity to make submissions to the local government on the location of the fence;

- (c) the fence is fabricated from 2.5 millimetre poly-vinyl chloride coated or galvanised wire 50 millimetre link mesh not more than 3.6 metres in height, and is erected in accordance with the manufacturer's specifications.
- (2) A person shall not erect a fence around or partly around any tennis court without the written approval of the local government.

PART 3—OUTDOOR LIGHTING

Tennis court lighting

3.1 (1) A person shall not erect floodlights or other outdoor lighting for the illumination of a tennis court on a lot without the written approval of the local government.

(2) In determining an application in respect of the erection or use of floodlights or other outdoor lighting for the illumination of a tennis court on a lot, the local government shall not approve the application unless—

- (a) the owners of adjacent lots are given the opportunity to make submissions in respect of the application;
- (b) outdoor light fittings are mounted not more than 3.6 metres above natural ground level;
- (c) the outdoor light fittings are of a type mounted horizontally or of a type approved by the local government; and
- (d) the level of illumination from the floodlights or external lights on any land more than 1 metre from the lot boundary shall not exceed 10 lux.

(3) A person shall not permit floodlights or other outdoor lights for the illumination of a tennis court to cause a nuisance, or to be operated between 2200 hours and 0700 hours.

(4) Obtrusive or spill lighting on adjacent residential lots from floodlights or other outdoor lights used for the illumination of a tennis court on a lot shall not exceed 10 lux when measured in a vertical plane parallel to the relevant adjacent lot, to a height commensurate with the height of the potentially affected dwellings.

Outdoor and security lighting

3.2 (1) Obtrusive or spill lighting on adjacent residential lots from outdoor or security lights on a lot shall not exceed 10 lux when measured in a vertical plane parallel to the relevant adjacent lot, to a height commensurate with the height of the potentially affected dwellings.

(2) Obtrusive or spill lighting from outdoor or security lights located on commercial lots on adjacent residential lots shall not exceed 25 lux when measured in a vertical plane parallel to the relevant adjacent residential lot, to a height commensurate with the height of the potentially affected dwellings.

Public lighting

3.3 The provisions of this local law do not apply to public lighting.

PART 4—STREET NUMBERING

Assignment of street number

4.1 (1) The local government or an authorised person shall assign a street number to each lot in a street, thoroughfare or way in the district in accordance with its policy on Street Numbering so as to ensure unambiguous and easy identification of every individual lot.

(2) The local government or an authorised person may from time to time assign another street number to a lot instead of that which was previously assigned.

Street number to be displayed

4.2 (1) The owner or occupier of each lot shall paint or affix and maintain the current street number assigned by the local government, in a conspicuous place on the front of the building, fence or gate adjacent to the street fronting the lot.

(2) A sign painted on the kerb adjacent to a lot depicting the street number is satisfactory for the purposes of sub-clause (1).

Location of number not to be misleading

4.3 (1) A person shall not place or display the street number of the lot in such a location as to cause confusion or be misleading.

(2) A person shall not adopt, use or display a street number other than that street number assigned by the local government.

(3) Where the location of a street number causes confusion or is misleading, or an unauthorised street number is being used or displayed on a lot, the local government or an authorised person may serve notice in writing on the owner or occupier of the land specifying remedial action to be taken.

PART 5—UNSIGHTLY LAND AND DISUSED MATERIALS**Removal of refuse and disused materials**

5.1 The owner or occupier of a lot shall not keep, or permit to remain on the lot, any refuse, rubbish or disused material of whatsoever nature or kind which in the opinion of the local government or an authorised person is likely to—

- (a) give the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district;
- (b) adversely affect the value of adjoining property;
- (c) adversely affect the amenity of the locality or adjoining property;
- (d) adversely affect the health, comfort and wellbeing of the inhabitants of the locality or adjoining property; or
- (e) create a nuisance.

(2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of refuse, rubbish or disused material from the lot within the time specified in the notice.

Removal of unsightly overgrowth of vegetation

5.2 The owner or occupier of a lot shall not permit to remain on a lot any unsightly overgrowth of vegetation that gives the lot an untidy appearance and does not conform with the general appearance of other land in that particular part of the district.

(2) The local government or an authorised person may give notice in writing to the owner or occupier of a lot requiring the removal of the overgrowth of vegetation within the time specified in the notice.

Storage of vehicles and machinery

5.3 The owner or occupier of a lot shall not—

- (a) store or allow to remain on any lot, a vehicle, part or body of a vehicle or machinery, in a state of disrepair;
- (b) wreck, dismantle or break up any vehicle, part or body of a vehicle or machinery; unless—
 - (i) inside a building; or
 - (ii) within an area enclosed by a fence or wall of not less than 2 metres in height and of such a nature as to screen all vehicles, parts or bodies of vehicles or machinery from the street and from adjoining properties; or
- (c) wreck, dismantle or break up a vehicle so as to cause a nuisance.

Disposing of disused refrigerators or similar containers

5.4 A person shall not place, leave or dispose of a disused refrigerator, ice-chest, ice-box, trunk, chest or other similar article having a compartment which has a capacity of 0.04 cubic metres or more on any land without first removing every door and lid and every lock, catch and hinge attached to a door or lid; or rendering every door and lid incapable of being fastened.

PART 6—HAZARDOUS PLANTS AND TREES**Hazardous plants and trees**

6.1 (1) Where a plant or tree in a lot presents a hazard, or endangers or may endanger any person or thing on an adjoining lot, thoroughfare, public place or reserve, the local government or an authorised person may give a notice to the owner or the occupier of the lot to remove, cut, move or otherwise deal with that plant or tree so as to remove the danger or hazard.

(2) Where a plant or tree in a lot presents a serious and immediate danger to any person or thing in a thoroughfare, public place or reserve, the local government or an authorised person may take any remedial action it considers appropriate in order to make a plant or tree safe without having given the owner or occupier notice as required by Part 10 of this local law.

(3) Any costs incurred by the local government for remedial action taken in terms of subclause (2) cannot be recovered by the local government.

PART 7—SAND DRIFT**Prevention of sand drift**

7.1 (1) An owner or occupier of a lot on which any sand or other material is deposited shall not permit the release or escape of such sand or other material from the lot, whether by means of wind, water or any other cause, so as to cause a nuisance to any adjacent lot, thoroughfare, public place or reserve.

(2) Where the local government or an authorised person is of the opinion that, as a result of any activity occurring on, or likely to occur on a lot, sand or other material may be released or escape, the local government or an authorised person may give a notice to the owner or occupier specifying that the activity may only occur subject to conditions specified in that notice.

(3) Where the local government or an authorised person is of the opinion that as a result of wind, water or any other cause, sand or other material may be released or escape from a lot, the local government or an authorised person may give a notice to the owner or occupier requiring that the sand or other material be stabilised as specified in that notice.

(4) Where sand or other material has been released or escaped from a lot, the local government or an authorised person may give a notice to the owner or occupier of the lot requiring the owner or occupier to—

- (a) remove the sand or other material;
- (b) repair or make good any damage resulting from that release or escape,

within the time specified in the notice.

PART 8—STORMWATER AND WASTEWATER DISPOSAL

Containment of stormwater

8.1 The owner or occupier of a lot shall ensure that all rainwater or stormwater received by the lot and any building or house on the lot, is contained within the lot and is not permitted to discharge onto, or run-off into, or cause damage to any structures, on an adjacent lot, thoroughfare, right of way, public place or reserve.

Guttering and downpipes

8.2 (1) The owner or occupier of a lot shall ensure that each building or house on the lot is provided with adequate guttering and downpipes sufficient to receive, without overflow, all rainwater from the roof of the building or house, in accordance with AS 3500—National Plumbing and Drainage Code, Part 3.2—Stormwater drainage—Acceptable solutions.

(2) The owner or occupier of a lot shall ensure that all guttering and downpipes to each building or house on the lot are maintained in a good state of repair and free from obstruction.

Rainwater disposal systems

8.3 (1) The owner or occupier of a lot shall ensure that all rainwater from the roof of each building or house on the lot, or the overflow from rainwater storage tanks is discharged into subsurface rainwater disposal systems, or by other methods approved by the local government, in accordance with AS 3500.

(2) The owner or occupier of a lot shall ensure that all rainwater from paved areas of the lot is discharged into subsurface rainwater disposal systems of adequate capacity in accordance with AS 3500.

(3) The owner or occupier of a lot shall ensure that all subsurface rainwater disposal systems on the lot are maintained in a good state of repair and free from obstruction.

Containment and disposal of swimming pool wastewater

8.4 (1) Wastewater and backwash water from swimming pool filtration systems shall be contained within, and disposed onto or into the lot on which the swimming pool is located.

(2) A soakwell system having a minimum capacity of 140 litres, and located a minimum of 1.8 metres away from any building and lot boundaries satisfies the requirement of sub-clause (1).

PART 9—MISCELLANEOUS

Appointment of authorised persons, and certificate of appointment for authorised persons

9.1 Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with section 9.10 of the Act.

False or misleading statement

9.2 A person shall not make a false or misleading statement in connection with any application, requirement or demand under this local law.

Fees and charges

9.3 Fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 of the Act.

Limit on liability

9.4 A person, owner, occupier or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to enter the land and carry out all or part of the works and do all things necessary that the owner, occupier or licensee was required to do to comply with this local law.

Name, date of birth and residential address to be given on demand

9.5 (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 local law, may demand from the person their name, date of birth and residential address.

(2) A person who refuses to give his or her name and date of birth, or who states a false name, date of birth or residential address on a demand being made, commits an offence.

PART 10—NOTICES OF BREACH**Notices of breach**

10.1 (1) Where a breach of any provision of this local law has occurred in relation to private property, the local government may give a notice in writing to the owner or occupier of that lot ("notice of breach").

(2) The notice of breach shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner or occupier of the lot is required to remedy the breach within the time specified in the notice.

(3) Should an owner or occupier of a lot fail to comply with a notice of breach, the local government may by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner or occupier of the lot in a court of competent jurisdiction.

(4) A person who fails to comply with a notice issued pursuant to this local law commits an offence.

PART 11—OFFENCES**Offences and penalties**

11.1 (1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

Modified penalties

11.2 (1) An offence against any provision of this Local Law is a prescribed offence for the purposes of section 9.16 (1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

Form of notices

11.3 For the purposes of this Local Law—

- (a) the form of the infringement notice referred to in section 9.17 of the Act is to be in or substantially in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the notice referred to in section 9.20 of the Act is to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1**OFFENCES AND MODIFIED PENALTIES**

Clause No.	Nature of Offence	Modified Penalty \$
<i>Part 2—Fences</i>		
2.1 (1)	Erect a fence which is not a sufficient or permissible fence	100
2.2	Erect a fence within the street setback area without written consent	100
2.4 (1)	Failure to maintain a fence in good condition/prevent fence becoming dangerous, dilapidated, unsightly	100
2.5 (1)	Erect masonry fence/wall adjacent to a thoroughfare, public place or reserve without treating with non sacrificial graffiti protection	100
2.5 (2)	Failure to treat fence/wall adjacent to a thoroughfare, public place or reserve with non sacrificial graffiti protection when required	100
2.5 (3)	Failure to apply non sacrificial graffiti protection to manufacturer's specification	100
2.6	Failure to affix graffiti treatment identification plate to treated fence or wall	100
2.8 (1)	Construct a dividing fence on a residential or commercial lot from pre-used materials without written consent	100
2.9 (1)	Erect a fence using barbed wire or material with spiked or jagged projections in fence construction without approval	200

