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# **TOWN OF CAMBRIDGE**

LOCAL GOVERNMENT ACT 1995

## **LOCAL GOVERNMENT AND PUBLIC PROPERTY LOCAL LAW 2017**

## **PRIVATE PROPERTY AMENDMENT LOCAL LAW 2017**

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007  
LOCAL GOVERNMENT ACT 1995

## **WASTE AMENDMENT LOCAL LAW 2017**



**LOCAL GOVERNMENT ACT 1995**

## TOWN OF CAMBRIDGE

**LOCAL GOVERNMENT AND PUBLIC PROPERTY  
LOCAL LAW 2017**

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## LOCAL GOVERNMENT ACT 1995

## TOWN OF CAMBRIDGE

LOCAL GOVERNMENT AND PUBLIC PROPERTY  
LOCAL LAW 2017

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 19 December 2017 to make the following local law.

## PART 1—PRELIMINARY

**1.1 Title**

This is the *Town of Cambridge Local Government and Public Property Local Law 2017*.

**1.2 Commencement**

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

**1.3 Purpose and Effect**

- (1) The purpose 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.

**1.4 Repeal**

- (1) The *Town of Cambridge Local Government and Public Property Local Law* published in the *Government Gazette* on 22 March 2002 and all amendments thereto are hereby repealed on the day this local law comes into operation.
- (2) Where a policy was made or adopted by the local government under, or in relation to, a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.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.

**1.5 Application**

- (1) This local law applies—
  - (a) throughout the district; and
  - (b) to the area bounded by the low water mark of the Indian Ocean and extending for a distance of 200m seawards from its western boundary of the district.
- (2) Notwithstanding anything to the contrary in this local law, the local government may—
  - (a) hire local government property to any person; or
  - (b) enter into an agreement with any person regarding the use of any local government property.

**1.6 Definitions**

- (1) 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;

**aircraft** means any machine or device, with or without an engine, capable of flight and includes an aeroplane, helicopter, airship, glider, gyroplane or balloon;

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

**application** means an application for a permit or a licence;

**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;

**article**, in respect to lost property, includes money;

**artificial grass** is a material comprising of synthetic fibres made to look like natural grass or lawn;

**Authorised Person** means a person appointed 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;

**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;

**bathing appliance** means any device, toy or equipment used to or assist a person in swimming or moving in or across the water, and includes an inflatable toy or similar device;

**bicycle** has the meaning given to it by the *Road Traffic Code 2000*;

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

**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 and includes any part of a building;

**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 local government's regular domestic rubbish collection service;

**carer** means a person who provides care and support to a family member, friend or other person who has a disability, mental or physical illness, chronic condition, terminal illness or who is frail aged;

**carriageway** has the meaning given to it by the *Road Traffic Code 2000*;

**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;

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

- (a) private land; or
- (b) a private thoroughfare serving private land;

**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;

**fireworks** 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;

**footpath** has the meaning given to it by the *Road Traffic Code 2000*;

**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 street or thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

**intersection** has the meaning given to it by the *Road Traffic Code 2000*;

**kerb** means any structure, mark, marking or device to delineate 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 the *Liquor Control 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;

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

**nuisance** means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the nuisance;

**obstruct** means to hinder in passing and obstruction has correlative meaning;

**occupier** has the meaning given to it in the Act;

**owner** has the meaning given to it in the Act;

**permissible verge treatment** means any one of the treatments described in clause 9.3 and includes any associated reticulation pipes and sprinklers;

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

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

**person** means any person, company, public body, association or body of persons corporate or unincorporated and includes an owner, occupier, licensee and permit holder, but does not include the local government;

**private property** means any land that—

- (a) has a separate certificate of title; and
  - (b) is in private ownership or is the subject of a lease or agreement with a person enabling its use for private purposes,
- and includes any building or structure on the land;

**prohibited drug** has the meaning given to it by the *Misuse of Drugs Act 1981*;

**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*;

**reserve** means any land—

- (a) which belongs to the local government that is zoned as and, used for, recreational purposes;
- (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 the meaning of section 3.53 of the Act;

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

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

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

**street tree** means a tree planted or self sown in the street, of an appropriate species and in an appropriate location, for the purposes of contributing to the streetscape;

**tree** means a woody perennial plant generally having a single stem or trunk which will grow to a height of approximately 2m or higher;

**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;

**valid**, in relation to a permit issued under this local law, means current and for which all the associated fees have been paid in full or have been waived by the local government;

**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—
  - (i) a wheel-chair or any device designed for use by physically impaired persons;
  - (ii) a pram, a stroller or similar device;
  - (iii) a boat; and
  - (iv) a shopping trolley;

**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;

**written law** has the same meaning given to it by section 5 of the *Interpretation Act 1984* and includes this local law; and

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

(2) Any other expression used in this local law and not defined herein must have the meaning given to it in the *Local Government Act 1995*, the *Local Government (Miscellaneous Provisions) Act 1960*, *Building Act 2011* and the *Glossary of Building Terms* published by Standards Australia, unless the context requires otherwise.

