



WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

703



PERTH, FRIDAY, 2 MARCH 2007 No. 39

SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

**THOROUGHFARES AND
PUBLIC PLACES
LOCAL LAW 2007**

LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on 30 January 2007 to make the Thoroughfares and Public Places Local Law 2007, as set out below.

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LOCAL GOVERNMENT ACT 1995

CITY OF PERTH

THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007

PART 1—PRELIMINARY

Title

1.1 This local law may be cited as the *Thoroughfares and Public Places Local Law 2007*.

Commencement

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

Purpose and intent

1.3 (1) The purpose of this local law is to provide for the regulation, management and control of activities in thoroughfares and public places throughout the district.

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

Repeal

1.4 The City of Perth Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law as published in the *Government Gazette* on 1 November 2000 including amendments, is repealed on the day that this local law comes into operation.

Application

1.5 This local law applies throughout the district.

Definitions

1.6 In this local law unless the context requires otherwise—

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

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

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

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

(a) including a pedicab, penny-farthing and tricycle; but

(b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating);

“**built-up area**” has the meaning given to it in the *Road Traffic Code 2000*;

“**bulk rubbish container**” means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the City’s regular domestic rubbish collection service;

“**carriageway**” has the meaning given to it in the *Road Traffic Code 2000*;

Note: The *Road Traffic Code 2000* defines a carriageway to mean a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

“**CEO**” means the Chief Executive Officer of the City;

“**City**” means the local government of the City of Perth;

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

“**Council**” means the Council of the City;

“**crossing**” means a crossing giving access from a public thoroughfare to—

(a) private land; or

(b) a private thoroughfare serving private land;

“**district**” means the district of the City;

“**footpath**” has the meaning given to it in the *Road Traffic Code 2000*;

Note: The *Road Traffic Code 2000* defines a footpath to mean an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;

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

“**intersection**” has the meaning given to it in the *Road Traffic Code 2000*;

Note: The *Road Traffic Code 2000* defines an intersection to mean—

- (a) the area where two or more carriageways meet; or
- (b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict;

“**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 City;

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

“**local government property**” means anything except a thoroughfare—

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

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

“**owner**” or “**occupier**” in relation to land does not include the City;

“**pedestrian mall**” means any road or portion of a road that is gazetted as a pedestrian mall;

“**permissible verge treatment**” means a type of beautification or treatment work undertaken to the verge and includes any reticulation pipes and sprinklers;

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

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

“**person**” does not include the City;

“**premises**” for the purpose of the definition of “public place” in this clause means a building or similar structure, but does not include a car park or a similar place;

“**public place**” includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include—

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

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

“**retailer**” means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

“**shopping trolley**” means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods;

“**street tree**” means any tree planted or self sown within the road reserve or on the verge, of an appropriate species and in an appropriate location, for the purposes of contributing to the streetscape;

“**thoroughfare**” means a road, pedestrian mall or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end, but does not include a private thoroughfare which is not under the management control of the City;

“**utility**” means any public or private body which provides a service, such as electricity, gas, water, drainage, sewerage, telecommunications or traffic control, and has equipment on, in or under a public place for that purpose;

“**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 a physically impaired person on a footpath;
- (d) a pram, a stroller or a similar device; and
- (e) a bicycle or wheeled recreational device;

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

“**wheeled recreational device**” means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play—

(a) including—

- (i) in-line skates, rollerskates, a skateboard or similar wheeled device;
- (ii) a scooter being used by a person aged 12 years of age or older; and
- (iii) a unicycle,

but not including a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy; and

“**wheeled toy**” means a child’s pedal car, a tricycle, a scooter or a similar toy, but only if it is being used by a child under 12 years of age.

PART 2—ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

General prohibitions

2.1 A person shall not—

- (a) plant any plant on a thoroughfare within 6 metres of an intersection that creates a sight line hazard and which is not maintained at or below 0.75 metres in height;
- (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 City; 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 so that it is within 2 metres of a carriageway;
- (d) damage a street tree or remove a street tree or part of a street tree irrespective of whether the street tree was planted by the owner or occupier of the lot abutting the thoroughfare or by the City, unless—
 - (i) the removal of the street tree is authorised by the City in writing; or
 - (ii) the person is acting under authority of written law;
- (e) 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;
- (f) unless at the direction of the City, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence, street furniture, planter box (including planting), or any structure erected on a thoroughfare by the City or a person acting under the authority of a written law;
- (g) 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;
- (h) use or allow to be used a bicycle or wheeled recreational device on a thoroughfare so as to cause a nuisance or to endanger, intimidate or unduly obstruct or hinder any other person or vehicle lawfully using or intending to use the same area;
- (i) within a mall, arcade or verandah of a shopping centre, ride any bicycle or wheeled recreational device; or
- (j) on a public place use anything or do anything so as to create a nuisance.