Clause No.	Nature of Offence	Modified Penalty \$
2.10 (1)	Use razor wire in a fence or electrify a fence	200
2.10 (2)	Affix, or allow to remain, any broken glass in a fence or wall	200
2.11 (1)(a)	Erect or repair a tennis court fence higher than 3.6 metres	100
2.11 (1)(b)	Erect tennis court fence less than 900 millimetres from boundary of adjoining lot without submission from adjoining owner	100
2.11 (1)(c)	Erect or repair chain link mesh fence higher than 3.6 metres not in accordance with manufacturer's specification	100
2.11 (2)	Erect tennis court fence without written approval of the local government	200
<i>Part 3—Outdoor Lighting</i>		
3.1(1)	Erect floodlights or other outdoor lighting for illumination of a tennis court without written approval	100
3.1 (2)(b)	Mount or maintain tennis court lighting higher than 3.6 metres	100
3.1 (3)	Permit floodlights or other outdoor lights to illuminate a tennis court to remain lit between 2200 hours and 0700 hours	100
3.1 (4)	Erect or maintain on private land tennis court lighting which spills 10 lux or more illumination into adjacent land/building	100
3.2 (1)	Outdoor or security lighting on private land which spills 10 lux or more illumination into adjacent land/building	100
3.2 (2)	Outdoor or security lighting on commercial lot which spills 25 lux or more illumination into adjacent residential land/building	100
<i>Part 4—Street Numbering</i>		
4.2 (1)	Failure to paint, affix or maintain current street number in a conspicuous place on the building, fence or gate to street	100
4.3 (1)	Place or display a street number so as to cause confusion or be misleading	100
4.3 (2)	Adopt, use or display a street number other than that street number assigned by the local government	100
4.3 (3)	Failure to comply with a notice to remedy a confusing, misleading street number, or use/display an unauthorised street number	200
<i>Part 5—Unsightly Land</i>		
5.1 (2)	Failure to comply with a notice to remove refuse, rubbish or disused material from land	200
5.2 (2)	Failure to comply with a notice to remove overgrowth of vegetation	200
5.3 (a)	Store or allow to remain on land any vehicle, part or body of vehicle or machinery in state of disrepair	100
5.3 (b)(i)	Wreck, dismantle or break up any vehicle part or body or machinery not in a building	100
5.3 (b)(ii)	Wreck, dismantle or break up any vehicle, part or body or machinery not behind fence or screened from street	100
5.3 (c)	Wreck, dismantle or break up a vehicle so as to cause a nuisance	100
5.4	Disposing of disused refrigerator or similar container with door or lid that can be fastened, or with door or lid still fitted	200
<i>Part 6—Hazardous plants and trees</i>		
6.1 (1)	Failure to comply with a notice to remove, cut, move or otherwise deal with a plant or tree so as to remove the danger or hazard	200
<i>Part 7—Sand drift</i>		
7.1 (1)	Permit the release or escape of sand or other material from a lot so as to cause a nuisance	100
7.1 (2)	Failure to comply with a notice specifying that the activity may only be carried on subject to conditions specified in that notice	200
7.1 (3)	Failure to comply with a notice to stabilise sand or other material on a lot as specified in that notice.	200
<i>Part 8—Rainwater disposal</i>		
8.1	Failure to ensure that all rainwater or storm water received by a lot and any building or house on the lot, is contained within the lot	100
8.2 (2)	Failure to maintain all guttering and down pipes in a good state of repair and free from obstruction	100
8.3 (3)	Failure to maintain all subsurface rainwater disposal systems in a good state of repair and free from obstruction	100
8.4 (1)	Failure to contain or dispose of swimming pool wastewater on the lot on which the swimming pool is located	100
<i>Part 10—Notice of Breach</i>		
10.1 (4)	Failure to comply with requirements of a notice	200

Schedule 2

Clause 2.1 (2) (a)

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

Each of the following is a "sufficient fence" on a residential lot—

- A. A closed picket timber fence to a height of 1800 millimetres, except with respect to the street setback area.
- B. A fence constructed of corrugated fibre reinforced pressed cement to a height of 1800 millimetres, except with respect to the street setback area.
- C. A fence constructed of brick, stone or concrete to height of 1800 millimetres, except with respect to the street setback area.

Schedule 3

Clause 2.1 (2) (b)

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A COMMERCIAL LOT

Each of the following is a "sufficient fence" on a commercial Lot—

- A. A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh or steel mesh to a height of 2 metres, except with respect to the street setback area.
- B. A fence of fibre reinforced cement sheet referred to in Schedule 1, except with respect to the street setback area.
- C. A fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1.8 metres but no greater than 2.4 metres.
- D. Fences of timber, brick, stone or concrete referred to in Schedule 1, except with respect to the street setback area.

Dated 24 th of July 2001.

The Common Seal of the Town of Cambridge was affixed by authority of a resolution of the Council in the presence of—

ROSS J WILLCOCK JP, Mayor.
GRAHAM D PARTRIDGE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

TOWN OF CAMBRIDGE

ANIMALS LOCAL LAW

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LOCAL GOVERNMENT ACT 1995**TOWN OF CAMBRIDGE****ANIMALS LOCAL LAW**

Under the powers of the *Dog Act 1976*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Town of Cambridge resolved on 24 April 2001 to make the following local law.

PART 1—PRELIMINARY**Title**

1.1 This local law may be referred to as the *Town of Cambridge Animals Local Law*.

Objective

1.2 (1) The objective of this local law is to provide for the regulation, control and management of the keeping of dogs, cats, large animals, miniature horses and pigs, poultry, pigeons, and bees within the District.

(2) The effect of this local law is to establish the requirements with which owners and occupiers of land within the district must comply in order to keep domestic animals and birds, large animals, miniature horses and pigs, and bees and provides the means of enforcing the local law.

Commencement

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

Repeal

1.4 (1) The following local laws adopted by the Town of Cambridge from the former City of Perth are repealed on the day this local law comes into operation—

Local Law No 22—Dogs, published in the *Government Gazette* of 24 June 1988 and amendments;
and

Local Law No 23—Bee Keeping, published in the *Government Gazette* of 4 October 1985 and amendments.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

Application

1.5 This local law applies throughout the district of the Town of Cambridge.

Interpretation

1.6 In this local law unless the context otherwise requires—

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

“**application**” means the completed form lodged by an applicant as required by this local law;

“**applicant**” means a person who has lodged an application for an approval, certificate or licence required for any activity by this local law;

“**authorised person**” means a person authorised by the local government under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law and includes any environmental health officer employed by the local government, and any member of the Western Australian Police Service;

“**beehive**” means a moveable or fixed structure, container or object in which a colony of bees is kept;

“**bees**” means an insect belonging to any of the various hymenopterous insects of the super family Apoidea and commonly known as a bee;

“**certificate of registration**” means a certificate of registration to keep a miniature horse or miniature pig issued pursuant to this local law;

“**cow**” includes an ox, calf or bull;

“**district**” means the district of the Town of Cambridge;

“**Dog Act**” means the *Dog Act 1976*;

“environmental health officer” means an environmental health officer appointed under the *Health Act 1911* and includes an acting or assistant environmental health officer;

“food premises” means a premises where food is stored, kept, prepared, manufactured, processed, cooked or served or otherwise dealt with for subsequent sale to the public either directly or indirectly;

“Health Act” means the *Health Act 1911*;

“horse” includes an ass, mule, donkey, shetland pony or pony;

“land” means land in the district and includes houses, buildings, works and structures, in or upon the land;

“large animal” includes a sheep, cow, goat, horse (excluding a miniature horse), deer, alpaca, pig (excluding a miniature pig), emu, ostrich or any other animal so classified by the local government;

“livestock” means any horse, cattle, sheep, goat, swine, buffalo, deer, camel, emu, ostrich, llama and alpaca;

“local government” means the Town of Cambridge;

“lot” has the same meaning given to it in the *Town Planning and Development Act 1928*;

“miniature horse” means a horse that does not exceed 870 millimetres in height as an adult and is classified as a miniature by the Miniature Horse Association of Australia;

“miniature pig” means a pig that does not exceed 650 millimetres in height and does not exceed 55 kilograms in weight as an adult;

“nuisance” means—

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

“pigeon” includes homing pigeon, racing pigeon and dove;

“poultry” means any domestic fowl or chicken, bantam, duck, goose, guinea fowl, pheasant, turkey, peahen or peacock;

“pound” means a building or yard established by the local government or authorised person for the impounding of dogs or animals for the purposes of this local law;

“public place” means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes park lands, squares, reserves, beaches, and other lands set apart for the use and enjoyment of the public, including all lands which belong to or which are vested in, or are under the control or management of, the local government;

“residential area” means any land situated within a residential zone as classified by the town planning scheme and includes land predominantly used for residential purposes;

“thoroughfare” means any street, way, or place that is designed and used for the passage of vehicles, and includes the shoulders and embayments at the side or centre of the carriageway used for the parking of vehicles;

“town planning scheme” means any town planning scheme for the time being applying zoning or classification to land within the district;

Any other expression used in this local law and not defined herein shall have the meaning given to it in the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960* or the *Health Act 1911* unless the context requires otherwise.

PART 2—DOGS

Impounding Dogs

2.1 A dog seized by a member of the Police Service or by an authorised person may be placed in a pound.

(2) The provisions of section 29 of the Dog Act will apply to dogs seized and placed in a pound in relation to—

- (a) Notification of Owner;
- (b) Release of dogs from the pound;
- (c) Sale of dogs; and
- (d) Destruction of dogs.

Dog Exercise Areas

2.2 (1) The public places described in Schedule 2 being places under the care, control and management of the Council, are hereby specified as approved dog exercise areas for the purposes of sections 31 and 32 of the Dog Act.

Prohibited Areas

2.3 (1) A person liable for the control of a dog shall prevent that dog from entering or being in or on any prohibited place, public building, shop or business premises.

(2) The public places described in Schedule 3 being places under the care, control and management of the Council, are hereby specified as prohibited places for the purposes of sections 31 and 32 of the Dog Act.

(3) Subclause (1) does not apply to—

- (a) a person with a vision impairment accompanied by a bona fide guide dog;
- (b) a person who is a trainer accompanied by a bona fide guide dog;
- (c) a shop or business premises where dogs are sold; or
- (d) veterinary premises.

Fouling of Streets and Public Places

2.4 Any person liable for the control of a dog who permits that dog to excrete on any street or public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the consent of the occupier or in such other manner as the local government may approve.

Fencing Requirements

2.5 A person or occupier of premises on which a dog is kept shall—

- (a) cause the portion of those premises on which the dog is kept to be fenced in a manner capable of confining the dog to that portion;
- (b) ensure the fence used to confine a dog and every gate or door in the fence is of a type, height and construction which, having regard to the species, age, size and physical condition of the dog, prevents the dog from passing over, under or through the fence;
- (c) ensure that every gate or door in a fence is kept closed at all times when the dog is on the premises;
- (d) ensure that every gate or door in a fence is fitted with an effective and operative latching mechanism or system;
- (e) maintain the fence, gates and doors in good working order and condition; and
- (f) where no part of the premises consists of open space, yard or garden, or there is no open space, yard or garden to which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than tethering the dog) for effectively confining the dog within the premises.

Maximum Number of Dogs

2.6 A person shall not keep or permit to be kept on any premises more than 2 dogs over the age of 3 months and the young of those dogs under that age; unless the premises are licensed as an approved kennel establishment or have been granted exemption pursuant to section 26 (3) of the Dog Act and have planning approval under the town planning scheme.

No Breaking Into or Destruction of Pound

2.7 A person shall not—

- (a) unless he or she is the pound keeper or a person authorised to do so, release or attempt to release a dog from a pound; or
- (b) destroy, break into, damage or in any way interfere with or render not dog-proof—
 - (i) any pound; or
 - (ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog.

Cleanliness

2.8 The owner or occupier of a premises where a dog or dogs are kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rats, vermin or insects;
- (b) when so directed by an authorised officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free of flies and when directed by an authorised officer, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

PART 3—DOG KENNEL ESTABLISHMENT**Approved Kennel Establishment Licence**

3.1 A person shall not keep a kennel establishment without having first obtained a licence under this local law and a planning approval under the town planning scheme.

Notice of Application for Kennel Establishment Licence

3.2 An applicant for a licence to keep an approved kennel establishment shall—

- (a) publish in a newspaper circulating in the district a notice of their intention to submit an application for a licence, being in the form determined by the local government, specifying

that any interested person may within 21 days after the date of such publication object to or make representations in respect of the application in writing directly to the local government; and

- (b) forward a notice, being in the form determined by the local government, to the owners and occupiers of all land within a radius of 500 metres of the boundaries of the land upon which it is proposed to establish the kennel.

Application for Kennel Establishment Licence

3.3 An application for a licence to keep an approved kennel establishment shall be in the form determined by the local government and shall be accompanied by—

- (a) evidence that notice of the proposed use of the land has been given in accordance with clause 3.2 (a) and (b);
- (b) a plan showing the details and specifications of all kennels, adjacent yards and the distances from the kennels to the boundaries of the land the subject of the application and all buildings on the land together with such information as the local government may require;
- (c) a report of an acoustic consultant verifying that the various plant, machinery and operational noise levels will comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*; and
- (d) payment of fees and charges as determined by the local government.

Determination of Application

3.4 (1) The local government may refuse an application for a licence—

- (a) that does not comply with the requirements of clause 3.3;
- (b) for which the processes required by clause 3.2 have not been completed;
- (c) after considering any submissions or representations received within the specified period in accordance with clause 3.2 (a);
- (d) where planning approval for use of the land as an approved dog kennel establishment has not first been obtained under any relevant town planning scheme.

(2) The local government may, in respect of an application for a licence—

- (a) refuse the application; or
- (b) approve the application on such terms and conditions, if any, as it sees fit.