### 1.7 Interpretation

In this local law unless the context requires otherwise a reference to—

- (a) local government property includes a reference to any part of that local government property; and
- (b) an activity on local government property, local government building or reserve includes a reference to the activity in the airspace above the local government property, local government building or reserve.

## PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY AND BUILDINGS

### Division 1—Determinations

#### 2.1 Determinations as to use of local government property and buildings

(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—

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

#### 2.2 Procedure for making a determination

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

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

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

(3) If no submissions are received in accordance with subclause (2)(c), the 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.

### **2.3 Discretion to erect sign**

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.

### **2.4 Determination to be complied with**

A person must comply with a determination.

### **2.5 Register of determinations**

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

### **2.6 Amendment or revocation of a determination**

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

#### *Division 2—Activities which may be pursued or prohibited under a determination*

### **2.7 Activities which may be pursued on specified local government property and buildings**

- (1) This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992 (Cth)* section 9(2).
- (2) 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, motorized 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) 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; or
  - (j) wear no clothing.

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

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

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

(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) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (c) use, launch or fly a kite, motorized 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; or
- (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.

(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*

#### **2.9 Signs taken to be determinations**

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

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

## **PART 3—PERMITS**

### *Division 1—Preliminary*

#### **3.1 Application of Part**

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*

#### **3.2 Application for permit**

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

- (2) An application for a permit under this local law must—
  - (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 local government 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).

### **3.3 Decision on application for permit**

- (1) The local government may—
  - (a) approve an application for a permit unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

#### *Division 3—Conditions*

### **3.4 Conditions which may be imposed on a permit**

- (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to—
  - (a) the payment of fees and charges;
  - (b) compliance with a standard or a policy of the local government adopted by the local government;
  - (c) the duration and commencement of the permit;
  - (d) the commencement of the permit being contingent on the happening of an event;
  - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
  - (f) the approval of another application for a permit which may be required by the local government under any written law;
  - (g) the area of the district to which the permit applies;
  - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit 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 Control Act 1988*;
  - (i) whether or not the hire is for the exclusive use of the local government property;
  - (j) in accordance with clause 12.5, the obtaining of a policy of insurance in the names 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.

### 3.5 Imposing conditions under a policy

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

### 3.6 Compliance with and variation of conditions

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

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

## *Division 4—General*

### 3.7 Duration of permit

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

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

### 3.8 Renewal of permit

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

(2) The provisions of this Part must apply to an application for the renewal of a permit with all necessary changes as required.

### 3.9 Transfer of permit

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

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the local government 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 an Authorised Person.

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

### 3.10 Production of permit

A permit holder is to produce to an Authorised Person their permit immediately upon being required to do so by that Authorised Person.

### 3.11 Cancellation of permit

(1) Subject to clause 11.6, 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) must 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.

## *Division 5—When a permit is required*

### 3.12 Activities needing a permit

(1) A person must 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 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 that person is 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 an aircraft;
  - (h) conduct a function, public gathering or market 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 site on local government property;
  - (m) make any excavation on local government property or dig or otherwise create a trench through or under a kerb or footpath;
  - (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, mule or other large animal on local government property;
  - (p) light or set off any fireworks or conduct a fireworks display;
  - (q) erect, install, operate or use any broadcasting, public address system, loudspeaker or sound amplification equipment or apparatus on local government property;
  - (r) carry out any works in a street, thoroughfare or other public place, including but not limited to—
    - (i) permissible verge treatments; or
    - (ii) vehicle crossings;
  - (s) 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 street or 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;
  - (t) remove any fence on local government property;
  - (u) cause any obstruction to a water channel or a water course in a street;
  - (v) throw, place or drain offensive, noxious or dangerous fluid onto a street;
  - (w) fell any tree onto a street;
  - (x) provide, erect, install or use in or on any building, structure or land abutting on a street or thoroughfare any hoist or other thing for use over the street or thoroughfare;
  - (y) cause an obstruction to a vehicle or a person using a street;
  - (z) interfere with the soil of, or anything in a street or take anything from a street;
  - (aa) use a verge, street or thoroughfare for storage of items or materials whilst works are being undertaken on private property adjacent to the verge;
  - (bb) place or cause to be placed on a street a bulk rubbish container; or
  - (cc) take photographs or film on local government property for commercial gain or reward.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

### 3.13 Permit required to camp outside a facility

- (1) In this clause—

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

- (2) A person must 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*.

### **3.14 Permit required for possession and consumption of liquor**

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

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

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

#### *Division 6—Responsibilities of permit holder*

### **3.15 Responsibilities of permit holder**

A holder of a permit must 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) take all reasonable steps to prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

## **PART 4—BEHAVIOUR ON LOCAL GOVERNMENT PROPERTY AND BUILDINGS**

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

#### **4.1 Personal behaviour**

A person must 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, obstruct or interfere with the enjoyment of a person who might use the property or building; or
- (b) causes injury to, or interrupts, disturbs, obstructs or interferes with the enjoyment of a person using, or otherwise lawfully on the property or building.