Activities allowed with a permit

2.2 (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 this Part, throw, place or deposit any thing on a verge except for removal by the City under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the City;
- (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, or in order to maintain, a 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 a thoroughfare any hoist, crane or other thing for use over the thoroughfare;
- (k) stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare;

- (l) place or cause to be placed on a thoroughfare a bulk rubbish container, sea container, scaffolding, portable toilets or other materials associated with a building site or property adjoining the thoroughfare; or
- (m) interfere with the soil of, or any thing in a thoroughfare or take any thing from a thoroughfare.

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

No possession and consumption of liquor on thoroughfare

2.3 (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless—

- (a) that is permitted under the *Liquor Licensing Act 1988* or under another written law; or
- (b) the person is doing so in accordance with a permit.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Discharging in public places

2.4 Unless authorised in accordance with a permit issued under this local law or authorised under any other written law, a person must not allow any material including dust, wastewater, waste, mud, concrete, paint, oil or chemicals to be blown, conveyed, deposited or discharged in, on or across a public place or local government property.

Temporary crossings—permit required

2.5 (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, footpath, existing materials and street trees, 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 owner 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 City 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 crossing

2.6 (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 City.

(2) The City may give written notice to the owner or occupier of a lot requiring her or him to—

- (a) remove any part of 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.

Approved verge treatments to be installed

2.7 (1) An owner or occupier of land which abuts on a verge shall not on that part of the verge directly in front of her or his land, install a verge treatment unless authorised in writing by the City.

(2) An application to install a verge treatment shall be forwarded to the City and include—

- (a) the address of the property adjoining the verge where the proposed treatment is to be installed; and
- (b) a plan to a scale of 1:100 detailing the type and location of the treatment or treatments proposed to be installed, including the location of any footpaths, crossings, street trees, manholes, gullies or service pits which are serviced from time to time.

(3) In determining an application to install a verge treatment, the City is to have regard to—

- (a) any relevant City policies or standards in relation to the type of treatments to be installed; and
- (b) any pedestrian or vehicle safety considerations in regards to the proposed treatment.

(4) The owner or occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 2.8.

Obligations of owner or occupier

2.8 An owner or occupier who installs or maintains a verge treatment approved by the City shall—

- (a) only install the verge treatment approved by the City;

- (b) keep the verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
- (c) not place any obstruction on or around the verge treatment; and
- (d) not disturb a footpath on the verge.

Notice to owner or occupier

2.9 The City may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this local law.

Existing verge treatments—transitional provisions

2.10 (1) In this clause “**former provisions**” means the local law of the City which permitted certain types of verge treatments, whether with or without the consent of the City, and which was repealed by this local law.

(2) A verge treatment which—

- (a) was installed prior to the commencement day; and
- (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions, is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

Power to carry out public works on verge

2.11 Where the City or an utility empowered to do so under a written law disturbs a verge, the City or the utility—

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any—
 - (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
 - (ii) sprinklers, pipes, reticulation or other equipment.

Assignment of property numbers

2.12 (1) In this clause, unless the context requires otherwise “**Number**” means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

(2) The City may assign a Number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

Fencing adjoining public places—Item 4(1) of Division 1, Schedule 3.1 of Act

2.13 The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act—

- (a) a public place, as defined in clause 1.6; and
- (b) local government property.

Signs erected by the City

2.14 (1) The City may erect a sign on a public place specifying any conditions of use which apply to that place.

(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 to be for the purpose of giving notice of the effect of a provision of this local law.

Transitional provisions relating to signs

2.15 Where a sign erected on a public place has been erected under a local law of the City repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.14(1) if—

- (a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

No driving on closed thoroughfare

2.16 (1) A person shall not drive or take a vehicle on a closed thoroughfare unless—

- (a) that is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
- (b) the person has first obtained a permit.

(2) In this clause “**closed thoroughfare**” means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

PART 3—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Leaving animals or vehicles in a public place or on local government property

3.1 (1) A person shall not leave an animal or 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 authorised to do so under a written law.

(2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding one hour.

Prohibitions relating to animals

3.2 (1) In subclause (2), “**owner**” in relation to an animal includes—

- (a) an owner of it;
- (b) a person in possession of it;
- (c) a person who has control of it; and
- (d) a person who ordinarily occupies the premises where the animal is permitted to stay.