Licence and Fees

3.5 (1) A licence to keep an approved kennel establishment, and the application to renew or transfer such licence, shall be in the form determined by the local government.

(2) A licence shall be valid commencing on the date of its issue and expire on 30 June next year, or on the cancellation of the licence by the local government.

(3) Fees and charges as determined by the local government shall be payable for licence applications, renewals and transfers.

Duties of Licence Holder

3.6 The holder of a licence to keep an approved kennel establishment shall—

- (a) maintain the establishment in a clean, sanitary and tidy condition;
- (b) dispose of all refuse, excreta and food waste daily in a manner approved by the local government; and
- (c) take all practical measures for the destruction of fleas, flies and other vermin.

Limit on Number and Breed of Dogs

3.7 A person who conducts an approved kennel establishment shall not keep or permit to be kept thereon more than the number of dogs specified in the licence or dogs of a breed different to the breed or breeds (if any) specified in the licence without the written approval of the local government.

Kennel Establishment Requirements

3.8 Dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question, be sufficiently secured, sited and maintained to a standard not less than the following—

- (a) each kennel shall have an adjacent yard;
- (b) each kennel and each yard and every part thereof shall be at a distance of not less than 15 metres from the boundaries of the land in the occupation of the occupier;
- (c) each kennel and each yard and every part thereof shall be at a distance of not less than 25 metres from the front road or street;
- (d) each kennel and each yard and every part thereof shall be at a distance of not less than 20 metres from any dwelling house;
- (e) each yard shall be secured with a fence not less than 1.8 metres in height;
- (f) the upper surface of the floor of each kennel shall be set at least 100 millimetres above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface and shall have a fall of not less than 1 in 100. The entire yard shall be surrounded by a drain which shall be properly laid, ventilated and trapped. Floor washing shall pass through this drain and shall be disposed of in accordance with the health requirements of the local government;

- (g) the floor of any yard shall be constructed in the same manner as the floor of any kennel and as provided in paragraph (f);
- (h) for each dog kept therein every kennel shall have not less than 1.8 square metres of floor space and every yard not less than 2.5 square metres ;
- (i) all kennels and yards and all feeding and drinking vessels shall be maintained in a clean condition and cleaned and disinfected when so ordered by an authorised person.

PART 4—CATS

Keeping of Cats

- 4.1 (1) Subject to sub-clause (2), a person shall not keep more than 3 cats over the age of 3 months.
- (2) A person who breeds cats may, with the written approval of the local government, keep up to 6 adult breeding cats on any land in the district, subject to—
- (a) each cat being permanently confined in an effective cage system on the property; and
 - (b) under such terms and conditions that may be imposed by the local government from time to time.

Cleanliness

- 4.2 The owner or occupier of a premises where a cat or cats are kept shall—
- (a) keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rats, vermin or insects;
 - (b) when so directed by an authorised officer, clean and disinfect the premises; and
 - (c) keep the premises, so far as possible, free of flies and when directed by an authorised officer, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

PART 5—ANIMALS AND LIVESTOCK

Leaving Large Animal or Dog in Public Place or on Local Government Property

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

Prohibitions relating to Large Animals

- 5.2 (1) In subclause (2), “owner” in relation to a large animal includes—
- (a) an owner of it;
 - (b) a person over the age of 16 years in possession of it;
 - (c) a person over the age of 16 years who has control of it; and
 - (d) a person over the age of 16 years who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of a large animal shall not—
- (a) subject to subclause (2) (e), allow the large animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow a large animal which has a contagious or infectious disease to be led, ridden or driven in a public place;
 - (c) train or race the large animal on a thoroughfare;
 - (d) ride, drive, lead or bring a large animal onto any reserve, park or foreshore, unless that person does so under a permit or under the authority of a written law; or
 - (e) ride, drive or lead any large animal onto, or over any lawn or garden planted or maintained in any thoroughfare, unless that person does so under a permit or under the authority of a written law

Livestock Not to Stray

- 5.3 A person in charge of livestock shall not permit that livestock to stray or to be at large in a street, public place or upon private property without the consent of the property owner.

Property to be Fenced

- 5.4 The owner or occupier of a property on which livestock is kept, shall cause the property or a portion of the property to be fenced in a manner capable of confining the livestock to that portion where the livestock is kept.

Livestock may be Impounded

- 5.5 (1) An authorised person may impound livestock found at large or straying in contravention of clause 5.3.
- (2) Impounded livestock shall be placed in—
- (a) a pound established and maintained by the local government; or
 - (b) a secured portion of private property with the consent of the property owner.

(3) The owner of impounded livestock shall pay the impounding and maintenance fees determined by the local government prior to the recovery of any impounded livestock.

(4) Where impounded livestock is not reclaimed within 3 days, and the local government has made all reasonable endeavors to contact the owner of the livestock, the local government may sell or otherwise dispose of the impounded livestock as it deems appropriate.

Fouling of Streets and Public Places

5.6 Any person liable for the control of livestock who permits that livestock to excrete on any public place or on any land within the local government without the consent of the occupier of that land commits an offence unless the excreta is removed forthwith and disposed of either on private land with the consent of the occupier or in such other manner as the local government may approve.

Keeping of Large Animals

5.7 An owner or occupier of a premises shall—

- (a) not keep a large animal on any land less than 2000 square metres in area;
- (b) not permit any large animal to approach within 15 metres of a habitable room, shop, church or any premises where food is stored, manufactured or sold.

Keeping of Miniature Horse

5.8 (1) An owner or occupier of a premises may keep a sterilised miniature horse on land of not less than 1000 square metres in area, provided it is registered with the local government and the approved annual registration fee is paid.

(2) An owner or occupier of a premises shall—

- (a) not keep more than one miniature horse on land zoned residential, without the written approval of the local government; and
- (b) not permit a miniature horse within 15 metres of any house.

(3) The local government may prohibit the keeping of a miniature horse on any land or may state the conditions under which a miniature horse may be kept.

Keeping of Pigs

5.9 (1) Except for a miniature pig, a person shall not keep a pig or pigs on any land in the district.

(2) The local government may prohibit the keeping of a miniature pig on any land or state the conditions under which they may be kept.

(3) A person may keep one miniature pig in any residential area provided it is registered with the local government and the approved annual registration fee is paid.

(4) The occupier of any premises where a miniature pig is kept shall—

- (a) only keep a sterilised animal and retain written proof of its sterilisation;
- (b) confine the animal on the property at all times;
- (c) ensure the animal does not cause a nuisance to any neighbour regarding noise, dust or odour; and
- (d) maintain documentary evidence that the animal's veterinary treatment against roundworm and tape worm is current.

Keeping of Horses

5.10 The owner or occupier of any land where a stable is erected for the keeping of horses shall—

- (a) not permit a stable within 15 metres of a house or other building;
- (b) have a floor area of 6 square metres per animal;
- (c) ensure the stable has walls and a roof, constructed of impervious material;
- (d) have on all sides of the building between the walls and the roof, a clear opening of at least 50 millimetres in height; and
- (e) provide a floor, which shall have an upper surface—
 - (i) at least 75 millimetres above the ground; and
 - (ii) be constructed of cement, concrete, compacted limestone or similar approved material.

Manure Receptacle

5.11 An owner or occupier of a premises where a large animal, miniature horse or miniature pig is kept shall—

- (a) provide in a convenient position, an impervious receptacle with a tight fitting lid, for storage of manure;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and more often as necessary to prevent it becoming offensive or a breeding place for flies or other insects; and
- (d) cause all manure produced on the premises to be collected daily and placed in the receptacle.

Cleanliness

5.12 The owner or occupier of a premises where a large animal is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rats, vermin or insects;

- (b) when so directed by an authorised officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free of flies and when directed by an authorised officer, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

Disposal of Dead Animals

5.13 (1) The owner or occupier shall immediately remove and dispose the carcass of any dead livestock, miniature horse or pig, dog, cat, poultry, pigeon or bird at an approved disposal site.

(2) An owner or a person having care of any animal or bird that dies or is killed in a public or private place shall immediately remove and dispose of the carcass of the dead animal or bird at an approved disposal site.

Keeping of Ostrich or Emu Prohibited

5.14 A person shall not keep an ostrich or emu on any land in the district.

PART 6—POULTRY AND PIGEONS**Limitation on Numbers of Poultry and Pigeons**

6.1 (1) An owner or occupier of land—

- (a) who is not an Affiliated Person, shall not keep a combined total of more than 6 poultry and pigeons; and
- (b) who is an Affiliated Person, shall not keep a total of more than 50 pigeons and 12 poultry, on any one lot of land.

(2) In this clause, “Affiliated Person” means a person who is a member of a properly constituted Poultry or Pigeon Club.

(3) An owner or occupier of land shall not keep or suffer to remain in a residential area a rooster, turkey, goose, peacock or peahen.

Conditions of Keeping Poultry

6.2 A person who keeps poultry or permits poultry to be kept shall ensure that—

- (a) no poultry is able to approach within 15 metres of a dwelling, public building or food premises;
- (b) no poultry is able to approach within 15 metres of a public place other than a right of way unless, in the case of land at the junction of two or more streets, the local government has approved a lesser distance;
- (c) all poultry are kept in a properly constructed and securely fastened structure or enclosure; and
- (d) the structure or enclosure shall be in the yard having an otherwise unobstructed area of at least 30 square metres.

Conditions of Keeping Pigeons

6.3 A person who keeps, or permits to be kept, pigeons or doves shall ensure that—

- (a) no pigeon is able to approach within 15 metres of a dwelling, public building, food premises or public place; and
- (b) except where homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed structure or enclosure that—
 - (i) does not exceed 2 metres in height; and
 - (ii) is in a yard having an otherwise unobstructed area of at least 30 square metres.

Removal of Non-Conforming Structure or Enclosure

6.4 If a structure or enclosure is used for the keeping of poultry, pigeons or doves contrary to the provisions of clauses 6.2 or 6.3, the local government may give written notice to the owner or occupier to remove it.

Restrictions on Pigeons Nesting, Perching or Habitually Feeding

6.5 The local government may give written notice to an owner or occupier of land or a house in or on which pigeons are, or are in the habit of, nesting, perching or habitually feeding to take adequate steps to prevent them continuing to do so.

Restrictions on Feeding of Birds

6.6 A person shall not feed a pigeon or other bird—

- (a) so as to cause a nuisance, or
- (b) with a food or substance that is not a natural food of a pigeon or other bird.

Cleanliness of Poultry and Pigeon Structures

6.7 The owner or occupier of a premises where poultry or pigeons are kept shall—

- (a) keep the structure or enclosure free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract rats, vermin or insects;
- (b) when so directed by an authorised officer, clean and disinfect the structure or enclosure; and

- (c) keep the structure or enclosure, so far as possible, free of flies and when directed by an authorised officer, spray the structure or enclosure with a residual insecticide or use any other effective means to kill and repel flies.

PART 7—KEEPING OF BEES

Limitation on numbers of Hives

7.1 (1) A person shall not keep or permit the keeping of bees except on a lot in accordance with this Part.

(2) Subject to subclauses (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

(3) The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned for residential purposes.

(4) A person shall comply with any conditions imposed by the local government under subclause (3).

Restrictions on keeping Bees in Hives

7.2 A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

- (a) an adequate and permanent supply of water is provided on the lot within 10 metres of the beehives;
- (b) the beehive is kept—
 - (i) outside, and at least 15 metres from, any building other than a fence;
 - (ii) at least 15 metres from any public place; and
 - (iii) at least 5 metres from the boundary of the lot; and
- (c) the beehive is enclosed on all sides by a fence, wall or other enclosure.

Bees which cause a nuisance not to be kept

7.3 (1) A person shall not keep, or permit the keeping of bees, which cause a nuisance.

(2) Whenever in the opinion of the local government, the keeping of bees is causing a nuisance, the local government may give written notice to an owner or occupier requiring him or her to remove any bees or beehives from the land within the time specified in the notice.

PART 8—MISCELLANEOUS

Appointment of Authorised Persons, and Certificate of Appointment for Authorised Persons

8.1 Both the appointment of authorised persons and issue of a certificate of appointment detailing what duties and responsibilities the person is authorised to perform shall be in accordance with section 9.10 of the Act.

Pound

8.2 The local government may establish and maintain a pound or pounds for the impounding of dogs or livestock seized pursuant to the provisions of the Dog Act or this local law.

Pound Fees

8.3 (1) The fees and charges in relation to the seizure and impounding of a dog and maintenance thereof in a pound payable under section 29 (4) of the Dog Act, are those approved by the local government from time to time.