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

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

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

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

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

#### **4.3 Decency and adequate clothing**

A person over the age of 6 years must 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.

#### **4.4 Behaviour detrimental to property**

(1) A person must 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, fixture, fitting, chattel or furniture provided for the use, enjoyment or safety of any person;
- (b) destroying, defacing or damaging any thing on the local government property, such as a sign, plant, tree, fixture, fitting, chattel or furniture provided for the use, enjoyment or safety of any person or building; and
- (c) climbing on or over local government property.



#### 4.5 Taking or injuring any fauna

(1) A person must 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 unless it has been discarded by the animal in a normal or natural manner.

#### 4.6 Removal or cultivation of flora

(1) Unless authorised to do so under a written law or with the approval of the local government or an Authorised Person, a person must not—

- (a) remove, damage or interfere with any flora that is on or above any local government property; or
- (b) cultivate, plant or deposit any flora on local government property.

(2) In this clause—

**flora** means all vascular plants, seeds and other flora, whether living or dead, other than plants recognised as weeds.

#### 4.7 Intoxicated persons not to enter local government property or buildings

A person must 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.

#### 4.8 No prohibited drugs

A person must 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*

#### 4.9 Signs

(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 must comply with a sign erected under subclause (1).

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

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

## PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

### *Division 1—Community facilities*

#### 5.1 Interpretation

In this Division—

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

**pool premises** means the place or premises provided for the purpose of swimming or bathing and known as Bold Park Aquatic 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.

#### 5.2 Direction of manager or Authorised Person to be observed

(1) The manager or an Authorised Person must refuse admission to, may direct to leave or must 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 10 years and who is unaccompanied by a responsible person 16 years or older; or
  - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; and
- (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 must, 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.

### 5.3 Responsibilities of users of a community facility

A person while in the pool premises or community facility must 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*

### 5.4 Interpretation

In this Division—

**bait** means food, or other substance, used as a lure in fishing;

**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;

**fish** has the meaning given to it by section 4 of the *Fish Resources Management Act 1994*;

**fishing** means to use any line, lure, rod or pot for the purpose of catching fish;

**fishing net** means any fishing net other than a—

- (a) hand scoop or hand dip net;
- (b) prawn hand trawl net; or
- (c) complying drop net;

**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 surf life saving club or an Authorised Person;

**personal watercraft** means any vessel designed for the transport of 1 or more 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;

**shark** means all sharks except those species identified as totally protected fish in Schedule 2 Part 2 Division 2 of the *Fish Resources Management Regulations 1995*;

**surfing appliance** means any device, toy or equipment used to or assist a person in moving in or across waves or the water surface, and includes a surfboard, boogie board, windsurfer, kite surfer, wave ski, canoe, inflatable toy or similar device but not a boat;

**surf life saving club** means a lifesaving 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; and

**surf patrol flag** means a flag or notice erected at the limits of a bathing area to indicate the extremities of that patrolled area.

### 5.5 Sand dune protection

A person must 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.

**5.6 Boat launching**

- (1) A person must 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 must not launch a personal water craft into the sea other than at a boat launching ramp designed, constructed and approved for the purpose.
- (3) Subclauses (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.

**5.7 Powers and activities of Authorised Persons and surf life saving members**

- (1) A person authorised by the local government may perform all or any of the following activities in the interests of maintaining safety at beaches—
- (a) patrol any beach, or close any beach or any part of it 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 areas of a beach and the adjacent water beyond the beach where—
    - (i) riding of surfboards or any other bathing appliance is prohibited;
    - (ii) driving or use 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 in the vicinity of the beach or if a shark is suspected to be in the vicinity of a beach; or
  - (g) cease any activity not in accordance with this local law.
- (2) The local government may appoint or authorise members of a surf life saving club to perform all or any of the functions specified in subclause (1).
- (3) Under subclause (2), the local government may authorise members generally, or in relation to particular times, days or months.

**5.8 Identification of life saving patrol**

- (1) A member of a surf life saving patrol on duty at any beach may 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 surf life saving patrol must not wear a red and yellow quartered swimming cap or give the impression they are a member of an on-duty lifesaving patrol.

**5.9 Compliance with signs and directions**

A person attending any beach in the district must—

- (a) comply with any sign erected on a beach;
- (b) comply with any lawful direction given by an Authorised Person 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.

**5.10 Fishing**

- (1) A person must not fish or use a fishing net in any area—
- (a) where fishing or using a fishing net is prohibited or restricted and the prohibition or restriction is designated by signs; or
  - (b) set aside by an Authorised Person or member of a surf life saving patrol as a designated permitted bathing area.
- (2) A person must 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 200m 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 200m of any part of a beach.