(2) An owner of an animal shall not—

- (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
- (b) subject to subclause (4), allow an animal to excrete in a public place or local government property;
- (c) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
- (d) train or race the animal on a thoroughfare.

(3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

(4) An owner of an animal does not commit an offence under subclause (2)(b) if any excreta is removed immediately by the owner.

Shopping trolley to be marked

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

Person not to leave shopping trolley in public place

3.4 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 to remove abandoned shopping trolley

3.5 (1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the City may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.

(2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer—

- (a) requests the City to collect and deliver the shopping trolley to the retailer; and
- (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the City.

Retailer taken to own shopping trolley

3.6 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 shopping trolley.

PART 4—PERMITS

Application for permit

4.1 (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 City;
- (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 City under and in accordance with sections 6.16 to 6.19 of the Act.

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

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

(5) The City may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).

(6) Where a person is required to obtain a permit under this local law and fails to do so, that person commits an offence.

Decision on application for permit

4.2 (1) The City 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 City approves an application for a permit, it is to issue to the applicant a permit in the form determined by the City.
- (3) If the City refuses to approve an application for a permit, it is, as soon as practicable after the decision is made—
- (a) to give the applicant written notice of, and written reasons for, the refusal; and
 - (b) inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.
- (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 City 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 City to refuse the application for a permit on other grounds under subclause (1)(b).

Conditions which may be imposed on a permit

4.3 The City 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 granting of another approval, permit, licence or authorisation which may be required under any written law;
- (f) the area of the district to which the permit applies; and
- (g) the obtaining of public risk insurance in an amount and on terms reasonably required by the City.

Security for restoration and reinstatement

4.4 (1) The City may require the payment of a bond for a sum determined by the City—

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

for the purposes of ensuring that—

- (i) a public place can be repaired or reinstated where a permit issued for an activity may cause damage to the public place; or
 - (ii) conditions of approval in so far as they relate to the public place or local government property are complied with.
- (2) A bond required under subclause (1) is to be paid into an account established by the City for the purposes of this clause.

Compliance with conditions

4.5 Where—

- (a) an application for a permit has been approved subject to conditions; or
- (b) 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.

Amendment of permit conditions

4.6 (1) A permit holder may apply in writing to the City to amend any of the terms or conditions of the permit.

(2) The City may, in respect of an application under subclause (1)—

- (a) amend the permit, either in accordance with the application or otherwise as it sees fit; or
- (b) decline to amend the permit.

(3) The City may, at any time, amend any of the terms and conditions of the permit.

(4) If the City amends a permit under this clause, it is to notify the permit holder in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the permit apply from the date of the notification.

(5) If the City amends a permit otherwise than in accordance with an application from the permit holder, it is, as soon as practicable after the decision to amend is made—

- (a) to give to the permit holder written notice of, and written reasons for, its decision to amend; and
- (b) inform the permit holder of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

Duration of permit

- 4.7 A permit is valid for six months 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 4.11.

Renewal of permit

- 4.8 (1) A permit holder may apply to the City 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

- 4.9 (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 City 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 City under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The City may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the City 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 City.
- (4) Where the City 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

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

Cancellation of permit

- 4.11 (1) A permit may be cancelled by the City on any one or more of the following grounds—
- (a) the permit holder has not complied with—
 - (i) a condition of the permit; or
 - (ii) a provision of this local law or any other written law which may relate to the activity regulated by the permit.
 - (2) The City may cancel or suspend a permit if the City or a utility requires access to or near the place to which a permit applies, for the purposes of carrying out works in or near the vicinity of that place.
 - (3) If the City cancels or suspends a permit under this clause, it is, as soon as practicable after the decision is made—
 - (a) to give the permit holder written notice of, and reasons for, the decision;
 - (b) inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision; and
 - (c) the cancellation or suspension takes effect from the date on which the permit holder is served with the cancellation or suspension notice.
 - (4) On the cancellation of a permit, the permit holder shall return the permit as soon as practicable to the City.
 - (5) On the cancellation or suspension of a permit, the permit holder is, subject to subclause (6), to be taken to have forfeited any fees paid in respect of the permit.
 - (6) Where a permit is cancelled or suspended through no fault of the permit holder, the City may refund to the permit holder all or part of the fee in respect of what would otherwise have been the balance of the term of the permit.

PART 5—OBJECTIONS AND APPEALS**Application of Part 9 Division 1 of Act**

- 5.1 (1) Where the City makes a decision as to whether it will—
- (a) grant an application for a permit or the issue of an approval;
 - (b) vary, cancel or suspend a permit; or
 - (c) impose or amend a condition to which a permit is subject,
- the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.
- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the City.