(2) The fees and charges in relation to the seizure, impounding and maintenance of large animals, livestock or any other animal and the maintenance thereof in a pound payable under the *Local Government (Miscellaneous Provisions) Act 1960*, are those approved by the local government from time to time.

Fees and Charges

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

False or Misleading Statement

8.5 A person shall not make a false or misleading statement in connection with any application, requirement or demand under this local law.

Limit on Liability

8.6 A person, owner, occupier or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government, to enter the land and carry out all or part of the works and do all things necessary that the owner, occupier or licensee was required to do to comply with this local law.

Name, Date of Birth and Residential Address to be Given on Demand

8.7 (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 local law, may demand from the person their name, date of birth and residential address.

(2) A person who refuses to give his or her name, date of birth and residential address, or who states a false name, date of birth or residential address on a demand being made, commits an offence.

Offence to fail to comply with notice

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

Local government may undertake requirements of notice

8.9 Where a person fails to comply with a notice referred to in clause 8.8, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

PART 9—PENALTIES

Offences

9.1 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under Part 2 of this local law shall be liable, upon conviction, to a penalty not exceeding—

- (a) \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued; or
- (b) \$2,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$200 for each day or part of a day during which the offence has continued in relation to a dangerous dog.

(2) Any person who commits an offence under Parts 3, 4, 5, 6, 7, 8 or 9 of this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

Offence Description and Modified Penalties

9.2 (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16 (1) of the Act.

(2) The amount of the modified penalty for a prescribed offence—

- (a) in relation to Part 2, is the amount specified in—
 - (i) the third column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog;
 - (ii) the fourth column of Schedule 1 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is not a dangerous dog; and
- (b) in relation to Parts 3, 4, 5, 6, 7, 8 and 9, is the amount specified in the third column of Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

Form of Notices

9.3 For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the Act is to be in or substantially in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the notice referred to in section 9.20 of the Act is to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Prosecution for Offences

9.4 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

9.5 The local government shall cause adequate records to be kept of all infringement notices served and modified penalties received.

Footnote—

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

- (a) grant a person a licence or certificate of registration under this local law; or
- (b) renew, vary, or cancel a licence or certificate of registration that a person has under this local law, the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

*Schedule 1***OFFENCES AND MODIFIED PENALTIES**

Clause No.	Nature of Offence	Dangerous Dog Modified Penalty \$	Modified Penalty \$
<i>Part 2—Dogs</i>			
2.3 (1)	Permit a dog to be in a prohibited area, public building, shop or business premises	200	100
2.4	Permit a dog to excrete on a street, public place or other land and failure to remove excreta in an approved manner	200	100
2.5 (a)	Failure to install a fence capable of confining a dog to the premises	200	100
2.5 (b)	Fence not adequate to confine to the premises a dog having regard to the species, age, size and physical condition of the dog	200	100
2.5 (c)	Failure to keep gate or door closed when the dog is on the premises	200	100
2.5 (d)	Failure to have a gate or door fitted with effective and operative latching mechanism or system	200	100
2.5 (e)	Failure to maintain fences, gates and doors in good working order and condition.	200	100
2.5 (f)	Failure to ensure other means exist for effectively confining a dog within premises	200	100
2.6	Keeping more than the permitted number of dogs without approval	200	100
2.7 (a)	Attempting to or causing the unauthorised release of a dog from a pound	200	100
2.7 (b)(1)	Destroy, break into, damage or interfere with any pound	200	100
2.7 (b)(2)	Destroy, break into, damage or interfere with any vehicle or container used for the purpose of catching, holding or conveying dogs	200	100
2.8 (a)	Failure to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health, or attract rats, vermin or insects	100	100
2.8 (b)	Failure to clean and disinfect premises when directed by an authorised officer	100	100
2.8 (c)	Failure to keep premises free of flies or when directed by an authorised officer spray premises with residual insecticide or other means to kill or repel flies	100	100
Clause No.	Nature of Offence		Modified Penalty \$
<i>Part 3—Approved Dog Kennel Establishments</i>			
3.1	Keeping a kennel establishment without a licence		200
3.6(a)	Failure to maintain kennel establishment in a clean, sanitary and tidy condition	100	
3.6(b)	Failure to dispose of refuse, excreta and food waste daily in approved manner		100
3.6(c)	Failure to take practical measures to destroy fleas, flies and other vermin		100
3.7	Keeping a greater number or breed of dogs than specified in the licence		100
<i>Part 4—Cats</i>			
4.1 (1)	Keep more than 3 cats over three months		100
4.1 (2)	Keep more than 3 adult cats for breeding without written approval of the local government	100	
4.1 (2) (a)	Failure to confine cats in effective cage system on the property		100
4.1 (2) (b)	Failure to comply with conditions imposed by the local government		100
4.2 (a)	Failure to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health or attract rats, vermin or insects	100	
4.2 (b)	Failure to clean and disinfect premises when directed by an authorised officer		100

4.2 (c)	Failure to keep premises free of flies or when directed by an authorised officer spray premises with residual insecticide or other means to kill or repel flies	100
Clause No.	Nature of Offence	Modified Penalty \$
<i>Part 5—Animals and Livestock</i>		
5.1 (1)	Without a permit, leave a large animal or dog in a public place or on local government property so as to cause an obstruction	100
5.2 (2)(a)	Allow a large animal to enter or remain on a thoroughfare	100
5.2 (2)(b)	Allow a large animal which has a contagious or infectious disease to be led, ridden or driven in a public place	100
5.2 (2)(c)	Train or racing a large animal on a thoroughfare	100
5.2 (2)(d)	Ride, drive, lead or bring a large animal onto a reserve, park or foreshore without a permit	100
5.2 (2)(e)	Ride, drive or lead a large animal onto or over any lawn or garden planted in any thoroughfare without a permit	100
5.3	Permit livestock to stray or be at large in a street, public place or private property without owners consent	100
5.4	Failure to keep property fenced in a manner capable of confining livestock	100
5.6	Permit livestock to excrete on a street, public place or other land and failing to remove excreta in an approved manner	100
5.7 (a)	Keep large animal on land less than 2000 square metres in area	100
5.7 (b)	Permit large animal to approach within 15 metres of habitable room, shop, church, or premises where food is stored, manufactured or sold	100
5.8 (1)	Keep a sterilised miniature horse on land less than 1000 square metres not registered with the local government and/or not pay registration fee	100
5.8 (2) (a)	Keep more than one miniature horse on land zoned residential	100
5.8 (2) (b)	Permit a miniature horse within 15 metres of a house	100
5.9 (1)	Keep a pig on any land in the district	100
5.9 (3)	Keep an unregistered miniature pig in residential area and/or not pay registration fee	100
5.9 (4)(a)	Keep an unsterilised miniature pig or fail to retain written proof of its sterilisation	100
5.9 (4)(b)	Failure to confine miniature pig on property at all times	100
5.9 (4)(c)	Failure to ensure miniature pig does not cause a nuisance to any neighbour through noise, dust or odour	100
5.9 (4)(d)	Failure to maintain documentary evidence that miniature pig's veterinary treatment against roundworm and tapeworm is current	100
5.10 (a)	Permit a stable within 15 metres of house or other building	100
5.10 (b)	Failure to have stable floor area of 6 square metres per animal	100
5.10 (c)	Failure to have stable floor or roof constructed of impervious material	100
5.10 (d)	Failure to have on all sides of stable building clear opening 50 millimetres in height between all walls and roof	100
5.10 (e) (i)	Failure to have upper surface of stable floor at least 75 millimetres above ground	100
5.10 (e) (ii)	Failure to have upper surface of stable floor constructed of cement, concrete or approved material	100
5.11 (a)	Failure to provide in convenient position, an impervious receptacle with tight fitting lid, for manure	100
5.11 (b)	Failure to keep lid of manure receptacle closed except when manure being deposited or removed	100
5.11 (c)	Failure to empty manure receptacle once a week or more often to prevent it becoming offensive or breeding place for flies	100
5.11 (d)	Failure to collect all manure produced on premises and place in receptacle	100
5.12 (a)	Failure to keep premises free from excrement, filth, food waste and other matter likely to be offensive or injurious to health or attract rats, vermin or insects	100
5.12 (b)	Failure to clean and disinfect premises when directed by an authorised officer	100
5.12 (c)	Failure to keep premises free of flies or when directed by an authorised officer spray premises with residual insecticide or other means to kill or repel flies	100
5.13 (1)	Failure to dispose of dead animals or birds at an approved disposal site	100
5.14	Keep an ostrich or emu on any land in the district	100

Part 6—Poultry and Pigeons

6.1 (1) (a)	Keep or suffer to remain a combined total of more than 6 poultry and pigeons on a lot.	100
Clause No.	Nature of Offence	Modified Penalty \$
6.1 (1) (b)	Keep or suffer to remain more than 50 pigeons and 12 poultry on a lot.	100
6.1 (3)	Keep or suffer to remain in a residential area a rooster, turkey, goose or geese, peacock or a peahen	100
6.2 (a)	Permit poultry to approach within 15 metres of a dwelling, public building or food premises.	100
6.2 (b)	Permit poultry to approach within 15 metres of a public place.	100
6.2 (c)	Failure keep poultry in a properly constructed or secure a structure in accordance with the local government's Poultry Enclosure specifications	100
6.2 (d)	Keep poultry in yard having an unobstructed area of less than 30 square metres	100
6.3 (a)	Permit pigeons to approach within 15 metres of a dwelling, public building, food premises or public place.	100
6.3 (b) (i)	Failure to keep pigeons in a properly constructed structure or enclosure	100
6.3 (b) (ii)	Keep pigeons in yard having an unobstructed area of less than 30 square metres	100
6.4	Failure to comply with a direction to remove a structure or enclosure used for the keeping of poultry or pigeons	100
6.5	Failure to comply with a notice to prevent pigeons nesting or perching	200
6.6 (a)	Feed pigeons or other birds so as to cause a nuisance.	100
6.6 (b)	Feed pigeons or other birds with a food or substance that is not a natural food of pigeons or other birds	100
6.7 (a)	Failure to keep structure or enclosure free from excrement, filth, food waste and other matter likely to be offensive or injurious to health or attract rats, vermin or insects	100
6.7 (b)	Failure to clean and disinfect structure or enclosure when directed by an authorised officer	100
6.7 (c)	Failure to keep structure or enclosure free of flies or when directed by an authorised officer spray structure or enclosure with residual insecticide or other means to kill or repel flies	100

Part 7—Keeping of Bees

7.1 (2)	Keep more than 2 beehives on a lot without approval from the local government	100
7.2 (a)	Failure to provide an adequate and permanent water supply within 10 metres of a hive	100
7.2 (b) (i)	Failure to keep a hive at least 15 metres from any building	100
7.2 (b) (ii)	Failure to keep a hive at least 15 metres from any public place	100
7.2 (b) (iii)	Failure to keep a hive at least 5 metres from any boundary	100
7.2 (c)	Failure to keep a hive enclosed in an enclosure	100
7.3 (2)	Failure to remove a beehive when directed	100

Part 8—Miscellaneous

8.7 (2)	Refusal to give name, date of birth, residential address or give a name, date of birth, residential address on a demand being made	100
8.8	Failure to comply with a notice issued under the local law	200

Part 9—Penalties

9.1	Other offences not specified	100
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Schedule 2**APPROVED DOG EXERCISE AREAS****Name and Description of Approved Dog Exercise Areas**

NORTH FLOREAT BEACH—Being the strip of beach extending from the low water line to the base

of the western dune line on part of Reserve No. 16921 on the Indian Ocean foreshore, and north of the stormwater drain opposite Oban Road, City Beach to the northern boundary of the district (Approximately two kilometres).

OCEAN VILLAGE PARK—Yaltara Road end only, west of Perina Way, City Beach.

GIFFORD GARDENS—Being the area bounded by Pandora Drive, Gifford Gardens and Tilton Terrace, City Beach to the boundary of the residences to the east.

ELPHIN ST MEDIAN—Being the area bounded by Elphin Road, Bold Park Drive, Oceanic Drive and The Boulevard, City Beach.

JUBILEE PARK—Being the area bounded by Jubilee Crescent, Oceanic Drive and Challenger Parade, City Beach.

CITY BEACH OVAL (Upper and Lower Ovals)—Being the area bounded by West Coast Highway, Oceanic Drive and Fred Burton Way, City Beach; except where the public place is used for a function, sport training or activities approved by the Council.

SOUTH CITY BEACH—Being the strip of beach from the low water line to the base of the western dune line on part of Reserve No. 16921 on the Indian Ocean foreshore situated south of the access path opposite Dartmouth Avenue through to the southern boundary of the district.