### 5.11 Surfboards and boats

(1) A person must 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 or member of a surf life saving patrol, as a designated permitted bathing area.

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

#### *Division 3—Fenced or closed property*

### 5.12 No entry to fenced or closed local government property

A person must 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*

### 5.13 Interpretation

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, miniature golf, pro shop and any driving range;

**golf course reserve** means those pieces of land known as Wembley Golf Course 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; and

**sufficient and suitable golfing equipment** comprises not less than one putter, five clubs, sufficient golf balls to complete the game and a golf bag.

### 5.14 Observance of ordinary and special conditions of play

While on a golf course, every player must 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.

### 5.15 Controller's approval required

A person must not, without the prior approval of the controller or an Authorised Person—

- (a) be accompanied by a non-playing spectator, other than a carer, 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.

### 5.16 Direction of controller or Authorised Person to be observed

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.

### 5.17 Inspection of authorisation

A player or person on a golf course, must 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.

### 5.18 Use of vehicles and equipment

A person must 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 25mm 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.

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

### 5.19 Interpretation

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 and accessible from an adjacent room; and

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

### 5.20 Approval to erect or maintain

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

### 5.21 Projection over local government property

All awnings, verandahs and balconies must finish 600mm closer to the building line than the face of the kerb or 2.75m from the building line, whichever is the lesser.

### 5.22 Height above local government property

(1) The height of an awning, verandah or balcony ceiling must, except in special cases, be 3.4m above the pavement level.

(2) Where there are existing awnings, verandahs or balconies, the new awning, verandah or balcony must conform thereto subject to no awning, verandah or balcony ceiling being at a lesser height than 3m above the pavement level.

### 5.23 Maintenance and public safety

(1) The owner and occupier for the time being of any building to which any awning, verandah or balcony is attached must 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

### 6.1 Payment of applicable fees

Where a fee or charge applies to the entry to, use of or participation in an activity on or in any local government property, local government building or community facility, a person must 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.

### 6.2 No unauthorised entry to function

(1) A person must 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).

### 6.3 Determination of fees and charges

All fees and charges applicable under this part must 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****7.1 Interpretation**

In this Part—

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

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

**7.2 Leaving vehicle in public place or on local government property**

(1) A person must 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 authorised to do so under a written law.

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

**7.3 Name of owner of shopping trolley**

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

**7.4 Shopping trolleys in public places**

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

**7.5 Shopping trolley to be removed by owner**

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 must remove the shopping trolley from the public place within 24 hours of being advised.

**7.6 Impounding of shopping trolley**

(1) Where an Authorised Person or a member of the Western Australia Police 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 must be advised verbally or in writing of its location by the local government and, the owner must recover the impounded shopping trolley from the appointed place as set out in the Act.

**PART 8—SECURE SUM****8.1 Security for restoration and reinstatement**

(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; or
- (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.

**8.2 Use by local government of secure sum**

(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 must 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

### *Division 1—General*

#### **9.1 Works in public property**

A person must 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.

### *Division 2—Verges*

#### **9.2 Verge treatment**

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

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

#### **9.3 Permissible verge treatments**

(1) The owner or occupier of land which abuts a verge may on that part of the verge directly in front of such land install—

- (a) a permissible verge treatment; or
- (b) irrigation pursuant to clause 9.4(h).

(2) A permissible verge treatment is—

- (a) the planting and maintenance of a lawn;
- (b) the planting and maintenance of a garden provided that—
  - (i) clear sight visibility is maintained at all times for a person using the abutting street in the vicinity of an intersection or bend in the street or using a driveway on land adjacent to the street for access to or from the street;
  - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 1.5m along that part of the verge immediately adjacent to the kerb;
  - (iii) it does not include a fence, wall or built structure;
  - (iv) it does not include concrete slabs, bricks, rocks, logs, bollards, reticulation boxes, garden ornaments or garden stakes;
  - (v) it does not include loose and uncompacted, inorganic and poorly graded materials greater than 5mm in size, including gravels, crushed bricks or loose stones;
  - (vi) it does not contain artificial grass;
  - (vii) no plant (except grasses or similar plant) is within 6m of an intersection or within 1.5m of a carriageway where there is no footpath; and
  - (viii) it is not of a thorny, poisonous or hazardous nature.
- (c) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with subclause (4), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b); or
- (d) the installation of an acceptable material.

(4) A person must not install or maintain a verge treatment which is not a permissible verge treatment.

(5) In this Part **acceptable material** means any material which would create a hard surface, and which has been approved by the local government.