PART 6—MISCELLANEOUS NOTICES**Notice to redirect or repair sprinkler**

6.1 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 City 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

6.2 (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the City 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 City.

Notice to repair damage to thoroughfare

6.3 Where any portion of a thoroughfare has been damaged, the City may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the City.

Notice to remove thing unlawfully placed on thoroughfare

6.4 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 7—ENFORCEMENT**Offence to fail to comply with notice**

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

City may undertake requirements of notice

7.2 (1) Where a person fails to comply with a notice referred to in clause 7.1, the City may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

(2) The City may apply the proceeds of any bond as a condition of approval under clause 4.4 to meet the costs under this clause or any loss of income estimated or incurred by the City.

(3) The liability of a permit holder to pay the City's costs under this clause is not limited to the amount, if any, secured under clause 4.4.

Offences

7.3 (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.

Infringement provisions and modified penalties

7.4 (1) An offence against a clause specified in the First Schedule 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 the First Schedule.

(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.

Forms

7.5 Unless otherwise specified, for the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in the First Schedule of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in the First Schedule 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 the First Schedule of the Regulations.

Authorised persons

7.6 Unless expressly stated otherwise by the City, a person appointed by the City to be an authorised person for the purposes of this local law is taken to have also been appointed by the City to be an authorised person for the purposes of sections 9.13 and 9.16 of the Act in relation to offences against this local law.

*First Schedule**City of Perth*

THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2007

OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.1(a)	Plant any plant on a thoroughfare that creates a sight line hazard and which is not maintained at or below 0.75 metres in height	125
2	2.1(b)	Damaging lawn or garden	125
3	2.1(c)	Plant any plant on a thoroughfare so that it is within 2 metres of a carriageway	125
4	2.1(d)	Remove or damage a street tree without authorisation	350
5	2.1(e)	Placing hazardous substance on footpath	125
6	2.1(f)	Damaging or interfering with signpost or structure on thoroughfare	350
7	2.1(g)	Playing games so as to impede vehicles or persons on thoroughfare	125
8	2.1(h)	Use a bicycle or wheeled recreational device on a thoroughfare so as to cause a nuisance	125
9	2.1(i)	Riding a bicycle or wheeled recreational device within a mall or on a verandah of shopping centre	125
10	2.1(j)	Use anything or do anything on a public place so as to create a nuisance	125
11	2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125
12	2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
13	2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
14	2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
15	2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
16	2.2(1)(f)	Damage a thoroughfare	250
17	2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
18	2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
19	2.2(1)(i)	Installing pipes or stone or any thing on thoroughfare without a permit	125
20	2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
21	2.2(1)(k)	Stop and use any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare without a permit	350
22	2.2(1)(l)	Placing a bulk rubbish container or other item on a thoroughfare without a permit	125
23	2.2(1)(m)	Interfering with soil or take any thing on a thoroughfare without a permit	125
24	2.3(1)	Consumption or possession of liquor on thoroughfare	125
25	2.4	Discharge material in or across a public place or local government property	125
26	2.5(1)	Failure to obtain permit for temporary crossing	250
27	2.6(2)	Failure to comply with notice to remove crossing and reinstate area	350
28	2.7(1)	Installation of verge treatment without approval of the City	125
29	2.8	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
30	2.9	Failure to comply with notice to rectify default	125
31	2.14(2)	Failure to comply with sign on public place	125
32	2.16(1)	Driving or taking a vehicle on a closed thoroughfare	350
33	3.1(1)	Animal or vehicle obstructing a public place or local government property	125

Item No	Clause No	Nature of Offence	Modified Penalty \$
34	3.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
35	3.2(2)(b)	Allow an animal to excrete in a public place or local government property	125
36	3.2(2)(c)	Animal on public place with infectious disease	125
37	3.2(2)(d)	Training or racing animal on thoroughfare in built-up area	125
38	3.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
39	3.4	Person leaving shopping trolley in public place other than trolley bay	125
40	3.5(2)	Failure to remove shopping trolley upon being advised of location	125
41	4.1(6)	Failure to obtain a permit	125
42	4.5	Failure to comply with a condition of a permit	125
43	4.10	Failure to produce permit on request of authorised person	125
44	7.1	Failure to comply with notice given under local law	125
45		Other offences not specified	125

Dated this 6th day of February 2007.

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

Dr PETER NATTRASS, The Rt Hon the Lord Mayor.
FRANK EDWARDS, Chief Executive Officer.