CROSBY PARK RESERVE—Being the area located behind the residences bounded by Crosby Street, Winmarley Street, Selby Street, Bournville Street, and Highbury Street, Floreat.

GRANTHAM PARK—Being the area bounded by Selby Street, Grantham Street, Crosby Street, Peebles Road, Pearson Place, Floreat and the boundary of the Town with the City of Stirling; except where the public place is used for a function, sport training or activities approved by the Council.

PAT GOODRIDGE PARK—Being the area bounded by Selby Street, Hay Street and Halesworth Road, Jolimont and south of the carpark; except where the public place is used for a function, sport training or activities approved by the Council.

LAKE MONGER RESERVE—Being the south eastern segment of Lake Monger Reserve between Lake Monger Drive, the Mitchell Freeway off-ramp and east of the prolongation of a line parallel with Kimberley Street, Wembley.

DRABBLE PARK—Being the section of the reserve to the east of the residences located on Drabble Road, City Beach between Cobb and Minibah Streets, Scarborough, to the north eastern boundary of the Town with the City of Stirling.

EMPIRE PARK—Being the area bounded by Empire Avenue and Durston Road, Wembley Downs and the north western section of the boundary fence of Wembley Golf Course.

Schedule 3

PROHIBITED AREAS

Name and Description of Prohibited Area

FLOREAT OVAL AND ENVIRONS—Being the area within the perimeter fence (incorporating the Floreat Sporting precinct) bounded by Ulster Road, Chandler Avenue West, Howtree Place and Oceanic Drive, Floreat.

PERRY LAKES STADIUM—Being the area within the perimeter fence bounded by Meagher Drive, Underwood Avenue, Brookdale Street and Alderbury Drive, Floreat.

WEMBLEY GOLF COURSE—Being the area within the perimeter fence bounded by The Boulevard, Durston Road and Empire Avenue, Wembley Downs.

CITY BEACH AND FLOREAT BEACH—Being all the central portion of Reserve No. 16921 on the Indian Ocean foreshore situated to the west of West Coast Highway, to the west of Challenger Parade; north of the access path opposite Dartmouth Avenue and south of the stormwater drain opposite Oban Road, City Beach; as well as all the sand dune area extending north to the northern district boundary.

Dated 24th of July 2001.

The Common Seal of the Town of Cambridge was affixed by authority of a resolution of the Council in the presence of—

ROSS J. WILLCOCK JP, Mayor.
GRAHAM D. PARTRIDGE, Chief Executive Officer.

HEALTH ACT 1911

TOWN OF CAMBRIDGE

HEALTH LOCAL LAW 2001

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HEALTH ACT 1911**TOWN OF CAMBRIDGE****HEALTH LOCAL LAW 2001**

Under section 342 of the *Health Act 1911* and in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*, the Council of the Town of Cambridge decided on 24 April 2001 to make the following local law.

PART 1—PRELIMINARY**Title**

1.1 This local law may be referred to as *the Town of Cambridge Health Local Law 2001*.

Objective

1.2 (1) The objective of this local law is to provide for the regulation, control and management of day to day public and environmental health matters within the district.

(2) The effect of this local law is to establish various standards and requirements relating to sanitation, housing matters, nuisances, refuse disposal, pest control, infectious diseases, lodging houses and offensive trades with which people living and working within the district must comply.

Repeal

1.3 Parts 2, 3, 4, 5, 6, 7, 9, 10 and clause 242 of Part 11 of the Health Local Law of the Town of Cambridge, made by the transfer of the *City of Perth Health Local Law 1993*, on the creation of the local government, in so far as they apply to the Town of Cambridge, are repealed.

Application

1.4 This local law applies throughout the district of the Town of Cambridge.

Interpretation

1.5 (1) In this local law, unless the context otherwise requires—

“**Act**” means the *Health Act 1911* and includes subsidiary legislation made under that Act;

“**adequate supply of water**” means a flow of water of not less than 4.5 litres per minute;

“**approved**” means approved by an Environmental Health Officer of the local government;

“**approved fee**” means the fees and charges determined by the local government from time to time, under Section 344C of the Act.

“**approved form**” means a form approved by the local government;

“**AS**” means Australian Standard published by the Standards Association of Australia;

“**Building Code**” means the latest edition of the Building Code of Australia published from time to time by, or on behalf of, the Australian Building Codes Board as amended from time to time, but not including explanatory information published with that Code;

“**district**” means the health district of the Town of Cambridge and includes any area placed under the jurisdiction of the local government pursuant to section 22 of the Act;

“**dwelling house**” means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

“**environmental health officer**” means an environmental health officer appointed by the local government and includes an acting or assistant environmental health officer;

“**habitable room**” means a room used for normal domestic activities, and—

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but

(b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods.

“**hot water**” means water at a temperature of at least 75 degrees Celsius;

“**local government**” means the Town of Cambridge;

“**sanitary convenience**” includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

“toilet” means a water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these is located;

“town planning scheme” means any town planning scheme for the time being in operation within the district;

“water” means drinking water within the meaning of the Guidelines for Drinking Water Quality In Australia—1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister for Health from time to time;

“window” means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly into a building;

“zoned” means zoned under a town planning scheme.

Any other expression used in this local law and not defined herein shall have the meaning given to it in the *Health Act 1911*, the *Local Government Act 1995* and the Glossary of Building Terms published by Standards Australia and the National Committee on Rationalised Building, unless the context require otherwise.

(2) Where in this local law, a duty or liability is imposed on an “owner or occupier”, the duty or liability shall be taken to be imposed jointly and severally on each of the owner or occupier.

(3) Where under this local law, an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2—SANITATION

Interpretation

2.1 In this Part, unless the context otherwise requires—

“festival” includes a fair, community function, sporting event, cultural event or the like;

“organiser” means a person—

- (a) to whom approval has been granted by the local government to conduct a festival; or
- (b) responsible for the conduct of a festival;

“public toilet” means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not;

“temporary toilet” means a sanitary convenience, temporarily placed for use by—

- (a) patrons in conjunction with a festival; or
- (b) employees at construction sites or the like;

Dwelling house

2.2 In accordance with section 99 of the Act, the owner of every dwelling house shall—

- (a) provide bathroom, laundry, kitchen and toilet facilities within the building and in accordance with the Building Code;
- (b) provide an adequate supply of hot and cold water to every kitchen, bathroom and laundry fixture within the dwelling; and
- (c) provide, properly installed in the kitchen, at least one sink, a minimum size of 380 millimetres long, 300 millimetres wide and 150 millimetres deep, with an impervious drainage area incorporated and draining into the sink.

Floor of wet areas

2.3 The owner of every premises shall ensure that the floor of every bathroom, ensuite, laundry, toilet and any other ablution area within the building is properly surfaced and graded to a floor waste approved by the local government.

Temporary toilets

2.4 A person who undertakes temporary work at any place shall provide temporary toilets and ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

Premises other than a dwelling house

2.5 (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, the premises unless—

- (a) the premises have toilets and hand basins in accordance with the Building Code and this Part, including disabled facilities; and
- (b) the toilets required by this clause are situated within 90 metres of the premises.

(2) The occupier of a premises other than a dwelling house shall ensure that—

- (a) clean toilet paper is available at all times in each cubicle;
- (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
- (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances; and
 - (ii) hand drying facilities, situated adjacent to and visible from the hand basin.

(3) In the case of a school with any room that accommodates children under 5 years of age, that particular room will be deemed to be an "early childhood centre" for the purposes of the Building Code.

Outdoor festivals

2.6 (1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale—

- (a) for the first 1,000 males—
 - (i) one water closet for each 333;
 - (ii) one urinal stall for each 100; and
 - (iii) one hand wash basin for each 500;
- (b) for additional males—
 - (i) one water closet for each 500;
 - (ii) one urinal stall for each 100; and
 - (iii) one hand wash basin for each 500;
- (c) for the first 1,000 females—
 - (i) one water closet for each 77; and
 - (ii) one hand wash basin for each 500; and
- (d) for additional females—
 - (i) one water closet for each 100; and
 - (ii) one hand wash basin for each 500.

(2) Where, under sub-clause (1) the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide toilet facilities of a number as directed by an environmental health officer.

Maintenance of sanitary conveniences and fittings

2.7 (1) The occupier of any premises shall—

- (a) keep clean, in good condition and repair; and
- (b) whenever required by an environmental health officer, effectively disinfect and clean,

all sanitary conveniences including sanitary fittings, in or on the premises.

(2) The owner of any of premises shall—

- (a) keep or cause to be kept in good repair; and
- (b) maintain an adequate supply of water to,

all toilets, including sanitary fittings in or on the premises.

PART 3—HOUSING AND GENERAL

Dwelling house maintenance

3.1 The owner or occupier of a dwelling house shall maintain the dwelling house and any adjacent buildings in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs, guttering and downpipes in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an environmental health officer to treat the premises for the purpose of controlling any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all ventilators in good order and repair;
- (h) maintain all floors even and level in surface and free from cracks and gaps;
- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so that they comply in all respects with the provisions of the bylaws made under the *Metropolitan Water Supply Sewerage and Drainage Act 1909* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the Office of Energy.

Ventilation

3.2 (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

(2) For the purpose of subclause (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—

- (a) natural ventilation; or
- (b) a mechanical ventilation or air-conditioning system complying with AS1668.2.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is—

- (a) maintained in good working condition and in accordance with AS3666; and
- (b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

(4) If, in the opinion of an environmental health officer, a house is not properly ventilated, the local government may by notice require the owner of the house to—

- (a) provide a different, or additional method of ventilation; or
- (b) cease using the house until it is properly ventilated.

(5) The owner shall comply with a notice under subclause (4).

Overcrowding

3.3 The owner or occupier of a house shall not permit—

- (a) a room in the house that is not a habitable room to be used for sleeping purposes;
- (b) except in a house used as a short-term hostel or recreational campsite, a habitable room in the house to be used for sleeping purposes unless—
 - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person;
 - (ii) for every person up to, and including the age of 10 years, there is at least 8 cubic metres of air space per person; or
- (c) any garage or shed to be used for sleeping purposes.

Calculate sufficient space

3.4 For the purpose of clause 3.2, in calculating the space required for each person

- (a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
- (b) a deduction shall be made for the space occupied by furniture, fittings and projections into a room.

Water supply

3.5 The owner of a house shall ensure that—

- (a) the house is connected with a separate and independent water supply from the mains of a licensed water service operator or a water supply to the satisfaction of the local government;
- (b) any private water supply shall at all times be capable of delivering 4.5 litres per minute of water to each tap in the house via a standard pressure activated pump; and
- (c) any private water bore or well, shall have a lid securely installed, to prevent casual removal.

Rain water tanks

3.6 The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall—

- (a) maintain in a clean condition, the roof and downpipes forming the catchment for the tank;
- (b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank; and
- (c) thoroughly clean and disinfect such tank whenever directed by an environmental health officer to do so.

PART 4 NUISANCES AND GENERAL*Division 1—Nuisances***Interpretation**

4.1 In this Part, unless the context otherwise requires—

“fertiliser” includes manure.

Footpaths etc, to be kept clean

4.2 An owner or occupier of premises shall maintain in a clean condition any footpath, pavement, area or right of way immediately adjacent to the premises.

Escape of Smoke, etc.

4.3 (1) Subject to subclause (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

(2) Subclause (1) does not apply to smoke from the chimney of a private dwelling house.

Prohibition against Expectorating

4.4 A person shall not expectorate on a footpath, street or public place.

Use or Storage of Fertiliser

4.5 An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any—

- (a) pig manure;
- (b) human faeces; or
- (c) urine.

Storage of Fertiliser in a House

4.6 The owner or occupier of a house where fertiliser or compost is stored or used shall—

- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for rodents, flies or vectors of disease; and
- (c) store only such amounts of fertiliser or compost—
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by an authorised person.

Pollution

4.7 A person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

*Division 2—Secondhand Furniture, Bedding and Clothing***Prohibition on Sale**

4.8 A person shall not offer for sale or sell any secondhand furniture, bedding or clothing which is filthy or infested with vectors of disease.

Prohibition of Possession

4.9 A dealer in secondhand furniture, bedding or clothing shall not have on any premises used for the operation of the business any secondhand furniture, bedding or clothing which is filthy or infested with vectors of disease.

*Division 3—Car Parks***Interpretation**

4.10 In this Division, unless the context otherwise requires—

“**car park**” means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

“**occupier**” means a person having the charge, management or control of a car park.

4.11 (1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either—

- (a) natural ventilation; or
- (b) mechanical means in accordance with AS1668.2.

(2) If, in the opinion of an environmental health officer, a car park is not properly ventilated, the Council may by notice require the occupier within a specified time to—

- (a) provide a different or additional method of ventilation; and
- (b) cease using the car park until it is properly ventilated.