#### **9.4 Obligations of owners or occupiers for verge treatments**

An owner or occupier who installs and maintains a permissible verge treatment must—

- (a) repair and make good any damage to the verge treatment at such owner's or occupier's expense;
- (b) keep the verge treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn, that no obstruction of any sort (physical, sight or other) is caused to any accessway, footpath, pavement or thoroughfare;
- (c) ensure that clear sight visibility is maintained at all times for a person using the abutting street in the vicinity of an intersection or bend in the street or using a driveway on land adjacent to the street for access to or from the street;
- (d) lay, install or pave a surface with an acceptable material only;
- (e) not place any obstruction on or around any verge treatment;

- (f) 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;
- (g) 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; and
- (h) ensure that any sprinklers or pipes installed to irrigate a verge treatment—
  - (i) do not protrude above the level of the lawn when not in use;
  - (ii) are not used at such times as to cause unreasonable inconvenience to pedestrians or other persons; or
  - (iii) do not otherwise present a hazard to pedestrians or other persons.

### 9.5 Enforcement

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 permissible verge treatment specifications, within the time period specified in the notice.

### 9.6 Power to carry out public works on a verge

Where the local government or an authority empowered to do so under a written law disturbs, digs up or carries out any works in a verge which has a permissible verge treatment, then the local government or the authority must use its best endeavours to—

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

but otherwise is not be liable to replace or restore any—

- (i) verge treatment and, in particular, any plant, or any other acceptable material or other hard surface; or
- (ii) sprinklers, pipes or other reticulation.

#### *Division 3—Existing verge treatments*

### 9.7 Transitional provision

(1) In this clause—

**former provisions** means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(2) A verge treatment which—

- (a) was installed prior to the commencement day; and
- (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,

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

#### *Division 4—Vehicle Crossings*

### 9.8 Vehicle crossing treatment

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.

### 9.9 Vehicle crossings

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

### 9.10 Contribution towards construction of a vehicle crossing

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

### 9.11 Temporary vehicle crossings

(1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must 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 permit issued under *the Building Act 2011* or *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 permit has been issued under *the Building Act 2011*, or *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 must keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

### 9.12 Removal of redundant vehicle crossings

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government may give written notice to the owner or occupier of a lot requiring 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 must comply with that notice.

#### *Division 5—Protection of footpaths, verges and street trees*

### 9.13 Footpath and verge protection

- (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a footpath or verge, must—
- (a) take all necessary precautions to ensure that the footpath or verge is not damaged during the course of the works;
  - (b) take all necessary action to ensure that the footpath or verge 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 or verge 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 or verge, must 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) A person who causes damage to a footpath or verge during works undertaken on private property or works within the road reserve must pay the costs of the local government to reinstate street trees and repair the damage.

### 9.14 Street tree protection

- (1) The owner, occupier, licensee or contractor who undertakes works on a private property adjacent to a street tree, must—
- (a) take all necessary precautions to ensure that the street tree is protected and not damaged during the course of the works;
  - (b) provide a tree protection zone around the trunk of the tree comprising of temporary fixed barricade/fencing, measuring from the trunk of the tree, of at least 2m by 2m (preferably with appropriate signage), erected around the tree to protect the root zone and tree during the construction works;
  - (c) not place or store any building materials, building rubble and/or debris against the tree protection barricade or within the tree protection zone;
  - (d) ensure clear access to the tree is maintained at all times to enable the local government to access the tree for watering or carry out any works to the tree as required; and
  - (e) notify the local government of any existing damage to the street tree or if the tree becomes damaged.
- (2) Any person who causes damage to a street tree must pay the costs of the local government to carry out remedial works or to replace the street tree.
- (3) Any person who causes significant damage to a street tree or its destruction, commits an offence.
- (4) In instances where a tree is assessed by the local government as being significant in size, the barricade around the tree may need to be a greater distance from the tree trunk and this will be determined by the local government.

## PART 10—ACTIVITIES IN LOCAL GOVERNMENT AND PUBLIC PLACES

### 10.1 General prohibitions

A person must not—

- (a) plant any plant (except grasses or a similar plant) within 6m of an intersection;
- (b) plant any plant which exceeds or which may exceed 0.75m in height on a thoroughfare, where that plant obstructs or restricts the vision of a driver using a driveway on land adjacent to the street for access to or from the street;

- (c) 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;
- (d) plant any plant (except grass or a similar plant) on a thoroughfare or verge contrary to the local government's permissible verge treatment specifications;
- (e) place on any footpath any fruit, fruit skins, vegetable or other substance or fluid (but not water) which may create a hazard for any person using the footpath;
- (f) 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 owned by the local government 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 footpath or thoroughfare;
- (h) within a mall, arcade or verandah of a shopping centre, ride any skateboard, rollerblades or similar device; or
- (i) permit, allow or maintain a tree, plant, shrub or other vegetation on private property to overhang or grow over or onto a footpath, thoroughfare or local government property in such a manner so as to cause a nuisance, hazard, obstruction or impede the movement of a person or vehicle.

## PART 11—NOTICES

### *Division 1—Notices*

#### **11.1 Notice to redirect or repair sprinkler**

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

#### **11.2 Plants encroaching over a footpath, thoroughfare or local government property**

(1) Where a tree, plant, shrub or other vegetation on private property overhangs or grows over or onto a footpath, thoroughfare or local government property in such a manner so as to cause a nuisance, hazard, obstruction or impede the movement of a person or vehicle, the local government may give a notice to the owner or the occupier of the land which contains the tree, plant, shrub or other vegetation, to remove, cut, move or otherwise deal with that tree, plant, shrub or other vegetation, so as to abate the nuisance, hazard or obstruction.