(3) An occupier shall comply with a notice under subclause (2).

PART 5—REFUSE DISPOSAL**Interpretation**

5.1 In this Part, unless the context otherwise requires—

“**authorised person**” means a person authorised by the local government to carry into effect the provisions of this Part ;

“**building setback line**” means the approved building alignment line facing the street used for service delivery;

“**collection day**” means the day of the week from time to time notified to the occupier of the premises on which rubbish and refuse is collected and removed by the local government or its contractor;

“commercial waste” means refuse and other rubbish generated from other than a residential premises and includes trade waste;

“domestic waste” means refuse and other rubbish generated within, or originating from, a residential premises and includes house refuse;

“greenwaste” means vegetative material as approved by the local government;

“greenwaste re-cycling site” means a site or sites set aside by the local government for the receipt, processing and storage of greenwaste;

“kerb line” means the point where the road carriageway adjoins the road verge;

“public place” includes a street, way or place which the public are allowed to use, whether the street, way or place is, or is not, on private property;

“receptacle” means—

(a) a polyethylene cart fitted with wheels, a handle and a lid and having a capacity of either 120 litres or 240 litres;

(b) any container of a type and capacity as approved by the local government;

“refuse disposal site” means Tamala Park Refuse Disposal Site, Marmion Ave, Mindarie;

“residential premises” means a premises used for residential purposes;

“rubbish or refuse” includes, but is not limited to, any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;

“street alignment” means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed; and

“waste” means commercial waste or domestic waste or both as the context requires.

Refuse to be deposited in receptacles

5.2 The occupier of every premises shall—

- (a) subject to paragraph (c), cause all refuse to be deposited in a receptacle;
- (b) at all times keep the lid of the receptacle closed except when depositing refuse in or cleaning the receptacle;
- (c) not deposit or permit to be deposited in a receptacle—
 - (i) more than 70 kilograms of refuse in the case of a receptacle with a capacity of 240 litres; or
 - (ii) more than 50 kilograms of refuse in the case of a receptacle with a capacity of 120 litres; and
 - (iii) hot or burning ashes;
 - (iv) oil, motor spirit or other flammable liquid;
 - (v) liquid, paint, or other solvent;
 - (vi) bricks, concrete, earth or other like substances;
 - (vii) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious container;
 - (viii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious container;
 - (ix) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed impervious container;
 - (x) cytotoxics, radioactive substances and dangerous chemicals;
 - (xi) any object which is greater in length, width or breadth than the corresponding dimensions of the receptacle or which will not allow the lid to be tightly closed; or
 - (xii) refuse which is or likely to become offensive or a nuisance or to give off any offensive or noxious odour or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;
- (d) except for collection day, keep the receptacle on the premises located behind the building setback line, or other location approved by an authorised person;
- (e) at all times keep the receptacle clean, and whenever directed by an authorised person or an environmental health officer, thoroughly cleanse and disinfect the receptacle;
- (f) notify the local government within 7 days after the event if the receptacle is lost, stolen, damaged or becomes defective;
- (g) not mark or disfigure the receptacle in any manner other than by the placement of a street or unit number upon it in numerals no higher than 100 millimetres; and
- (h) not use the receptacle for any purpose other than the storage of refuse.

Residential collection arrangements

5.3 (1) An owner or occupier of a residential premises shall, prior to 0600 hours on collection day, place the receptacle on the verge in front of the premises immediately behind the kerb line, unless an authorised person has specified an alternative position in which case the receptacle shall be placed at the alternative position; and as soon as practicable after the contents of the receptacle have been removed, return it to its place of storage as defined in sub-clause 5.2 (b).

(2) Collection of refuse shall be at least once weekly or otherwise as directed by an authorised person or an environmental health officer.

Multi-residential, commercial and industrial premises

5.4 (1) In the case of multi-residential, commercial or industrial premises, where it is considered that individual receptacles for each premises would not be practical, the local government may exercise discretion as to the number of receptacles to be provided and to the number of collections carried out each week. Receptacles containing food or any other putrescible matter shall be emptied at least weekly or more often as directed by an authorised person or an environmental health officer.

(2) The owner or occupier of any commercial or industrial premises shall not, unless approved by an authorised person, deposit or permit to be deposited in a receptacle, anything specified in sub-clause 5.2 (c).

(3) The owner or occupier of any commercial, industrial or multi unit premises shall—

- (a) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odour from, the receptacle;
- (b) whenever directed by an authorised person or an environmental health officer, thoroughly clean and disinfect the receptacle;
- (c) cause the receptacle to be located on the premises in a suitable enclosure constructed and located as approved by an authorised person; and
- (d) ensure that the receptacle is readily accessible for the purposes of collection.

Premises generally

5.5 An owner or occupier shall—

- (a) ensure that there are a sufficient number of receptacles provided to contain all rubbish and refuse which is produced in or on the premises;
- (b) ensure that each receptacle on the premises—
 - (i) has, where required, a close fitting lid;
 - (ii) is constructed of sound non-absorbent material; and
- (c) keep each receptacle thoroughly clean and in good condition and repair; and
- (d) keep the cover on each receptacle closed except when depositing refuse in, or cleaning, the receptacle.

Ownership of receptacles

5.6 A receptacle supplied by the local government or its contractor remains the property of the local government or its contractor as the case may be.

Damage to receptacles

5.7 A person shall not—

- (a) damage, destroy or interfere with a rubbish receptacle supplied by the local government or its contractor;
- (b) except as permitted by this local law or an authorised person, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

Removal of rubbish or refuse

5.8 (1) Home occupiers are authorised to occasionally deliver accumulated refuse from their home to the local government's refuse disposal site, over and above that usually included in local government's weekly domestic refuse collection service;

(2) The owner or occupier of a premises, other than a residential premises, shall make suitable arrangements for the regular removal of rubbish from the premises in accordance with this local law.

Prescribed area—Section 112A Health Act

5.9 The whole of the district of the Town of Cambridge is prescribed as the area within which the provisions of section 112A of the Act shall operate and have effect.

Deposit of refuse

5.10 (1) A person shall not deposit or cause or permit to be deposited, any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

(2) Notwithstanding sub-clause (1), an owner or occupier may place rubbish in or upon any street, right of way, thoroughfare or lane when expressly invited by an authorised person to do so.

(3) Unless otherwise approved by an authorised person, the rubbish can only be placed immediately adjacent the person's property but not to obstruct traffic or block any road user's visibility of the road.

(4) All material placed out for collection shall be of the type authorised and must be stacked or contained in accordance with the conditions stated in the invitation of the local government.

Ownership of collected refuse

5.11 All refuse or rubbish collected by the local government or its contractor becomes the property of the local government upon collection.

Suitable enclosure

5.12 (1) An owner or occupier of a premises consisting of more than 3 dwellings, or used for commercial or industrial purposes, or as a food premises, shall provide a suitable enclosure for the storage and cleaning of receptacles on the premises.

(2) An owner or occupier of premises required to provide a suitable enclosure under this clause shall—

- (a) ensure the enclosure is not used to store anything except rubbish receptacles; and
 - (b) maintain the enclosure in a clean condition at all times.
- (3) For the purposes of this clause, a “suitable enclosure” means an enclosure—
- (a) of sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by an authorised person or an environmental health officer;
 - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by an authorised person or an environmental health officer;
 - (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self closing gate;
 - (d) containing a smooth and impervious floor—
 - (i) of not less than 75 millimetres in thickness; and
 - (ii) which is evenly graded and connected to an approved liquid refuse disposal system in an approved manner; and
 - (e) which is easily accessible to allow for the removal of the receptacles.

Construction site refuse

5.13 On every building construction site the builder shall—

- (a) ensure that an appropriate refuse receptacle is provided on site for the storage of building rubbish on any premises in which building or construction work is being carried out;
- (b) ensure that all rubbish from the site is placed in the receptacle as directed by an authorised person, any building surveyor of the local government or any environmental health officer;
- (c) ensure the receptacle is maintained on the site for the duration of the construction work;
- (d) ensure the receptacle does not overflow; and
- (e) ensure that any refuse in the receptacle cannot be blown out by wind.

Burning Rubbish or Refuse Not Permitted

5.14 A person shall not, set fire to, or cause to be set on fire, or burn any rubbish or refuse.

PART 6—PEST CONTROL*Division 1—General Provisions***Interpretation**

6.1 In this Division, unless the context otherwise requires—

“**vectors of disease**” includes—

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus* var. *corporis*);
- (e) head lice (*Pediculus humanus* var. *capitis*); and
- (f) any other insect prescribed by the Act.

Responsibility of Owner or Occupier

6.2 (1) The owner or occupier of premises shall keep the premises and any person residing in or on the premises free from any vectors of disease or pests.

(2) Where it is found that a premises is infested with vectors of disease, an environmental health officer may direct that the owner or occupier take appropriate action as may be indicated, to effectively eradicate the vectors of disease.

Pest control generally

6.3 An owner or occupier of an eating house, theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises have been used on that day or, if the use extends after midnight, then immediately after that use.

Officer may give Notice directing measures to be Taken

6.4 Where in the opinion of an environmental health officer pests or vectors of disease are prevalent or are breeding on any premises, the officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the officer are necessary to—

- (a) control the prevalence;

- (b) effect the eradication; or
 - (c) effectively prevent the breeding;
- of pests or vectors of disease.

Local Government may Execute Work and Recover Costs

6.5 (1) Where—

- (a) a person is required under this Division or directed by a notice given under clause 6.4, to execute any work; and
 - (b) that person fails or neglects to comply with the requirement,
- the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under this local law.
- (2) The costs and expenses incurred by the local government in the execution of a power under sub-clause (1) may be recovered in a court of competent jurisdiction from the person referred to in sub-clause (1).
- (3) The local government shall not be liable to pay compensation or damages of any kind to the person referred to in sub-clause (1) in relation to any action taken by the local government under this clause.

*Division 2—Flies***Interpretation**

6.6 In this Division, unless the context otherwise requires—

“**flies**” means any of the two-winged insects constituting the order *Diptera* commonly known as flies.

Fly breeding matter not to be left on Premises unless Covered or Treated

6.7 An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left, in on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

Measures to be taken by an Occupier

6.8 An owner or occupier of premises shall ensure that—

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilizers are dug well into the soil;
- (e) compost heaps are kept well covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 200 millimetres of soil; and
- (h) excrement from pets is collected and properly disposed of without delay.

*Division 3—Mosquitoes***Interpretation**

6.9 In this Part, unless the context otherwise requires—

“**mosquitoes**” means any of the insects constituting the family *Diptera culicidae* commonly known as mosquitoes.

Premises to be kept free of mosquito breeding matter

6.10 An owner or occupier of a premises shall keep the premises free of refuse and water that is liable to become the breeding place of mosquitoes.

Measures to be taken by an owner or occupier

6.11 An owner or occupier of any premises shall—

- (a) where there is a fountain, ornamental pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, keep the water—
 - (i) stocked with mosquito predatory fish; or
 - (ii) covered with a film of petroleum oil; or
 - (iii) treated with an approved larvicide; and
- (b) where there is a water tank, well, cistern, vat or barrel—
 - (i) provide the vessel with an impervious cover;
 - (ii) cover all openings with mosquito proof mesh; and

- (c) where drinking water is kept in a vessel or other receptacle for consumption by an animal or bird—
 - (i) frequently change the water; and
 - (ii) keep the water clean and free from vegetable matter and slime.

Swimming pools

6.12 Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner and occupier shall, when required by a notice issued by an environmental health officer—

- (a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or
- (b) chlorinate and adjust the pH of the pool to—
 - (i) 4 milligrams per litre free chlorine; and
 - (ii) pH within the range 7.2—7.6; or
- (c) empty or drain the pool; or
- (d) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; and
- (e) maintain the pool water free of mosquito breeding.

Division 4—Cockroaches

Interpretation

6.13 In this Division, unless the context otherwise requires—

“**cockroach**” means any of the various *orthopterous* insects commonly known as cockroaches.

Measures to be taken to eradicate Cockroaches

6.14 (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) Without limiting the generality of subclause (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—

- (a) washing and storing, immediately after use, cooking and eating utensils;
- (b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;
- (c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and
- (d) whenever required by an environmental health officer, treating any area with baits or other methods to eradicate cockroaches.

Division 5—Rodents

Interpretation

6.15 In this Division, the context otherwise requires—

“**rodent**” means the animals *Rattus rattus* (Norway rat), *Rattus norvegicus* (Roof rat), *Mus musculus* (House/Field mouse) but not laboratory bred rats and mice kept as pets in an enclosure designed for the purpose of keeping as pets, animals of that kind.