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

#### **11.3 Notice to repair damage to thoroughfare**

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

#### **11.4 Notice to remove thing unlawfully placed on thoroughfare**

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the 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.

#### **11.5 Failing to comply with a notice**

A person who fails to comply with a notice issued pursuant to clauses 11.1, 11.2(1), 11.3 or 11.4, commits an offence.

### *Division 2—Right of Appeal and Review*

#### **11.6 Application of Division 1, Part 9 of the Act**

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

- (a) grant a person a permit 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 of the Regulations apply to that decision.

**PART 12—MISCELLANEOUS****12.1 Persons may be directed to leave local government property or building**

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.

**12.2 Disposal of lost property**

(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 may in any way be responsible for any articles or money lost, stolen, damaged, destroyed whilst on or in any local government property or building.

**12.3 Impounding of goods and recovery of expenses**

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.

**12.4 Liability for damage to local government property or building**

(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.

**12.5 Public liability insurance and indemnity**

(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 must—

- (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; and
- (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 subclause (1), commits an offence.

**PART 13—ENFORCEMENT***Division 1—Notices given under this local law***13.1 Offence to fail to comply with notice**

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.

### 13.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 13.1, 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*

### 13.3 Offences and penalties

(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) A person who commits an offence under this local law is liable, upon conviction, to a penalty not less than \$500 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.

### 13.4 Modified penalties

(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.

### 13.5 Form of Notices

(1) For the purposes of this local law—

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

#### *Division 3—Evidence in legal proceedings*

### 13.6 Evidence of a determination

(1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a 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 13.4]

Item No.	Clause No.	Nature of offence	Modified Penalty \$
1.	2.4	Failing to comply with a determination	250
2.	3.6(1)	Failing to comply with conditions of a permit	250
3.	3.6(2)	Failing to comply with conditions of a permit as varied	250
4.	3.12(1)	Failing to obtain a permit for activities requiring a permit	250
5.	3.13(2)(a)	Failing to obtain a permit to camp on local government property	250
6.	3.14(1)	Consumption or possession of liquor without a permit	250
7.	3.15	Failure of permit holder to comply with responsibilities	250
8.	4.1(a) or (b)	Behaving in a manner likely to cause injury, interruption, disturbance or interference to other persons using local government property	250
9.	4.2(1)	Person using toilet block or change room specified for use by other gender	250
10.	4.2(2)(a)	Loitering outside or acting in an unlawful manner in any toilet block or change room	250
11.	4.2(2)(b)	Entering or attempting to enter an occupied cubicle or compartment	250
12.	4.3	Failing to wear adequate clothing to prevent indecent exposure	150
13.	4.4(1)	Behaving in a way which may be detrimental to local government property	250

Item No.	Clause No.	Nature of offence	Modified Penalty \$
14.	4.5(1)(a)	Taking, injuring or killing, or attempting to take, injure or kill any fauna	250
15.	4.5(1)(b)	Taking onto, setting or using any animal, bird or fish trap while on any local government property	150
16.	4.6(1)(a)	Removing, damaging or interfering with any flora on local government property without approval	150
17.	4.6(1)(b)	Cultivating, planting or depositing flora on local government property without approval	150
18.	4.7	A person under the influence of liquor or a prohibited drug must not enter or remain on local government property	250
19.	4.9(2)	Failing to comply with a sign on local government property	250
20.	5.2(2)	Failing to leave a community facility quietly and peaceably when requested to do so	250
21.	5.3(a)	Smoking or consuming food or drink in a prohibited area in a community facility	150
22.	5.3(b)	Climbing up or upon a community facility	150
23.	5.3(c)	Entering or using, or attempting to enter or use a community facility whilst unclean or suffering from a contagious, infectious or cutaneous disease	150
24.	5.5(a)	Using a sandboard, other board or thing to slide down a sand dune	150
25.	5.5(c)	Traversing sand dunes other than along designated paths.	150
26.	5.5(d)	Taking a vehicle onto any beach or sand dune without authorisation	250
27.	5.6(1)	Launching a boat into sea from area not approved or not permitted by signs	250
28.	5.6(2)	Launching a personal water craft into sea other than from a boat launching ramp	250
29.	5.9(a)	Failing to comply with a sign erected on a beach	250
30.	5.9(b)	Failing to comply with a direction given by an Authorised Person	250
31.	5.10(1)(a)	Fishing or using a fishing net in an area where fishing is prohibited or restricted by signs	150
32.	5.10(1)(b)	Fishing in an area set aside as designated permitted bathing area	150
33.	5.10(2)(a)	Cleaning fish or cutting bait that causes a nuisance to beach users	250
34.	5.10(2)(b)	Leaving or depositing fish offal on land or in the sea within 200m of any beach	250
35.	5.10(2)(c)	Using berley, oil or material that causes a nuisance to beach users or is detrimental to the environment	250
36.	5.10(2)(d)	Fishing for sharks without approval of the local government	250
37.	5.11(1)	Using or riding a surfing appliance, or drive a personal watercraft or boat in a designated permitted bathing area	250
38.	5.12	Unauthorised entry to fenced or closed local government property	250
39.	5.14(a)	Failing to observe and comply with general conditions of play and local rules of golf	150
40.	5.14(b)	Failing to comply with direction of controller or Authorised Person	150
41.	5.14(c)	Failing to comply with notice to direct or control play on golf course	150
42.	5.15(a)	Without approval of the controller, be accompanied by a non-playing spectator whilst playing golf	150
43.	5.15(b)	Without approval of the controller, crossing or trespassing on any portion of the golf course prepared for play	150
44.	5.15(c)	Without approval of the controller, seeking employment or be employed as a caddie, for a fee	150
45.	5.15(d)	Without approval of the controller, selling, offering or exposing for sale or exchange any golf ball or any golf equipment or other goods or services	250
46.	5.17	Failing to produce written authority to play golf for number of holes, day and time on the golf course	250
47.	5.18(a)	Taking a vehicle onto the golf course without approval of the controller	250