Rodent control

6.16 (1) An owner or occupier of any premises shall at all times take effective measures to eradicate any rodents in or on the premises.

(2) Without limiting the generality of sub-clause (1) an owner or occupier of any premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall—

- (a) take effective measures to keep the premises free from rodents including—
 - (i) protecting food;
 - (ii) using a rodenticide bait or properly baited traps; and
 - (iii) preventing rodents having access to water on the premises;
- (b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—
 - (i) kill it immediately; and
 - (ii) dispose of the carcass in such a manner as will not create a nuisance; and
- (c) take whatever measures for the eradication of rodents as an environmental health officer may from time to time direct.

Waste food etc. to be kept in rodent proof receptacles

6.17 A person shall not place or cause to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises—

- (a) any waste food, refuse or other waste matter, which might attract rodents to the premises or which might afford harbourage for rodents; or
- (b) any food intended for birds or other animals, unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

Restrictions on materials affording harbourage for rodents

6.18 (1) An owner or occupier of premises shall cause—

- (a) any part of the premises; or
- (b) any material, sewer, pipe or other thing in or on the premises, that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, or harbourage of, rodents.

(2) An environmental health officer may direct an owner or occupier of a premises to take whatever action that, in the opinion of the officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified, comply with any direction given by an environmental health officer under this clause.

PART 7—INFECTIOUS DISEASES**Disposal of used condoms**

7.1 (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—

- (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
- (b) disposed of in such a manner as may be directed by an environmental health officer.

(2) A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

Disposal of used needles

7.2 A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.

PART 8—LODGING HOUSES*Division 1—Registration***Interpretation**

8.1 In this Part, unless the context otherwise requires—

“**keeper**” means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house;

“**lodger**” means a person who obtains, for hire or reward, board or lodging in a lodging house;

“**lodging house**” has the same meaning as that defined in section 3 of the Act and includes a recreational campsite, a serviced apartment and a short term hostel;

“**manager**” means a person duly appointed by the keeper in accordance with this Division to reside in, and have the care and management of, a lodging house;

“**register of lodgers**” means the register kept in accordance with section 157 of the Act and this Part;

“**recreational campsite**” means a lodging-house—

- (a) situated on a campsite principally used for—
 - (i) recreational, sporting, religious, ethnic or educational pursuits; or
 - (ii) conferences or conventions;
- and

- (b) where the period of occupancy of any lodger is not more than 14 consecutive days,

and includes youth camps, youth education camps, church camps and riding schools;

“**resident**” means a person, other than a lodger, who resides in a lodging house;

“**serviced apartment**” means a lodging-house in which each sleeping apartment or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own cooking facilities;

“**short-term hostel**” means a lodging-house where the period of occupancy of any lodger is not more than 14 consecutive days and includes a youth hostel or a backpacker hostel;

“**vector of disease**” means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice, body lice and head lice.

Lodging house not to be kept unless registered

8.2 A person shall not keep or cause, suffer or permit to be kept a lodging house unless—

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 8.4;
- (c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and
- (d) the keeper of a lodging house shall not absent himself from the lodging house unless he leaves some reputable person in charge thereof.

Application for registration

8.3 An application for registration of a lodging house shall be—

- (a) submitted on the approved form;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
 - (i) the approved fee; and
 - (ii) accompanied by detailed plans and specifications of the lodging house.

Approval of application

8.4 The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a certificate of registration.

Renewal of registration

8.5 A person who keeps a lodging house which is registered under this Part shall—

- (a) during the month of June in each year apply to the local government for the renewal of the registration of the lodging house; and
- (b) pay the approved fee at the time of making each application for renewal.

Notification upon sale or transfer

8.6 If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the local government, written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

Revocation of registration

8.7 (1) Subject to sub-clause (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.

(2) Without limiting the generality of sub-clause (1), the local government may revoke a registration upon any one or more of the following grounds—

- (a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or remained clean;
- (b) that the keeper has—
 - (i) been convicted of an offence against this local law in respect of the lodging house;
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
- (c) that the local government, having regard to a report from the Police, is satisfied that the keeper or manager is not a fit and proper person; and
- (d) that by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the local government, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this local law, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2—Construction and use requirements

General construction requirements

8.8 The construction of a lodging house shall comply with the Building Code.

Sanitary conveniences

8.9 (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—

- (a) toilets; and
 - (b) bathrooms, each fitted with a wash basin and a shower or bath, in accordance with the requirements of the Building Code.
- (2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of sub-clause (1).
- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall—
- (a) be so situated, separated and screened as to ensure privacy;
 - (b) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
 - (c) be provided with adequate electric lighting and ventilation.
- (6) Paragraph (b) of subclause (5) does not apply to a serviced apartment.

Laundry

8.10 A keeper shall—

- (a) provide on the premises for the use of each 15 lodgers, a laundry containing one washing machine, one wash trough and, one electrical dryer or 30 metres of clothes line;
 - (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
 - (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.
- 8.11 The keeper of a lodging house shall provide in that lodging house a separate kitchen which—
- (a) has a minimum floor area of—
 - (i) 0.65 square metres per person, where lodgers prepare their own meals;
 - (ii) 0.35 square metres per person, where meals are provided by the keeper or manager; and
 - (iii) 1 square metre per person, where the kitchen and dining area are combined, but in any case not less than 16 square metres;
 - (b) complies with the requirements of a Class 1 premises under the *Health (Food Hygiene) Regulations 1993*.

8.12 (1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and ovens approved by an environmental health officer in accordance with the following table—

No. of lodgers	Ovens	4 burner stoves
1-15	1	1
16-30	1	2
31-45	2	3
46-60	2	4
Over 60	2	4 plus 1 for each additional 15 lodgers (or part thereof) over 60

Dining room

8.13 The keeper of a lodging house shall provide in that lodging house a dining room—

- (a) located in close proximity to the kitchen;
- (b) the floor area of which shall be 0.5 square metres per person or not less than 10 square metres whichever is the greater; and
- (c) which shall be adequately furnished to accommodate, at any one time, half of the number of lodgers.

Fire prevention and control

8.14 A keeper shall—

- (a) in each passage in the lodging house provide an emergency light—
 - (i) in such a position and of such a pattern, as shall be approved by an environmental health officer; and
 - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
- (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;

- (c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times;
- (d) provide fire extinguishing appliances of the number and pattern, and situated in such a position as the local government may direct;
- (e) ensure all buildings are fitted with fire protection equipment in accordance with the Building Code and approved by the Council; and
- (f) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

Obstruction of passages and stairways

8.15 A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on—

- (a) a stairway, stair landing, fire-escape, window or common passageway; or
- (b) part of the lodging house in common use or intended or adapted for common use; in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

Fitting of locks

8.16 A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device which prevents the door being opened from within a lodging house.

Restriction on use of rooms for sleeping

8.17 (1) A keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—

- (a) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
- (b) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person; or
- (c) which contains not less than 5.85 square metres of space, including the bed, for each lodger occupying the room.

(2) For the purposes of this clause, 2 children under the age of 10 years shall be counted as one lodger.

Sleeping Accommodation—Short Term Hostels and Recreational Campsites

8.18 (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—

- (a) 4 square metres per person in each dormitory utilising beds;
- (b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds, and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short term hostel or recreational campsite shall provide—

- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories, and shall ensure that dormitories are provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;
- (b) mechanical ventilation in lieu of fixed ventilation, subject to Council's approval.

(6) The keeper of any short term hostel or recreational campsite shall provide—

- (a) beds with a minimum size of—
 - (i) in short term hostels—800 millimetres x 1.9 metres; and
 - (ii) in recreational campsites—750 millimetres x 1.85 metres.
- (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short term hostel or recreational campsite shall—

- (a) maintain at all times a minimum distance of 750 millimetres between beds, and a minimum distance of 900 millimetres between bunks;
- (b) ensure that, where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks, and shall ensure that the passageway is kept clear of obstruction at all times; and
- (c) ensure all doors, windows and ventilators are kept free of obstruction.

- (8) The keeper of a short term hostel or recreational campsite shall ensure that—
- (a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows—
 - Drapes, curtains, blinds and bed covers—a maximum Flammability Index of 6;
 - Upholstery & bedding—
 - a maximum Spread of Flame Index of 6;
 - a maximum Smoke Developed Index of 5;
 - Floor coverings—
 - a maximum Spread of Flame Index of 7;
 - a maximum Smoke Developed Index of 5;
 - Fire retardant coatings used to make a material comply with these indices must be—
 - (i) certified by the manufacturer as approved for use with the fabric to achieve the required indices; and
 - (ii) certified by the manufacturer to retain its fire retardative effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, Procedure 7A, using ECE reference detergent; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification,
 - (b) emergency lighting is provided in accordance with the Building Code;
 - (c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;
 - (d) all mattresses in a short term hostel or recreational campsite are fitted with a mattress protector.

Furnishing etc. of sleeping apartments

8.19 (1) A keeper shall—

- (a) furnish each sleeping apartment, other than in a lodging house used exclusively as a short-term hostel or recreational campsite with a sufficient number of beds and sufficient bedding of good quality;
- (b) ensure that each bed—
 - (i) has a bed head, mattress and pillow; and
 - (ii) is provided with a pillow case, mattress cover, two sheets, a blanket or rug and, from the 1 May to 30 September, not less than one additional blanket or rug; and
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment.

(3) The sheets and blankets required to be provided by subclause (1)(b)(ii), shall be deemed to have been provided by the keeper, where the keeper offers them for hire to the lodgers. In such circumstances, each lodger must either provide his own clean sheets or hire them from the keeper.

(4) In a short term hostel or recreational campsite, the storage facilities required by subclause (1)(c) may be located in a separate secure storage room or locker room.

Numbers to be placed on doors

8.20 A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

Division 3—Management and care

Register of lodgers

8.21 (1) A keeper shall keep a register of lodgers substantially in the format of the approved form.

(2) The register of lodgers shall be—

- (a) kept in the lodging house; and
- (b) open to inspection at any time on demand by any member of the Police or by an environmental health officer.

Certificate in respect of sleeping accommodation

8.22 (1) An environmental health officer may issue to a keeper, a certificate, specifying the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(2) When required by an environmental health officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place.

(3) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

Duplicate keys and inspection

8.23 Each keeper and manager of a lodging house shall—

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an environmental health officer, open the door of any room for the purposes of inspection by the officer.

Room occupancy

8.24 (1) A keeper shall not—

- (a) cause, suffer or permit more than the maximum number of persons permitted by the certificate of registration of the lodging house to be lodged at any one time in the lodging house;
- (b) cause, suffer or permit to be placed or kept in any sleeping apartment—
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bedding, than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
- (c) use or cause, suffer or permit to be used for sleeping purposes a room that—
 - (i) has not been certified for that purpose; and
 - (ii) the local government has forbidden to be used as a sleeping apartment.

(2) For the purpose of this clause, 2 children under 10 years of age shall be counted as one lodger.

Cleaning and maintenance requirements

8.25 (1) In this clause—

“**bed linen**” includes sheets, pillow cases and mattress covers.

(2) A keeper of a lodging house shall—

- (a) maintain in a clean, sound and undamaged condition—
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilet seats;
- (b) maintain in a clean condition and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) windows, doors and door furniture;
- (c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;
- (d) ensure that all floors are kept clean at all times;
- (e) ensure that—
 - (i) all bed linen, towels, and house linen in use are washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease; and
 - (v) when any vector of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the insect(s);
- (f) when so directed by an environmental health officer, ensure that—
 - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
- (g) ensure that the yard is kept clean at all times;
- (h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an environmental health officer.

PART 9- OFFENSIVE TRADES**Interpretation**

9.1 In this Part, unless the context otherwise requires—

“**occupier**” in relation to premises includes the person registered as the occupier of the premises specified in the certificate of registration;

“**offensive trade**” means any one or more of the trades, businesses or occupations as defined by section 186 of the Act; and

“premises” means those premises in or upon which an offensive trade is carried on and includes house.

Consent to establish an offensive trade

9.2 (1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall—

- (a) advertise notice of his intention to apply for consent in accordance with clause 10.3; and
- (b) lodge with the local government an application in the approved form.

(2) A person who makes a false statement in an application under this clause commits an offence.

Notice of application

9.3 A notice required under clause 10.2 shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a Perth daily newspaper advising the public that they have 30 days to lodge any objection with “The Chief Executive Officer, Town of Cambridge”.

Registration of premises

9.4 An application for the registration of premises pursuant to section 191 of the Act shall be—

- (a) submitted on the approved form;
- (b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976*; and
- (c) lodged with the local government.