Item No.	Clause No.	Nature of offence	Modified Penalty \$
48.	5.18(b)	Driving, using or parking 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	250
49.	5.18(c)	Refusing or failing 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	250
50.	5.18(d)	Taking any golf buggy with wheels less than 25mm wide onto any part of the golf course	150
51.	5.18(g)	Leaving on the golf course any vehicle, object or animal	250
52.	5.20	Erecting or maintaining an awning, verandah or balcony without a permit	500
53.	6.1	Failing to pay the fees or charges fixed by the local government from time to time	250
54.	6.2(1)	Unauthorised entry to a function on local government property	250
55.	7.2(1)	Leaving a vehicle that obstructs a public place or local government property	250
56.	7.4	Leaving a shopping trolley in public place other than trolley bay	250
57.	7.5	Failing to remove a shopping trolley from a public place within 24 hours upon being advised of its location	250
58.	9.1	Carrying out works in a thoroughfare or public place without approval of the local government	250
59.	9.2(a)	Altering the finished level of a verge	250
60.	9.2(b)	Excavating the verge within the drip line of a street tree	250
61.	9.2(c)	Covering or obstructing any manholes, gullies or inspection pits	250
62.	9.3(4)	Installation or maintenance of a verge treatment other than a permissible verge treatment	250
63.	9.4(a)	Failing to repair and make good any damage to the verge treatment	250
64.	9.4(b)	Failing to keep verge treatment in good and tidy condition and avoid obstruction of any sort to any accessway, footpath, pavement or thoroughfare	250
65.	9.4(c)	Failing to ensure clear sight visibility is maintained at all times for persons using the abutting street or driveway	250
66.	9.4(d)	Failing to lay, install or pave a verge with an acceptable material	250
67.	9.4(e)	Place any obstruction on or around any verge treatment	250
68.	9.4(f)	Water or maintain a verge treatment so as to cause a nuisance or a hazard to any person using footpath, accessway or thoroughfare	250
69.	9.4(g)	Extending the verge treatment beyond the verge immediately adjacent to the property owned or occupied, without the consent of the adjoining property owner	250
70.	9.4(h)	Installing or maintain sprinklers or irrigation pipes contrary to requirements	250
71.	9.8	Installing or have installed a vehicle crossing other than a permissible vehicle crossing	250
72.	9.11(1)	Failing to obtain permit for temporary crossing	250
73.	9.12(2)	Failing to comply with notice to remove a crossing and reinstate the kerb	500
74.	9.13(1)(a)	Failing to take reasonable precautions to prevent damage to footpath or verge	250
75.	9.13(1)(b)	Failing to take reasonable precautions to ensure the footpath or verge remains in a safe and functional state	250
76.	9.13(1)(c)	Failing to notify local government of existing footpath damage prior to commencement of works	150
77.	9.14(1)(a)	Failing to take all necessary precautions to ensure that the street tree is protected and not damaged during the course of the works	500
78.	9.14(1)(b)	Failing to provide a tree protection zone comprising of a temporary barricade/fencing to protect a street tree during the construction works	250

Item No.	Clause No.	Nature of offence	Modified Penalty \$
79.	9.14(1)(c)	Placing or storing of any building materials, building rubble and/or debris against the tree protection barricade or within the tree protection zone	250
80.	9.14(1)(d)	Failing to ensure clear access is maintained at all times around a street tree to enable the local government to water the tree or carry out works	250
81.	9.14(1)(e)	Failing to notify the local government of any existing damage to a street tree prior to the commencement of the works	250
82.	9.14(3)	Causing significant damage to a street tree or its destruction	500
83.	10.1(a)	Planting any plant (except grasses or a similar plant) within 6m of an intersection	250
84.	10.1(b)	Planting any plant which exceeds or which may exceed 0.75m in height on a thoroughfare, where that plant obstructs or restricts the vision of a driver using a driveway on land adjacent to the street for access to or from the street	250
85.	10.1(c)	Damaging a lawn or a garden or removing any plant or part of a plant from a lawn or a garden	250
86.	10.1(d)	Planting any plant (except grass or a similar plant) on a thoroughfare or verge contrary to the local government's permissible verge treatment specifications	250
87.	10.1(e)	Placing on any footpath any fruit, fruit skins or other substance or fluid (but not water) which may create a hazard for any person using the footpath	250
88.	10.1(f)	Unless at the direction of the local government, damaging, removing or interfering with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare	250
89.	10.1(g)	Playing or participating 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 footpath or thoroughfare	250
90.	10.1(h)	Within a mall, arcade or verandah of a shopping centre, riding any skateboard, rollerblades or similar device	250
91.	10.1(i)	Permitting, allowing or maintaining a tree, plant, shrub or other vegetation on private property to overhang or grow over or onto a footpath, thoroughfare or local government property in such a manner so as to cause a nuisance, hazard, obstruction or impede the movement of a person or vehicle	250
92.	11.5	Failing to comply with a notice concerning a sprinkler, trees or plants encroaching over a footpath or thoroughfare, damage to a thoroughfare, verge or footpath or placing a thing on a thoroughfare contrary to the local law	500
93.	12.1	Failing to leave local government property or building when directed to do so by an Authorised Person	250
94.	13.1	Failing to comply with a notice given under this local law	500
95.	13.3(1)	All other offences not specified	150

Dated this 22nd day of December 2017.

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

KERI SHANNON, Mayor.  
JASON BUCKLEY, Chief Executive Officer.





**LOCAL GOVERNMENT ACT 1995**

## TOWN OF CAMBRIDGE

**PRIVATE PROPERTY AMENDMENT LOCAL LAW 2017**

Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the Town of Cambridge resolved on 28 November 2017 to make the following local law.

**1.1 Title**

This local law may be cited as the *Town of Cambridge Private Property Amendment Local Law 2017*.

**1.2 Commencement**

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

**1.3 Principal local law**

This local law amends the *Town of Cambridge Private Property Local Law 2016* published in the *Government Gazette* on 24 January 2017.

**1.4 Principal local law amended**

The principal local law is amended as follows—

- (a) delete '3500.2.2003' and insert '3500.2.2015', wherever it appears;
- (b) delete '3500.3.2003' and insert '3500.3.2015', wherever it appears;
- (c) in clause 1.6(1) delete 'AS 4282:1997' and insert 'AS 4282.1997';
- (d) in clause 1.6(2)(f) delete 'Australian Standard 4282' and insert 'AS 4282.1997';
- (e) in clause 3.2(2) delete 'Australian Standard 4282' and insert 'AS 4282.1997'; and
- (f) in clause 3.11(2) delete '11' and insert '4'.

Dated this 22nd day of December 2017.

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

KERI SHANNON, Mayor.  
JASON BUCKLEY, Chief Executive Officer.



**WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007  
LOCAL GOVERNMENT ACT 1995**

TOWN OF CAMBRIDGE

**WASTE AMENDMENT LOCAL LAW 2017**

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery Act 2007* and the *Local Government Act 1995* and under all other enabling powers, the Council of the Town of Cambridge resolved on 28 November 2017 to make the following local law.

**1.1 Title**

This local law may be cited as the *Town of Cambridge Waste Amendment Local Law 2017*.

**1.2 Commencement**

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

**1.3 Principal local law**

This local law amends the *Town of Cambridge Waste Local Law 2016* published in the *Government Gazette* on 24 January 2017.

**1.4 Clause 2.8 amended**

In clause 2.8(1), delete ‘2.7(a) or (b)’ and insert ‘2.7(2)(a) or (b)’.

**1.5 Part 5 inserted**

After clause 4.4, insert the following—

**‘PART 5—OBJECTION AND APPEAL RIGHTS**

**5.1 Objection and appeal rights**

Division 1 of Part 9 of the LG Act applies to a decision under this local law to grant, renew, vary or cancel—

- (a) an approval under clause 2.7(2)(b);
- (b) an exemption under clause 2.8(2);
- (c) an approval under clause 2.10(1);
- (d) an authorization under clause 3.2(1)(c);
- (e) an approval under clause 3.2(2); and
- (f) an approval under clause 3.3.’

Dated this 22nd day of December 2017.

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

KERI SHANNON, Mayor.  
JASON BUCKLEY, Chief Executive Officer.

Consented to—

MIKE ROWE, Chief Executive Officer,  
Department of Water and Environmental Regulation.

Dated this 11th day of November 2017.