Conditions of Consent

9.5 In granting consent under section 187 of the Act, the local government may impose reasonable conditions of consent including, without limitation, conditions relating to—

- (a) site requirements;
- (b) building fitout specifications;
- (c) ventilation;
- (d) effluvia, vapours and gases;
- (e) rodents and other vectors of disease ;
- (f) sanitary convenience;
- (g) effluent and rubbish disposal.

Offence

9.6 Every person who carries on any offensive trade otherwise than in compliance with conditions imposed under clause 9.5 commits an offence.

Certificate of registration

9.7 Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a certificate in the approved form.

Change of occupier

9.8 Where there is a change of occupier of the premises registered pursuant to this Part, the new occupier shall forthwith notify the local government in writing of such change.

Alterations to premises

9.9 While any premises remain registered under this Part, a person shall not, without the written permission of the local government, make or permit any change or alteration whatever to the premises.

Cleanliness

9.10 The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean all sanitary conveniences daily and at all times keep and maintain all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

Rodents and Other Vectors of Disease

9.11 The occupier shall—

- (a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
- (b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

Sanitary Conveniences and Wash Basins

9.12 The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and wash hand basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

Painting of Surfaces etc.

9.13 The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings in and on the premises to be cleaned and painted as may be directed by an Environmental Health Officer.

Effluvia, Vapours or Gases

9.14 The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of the business or from any material, residue or other substance which may be kept or stored upon the premises.

Offensive Material

9.15 The occupier shall—

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep air-tight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day and at such more frequent intervals as may be directed by an Environmental Health Officer; and
- (e) cause all receptacles after being emptied to be cleaned and sanitised immediately with an efficient disinfectant.

Storage of Materials

9.16 The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by smell or otherwise and so as to prevent the creation of a nuisance to persons.

PART 10—MORGUES**Licensing of Morgues**

10.1 (1) A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premises for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation unless and until the premises are licensed, in accordance with the provisions of this Part.

(2) The proprietor of any premises for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation seeking the issue of a licence shall make application on the approved form and shall forward the application to the local government together with the approved fee.

(3) A licence in the form approved by the local government shall be valid from the date of issue until the following 30th day of June.

(4) A licence shall not be granted in respect of any premises unless—

- (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
- (b) the walls are constructed of stone or brickwork or other approved material;
- (c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;
- (d) all floors are constructed of an impervious material, having a fall to an outlet discharging over a trapped gully; and
- (e) the premises are adequately ventilated directly to the outside air.

PART 11—OFFENCES AND PENALTIES**Penalties**

11.1 (1) A person who contravenes a provision of this local law commits an offence.

(2) A person who commits an offence under subclause (1) is liable to—

- (a) a penalty which is not more than \$1,000 and not less than—
 - (i) in the case of a first such offence, \$100;

- (ii) in the case of a second such offence, \$200; and
- (iii) in the case of a third or subsequent such offence, \$500; and
- (b) if the offence is a continuing offence, a daily penalty which is not more than \$100 and not less than \$50.

This local law was made by the Cambridge Town Council at its Ordinary Meeting held on the 24th day of April 2001.

The Common Seal of the Town of Cambridge was affixed by the authority of
the Council in the presence of—

On this 5th day of June 2001.

ROSS J. WILLCOCK, Mayor.

GRAHAM D. PARTRIDGE, Chief Executive Officer.

Consented to—

Dr VIRGINIA A. MCLAUGHLIN, delegate of Executive Director, Public Health.

On this 25th day of June 2001.

HEALTH ACT 1911**TOWN OF CAMBRIDGE****HEALTH (FOOD PREMISES) LOCAL LAW 2001****PART 1—PRELIMINARY**

- 1.1 Title
- 1.2 Objective
- 1.3 Repeal
- 1.4 Application
- 1.5 Interpretation
- 1.6 Classification of eating houses

PART 2— FOOD PREMISES

- 2.1 Prescribed date
- 2.2 Requirement for registration and licensing
- 2.3 Registration of eating house or meat premises
- 2.4 Licence to conduct eating house or meat premises
- 2.5 Licence conditions
- 2.6 Period of registration and licence
- 2.7 Power to refuse and cancel registration of an eating house
- 2.8 Power to refuse and cancel licences to proprietors
- 2.9 Eating areas

HEALTH ACT 1911**TOWN OF CAMBRIDGE****HEALTH (FOOD PREMISES) LOCAL LAW 2001**

Under Section 342 of the *Health Act 1911* and in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*, the Council of the Town of Cambridge decided on 28 August 2001 to make the following local law.

PART 1—PRELIMINARY**Title**

1.1 This local law may be referred to as the *Town of Cambridge Health (Food Premises) Local Law 2001*.

Objective

1.2 The objective of this local law is to provide for the control and management of eating houses and meat premises within the district by establishing various requirements for—

- (a) the registration of eating houses and meat premises, and
- (b) the licensing of proprietors of eating houses and meat premises.

Repeal

1.3 Parts 1 and 8, and clause 243 of Part 11 of the Health Local Law of the Town of Cambridge, made by the transfer of the *City of Perth Health Local Law 1993*, on the creation of the local government, insofar as they apply to the Town of Cambridge, are repealed.

Application

1.4 This local law applies throughout the district of the Town of Cambridge.

Interpretation

1.5 In this local law, unless the context otherwise requires—

“**Act**” means the *Health Act 1911* and includes subsidiary legislation made under that Act;

“**approved fee**” means the fees determined by the local government from time to time, under Section 344C of the Act;

“**approved form**” means a form approved by the local government;

“classified” means classified by an Environmental Health Officer;

“**dining room**” means an eating house, classified as a dining room, in which meals may either be taken away or be consumed (by not more than 20 members of the public) on the premises but does not include a restaurant or tea room;

“**eating house**” shall have the same meaning as section 160 of the *Health Act 1911*;

“**licence**” means a licence to conduct an eating house or meat premises issued by the local government under this local law;

“**local government**” means the Town of Cambridge;

“**meat premises**” means premises used or intended to be used for the manufacture, processing, preparation or packaging of meat or products containing meat;

“**proprietor**” in relation to—

- (a) meat premises means an owner of the meat premises or, if the owner of the meat premises is not the occupier, an occupier of the meat premises and includes a person in charge or apparently in charge of the meat premises; and
- (b) an eating house, includes an owner, an occupier, and any person having the management or control of the eating house;

“**pro-rata**” means that where the licence to conduct and the registration of a new eating house or meat premises is due for a lesser period than a full year, the fees shall be calculated on a pro-rata basis, based on however many months remain in the current financial year;

“**registration**” means the registration of an eating house or meat premises issued by the local government under this local law.

“**restaurant**” means an eating house, classified as a restaurant, in which meals are or may be either taken away or consumed on the premises by the public but does not include a dining room or tea room;

“takeaway food premises” means an eating house, classified to be take way food premises, where meals are served or prepared for service only in a state in which they may be taken away from the eating house and consumed in the state in which they are served or prepared for service but does not include—

- (a) an eating house in which meals are served or consumed at tables;
- (b) a tea room; or
- (c) an eating house where the only meals served are confectionery;

“tea room” means an eating house, classified as a tea room where the only meals served or prepared for service are—

- (a) tea, coffee and similar beverages; and
- (b) food which does not require cooking on the premises.

Any other expression used in this local law and not defined herein shall have the meaning given to it in the *Health Act 1911*.

Classification of Eating Houses

1.6 For the purposes of this local law, an eating house shall be classified by an Environmental Health Officer as one of the following—

- (a) a restaurant;
- (b) a dining room;
- (c) take-away food premises; or
- (d) tea room.

PART 2—REGISTRATION AND LICENSING

Prescribed date

2.1 (1) For the purpose of section 160 of the Act the prescribed date is hereby fixed as 12 July 1996.

(2) For the purpose of section 163 of the Act, the thirtieth day of June in each year is hereby prescribed as the date on or before which the registration of an eating house or meat premises and a licence for the proprietor of an eating house or meat premises shall be applied for annually.

Requirement for registration and licensing

2.2 A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premises as an eating house or meat premises unless and until—

- (a) the premises are registered; and
- (b) each of the proprietors of the premises is licensed, in accordance with the provisions of this local law.

Registration of an eating house or meat premises

2.3 (1) Any person seeking the registration of an eating house or meat premises shall make application on the approved form and shall forward the application to the local government together with—

- (a) the approved fee;
- (b) a floor plan and specifications of the eating house or meat premises which plan and specifications shall include the following details—
 - (i) the use of every room;
 - (ii) the internal finishes of every wall, floor and ceiling;
 - (iii) the position and type of every fitting and fixture;
 - (iv) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal;
- (c) the proposed menu; and
- (d) the estimated number and gender of every person, including the proprietor or proprietors, engaged in the preparation, manufacture, processing, cooking or serving of meals.

(2) Where a person makes application for the registration of an eating house or meat premises in respect of which a certificate of registration is current at the date of the application, the person shall not be required to forward the plan and specifications referred to in paragraph (b) of sub-clause (1).

(3) Where the registration for a new eating house or meat premises commences after 31 July in that year, then the applicant shall be required to pay the approved fee at a pro-rata rate.

(4) Subject to the provisions of clause 2.8, the local government shall issue a certificate of registration for all eating houses and meat premises that comply with this local law.

Licence to conduct an eating house or meat premises

2.4 (1) The proprietor of an eating house or meat premises seeking the issue of a licence shall make application on the approved form and shall forward the application to the local government together with the approved fee.

(2) Where there are two or more proprietors of an eating house or meat premises—

- (a) all proprietors names shall be included on the application; and
- (b) the licence shall be issued in joint names.

(3) Subject to the provisions of clause 2.9, a licence shall be issued by the local government.

(4) Any person seeking the transfer of a licence shall make application on the approved form and shall forward the application to the local government together with the approved fee. The application shall be signed by the proposed transferee of the licence and the holder of the licence.

Licence conditions

2.5 A licence shall be issued upon and subject to the condition that the holder of the licence shall—

- (a) display the licence and certification of registration of the eating house or meat premises in a conspicuous place in the eating house;
- (b) notify the local government in writing of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house or meat premises prior to the commencement of such alteration, addition or other work;
- (c) notify the local government in writing of any proposed changes to the menu that shall affect the classification under the *Health (Food Hygiene) Regulations 1993*;
- (d) notify the local government in writing of any proposed increase in staff numbers and their gender;
- (e) notify the local government of anything which may or has caused contamination of food;
- (f) prevent public access to the food preparation and storage areas at all times;
- (g) not permit the reuse of any table napkin or serviette unless such table napkin or serviette has been thoroughly washed and cleansed since it was last used; and
- (h) not allow animals or birds to be slaughtered and dressed, or any poultry, pigeons or game to be plucked, in any part of the premises.

Period of Registration and Licence

2.6 A certificate of registration and a licence shall, unless cancelled in the meantime in accordance with the provisions of the Act, be valid from the date of their issue until the following 30th day of June.

Power to refuse and cancel registration of an eating house

2.7 (1) The local government may refuse registration of an eating house for any of the reasons set out in Section 165 (2) of the Act.

(2) The local government may cancel the registration of an eating house during the currency of its registration for any of the reasons set out in Section 165 (3) of the Act.

Power to refuse and cancel licences to proprietors

2.8 (1) The local government may refuse to issue a licence to the proprietor of an eating house for any of the reasons set out in Section 166 (2) of the Act.

(2) The local government may cancel the existing licence of the proprietor of an eating house for any of the reasons set out in Section 166 (3) of the Act.

Eating areas

2.9 The proprietor of any eating house shall maintain the public's dining area in a clean and hygienic condition, including any outdoor eating area and shall, when directed by an environmental health officer, thoroughly clean and disinfect any such area.

Penalties

2.10 (1) A person who commits a breach or fails to comply with any requirement of this local law commits an offence.

(2) A person who commits an offence under subclause (1) is liable to—

- (a) a penalty which is not more than \$2,500 and not less than—
 - (i) in the case of a first such offence, \$250;
 - (ii) in the case of a second such offence, \$500; and
 - (iii) in the case of a third and subsequent such offence, \$1,250; and
- (b) if the offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

This local law was made by the Council of the Town of Cambridge at its Ordinary Meeting held on the 28th day of August 2001.

The Common Seal of the Town of Cambridge was affixed by the authority of the Council in the presence of—

On this 18th day of September 2001.

ROSS J. WILLCOCK, Mayor.

GRAHAM D. PARTRIDGE, Chief Executive Officer.

Consented to—

Dr VIRGINIA A. McLAUGHLIN, Delegate of Executive Director, Public Health.

On this 28th day of September 2001.

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