

LOCAL GOVERNMENT ACT 1995

CITY OF WANNEROO

PRIVATE PROPERTY AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Wanneroo resolved on 10 February 2009 to make the "*City of Wanneroo Private Property Amendment Local Law 2008*".

1. Citation

This local law may be cited as the *City of Wanneroo Private Property Amendment Local Law 2008*.

2. Commencement

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

3. Principal Local Law

In this local law, the *City of Wanneroo Private Property Local Law 2001* as published in the *Government Gazette* on 30 April 2002 is referred to as the principal local law. The principal local law is amended as follows.

4. Clause 1.6 amended

- (a) In the definition of "dangerous"—
 - (i) in paragraph (c) after "or material," insert—"or";
 - (ii) in paragraph (d) delete "cause," and insert "cause."; and
 - (iii) delete paragraphs (e) and (f).
- (b) In the definition of "state of disrepair" after "not licensed" insert—"or cannot be legally used on the road by virtue of their condition,".

5. Clause 3.7 amended

After the words "good condition" delete "and".

6. Clause 3.8 amended

After the words "barbed wire" in the second line insert—"or an electrified fence".

7. Clause 7.1 amended

- (a) In subclause 1(a) delete "1 lux" and insert—"10 lux"; and
- (b) In subclause 1(b) delete all the words after "maximum angle" and insert—"of 20 degrees from vertically downward; or".

8. PART 8 amended

- (a) In the heading of **PART 8** after "**ELECTRIFIED**" insert—" , **BARBED**";
- (b) In subclause 8.1(1)(b) after "partly of" insert—"barbed or";
- (c) In subclause 8.1(4) after "partly of" in the first line insert—"barbed or"; and
- (d) In subclause 8.1(4)(b) after "where any" insert—"barbed or".

9. Part 10 amended

- (a) In the heading of **PART 10** after the word "**VEHICLE**" insert—" **STORAGE**,"; and

- (b) Before the heading “10.1 Commercial wrecking of vehicles” insert—
“10.1 Parking and storage of non-commercial vehicles generally
 (a) Only vehicles which are operational and registered for on-road use may be parked or stored in the front set-back of residential properties;
 (b) Any vehicle which is not operational and road registered may only be stored within a garage, or in the rear set-back, screened so as not to be visible from beyond the property boundaries. The use of vehicle covers within the front set-back does not qualify as screening under this clause; and
 (c) Any vehicle, whether road registered or not, which is longer than 10 metres, wider than 2.5 metres or higher than 3 metres, may not be stored at a residential lot.”;
- (c) In subclause 10.2(2)(a) delete “port” and insert—
 “part”; and
- (d) Subclause numbers “10.1” through to “10.4” are redesignated as “10.2” to “10.5” consequentially.

10. Clause 14.2 amended

Clause 14.2 and its heading “Limit on liability” are deleted.

11. PART 16 inserted

After clause 15.5 insert—

“PART 16—MISCELLANEOUS

16.1 Fees and charges

Fees and charges applicable under this local law shall be as determined by the local government from time to time in accordance with section 6.16 of the Act.”

12. First Schedule amended

In the section headed “**Open fence**” delete “on required by clause 15” in the first line and insert—
 “permitted”.

13. Third Schedule amended

After paragraph (c) insert the following—

“Permissible Alternative Fences

Permissible alternative fences apply to front fences only and are not intended for other boundary fences on a rural lot or special rural lot.

With approval from the local government, open front fences may be constructed of

- (a) an open picket timber fence;
- (b) brick, stone or concrete piers with an open infill of timber, wrought iron or tubular metal; or,
- (c) such other open fencing as approved by the local government.”

14. Fifth Schedule amended

Delete the Fifth Schedule and substitute the following—

“Fifth Schedule

CITY OF WANNEROO

Private Property Local Law 2001

OFFENCES AND MODIFIED PENALTIES

Clause No	Nature of Offence	Modified Penalty \$
Part 3—Fencing General		
3.1(a)	Erecting a fence which is not a sufficient or permissible fence	150
3.1(b)	Failure to maintain a fence to satisfy requirements of sufficient or permissible fence	150
3.3	Erecting without approval a fence higher than 1 m within the front setback which is not an open fence	150
3.4	Erecting without approval a fence which is not a permissible alternative fence on a secondary frontage	150
3.5	Erecting a fence adjacent to an access point without a truncation	150
3.7	Failure to maintain a fence in good condition to prevent fence becoming dangerous, dilapidated, unsightly	150
3.8	Constructing a barbed wire or an electrified fence on rural property adjacent to a public place or reserve with barbed wire or an electrified fence not fixed to side of fence furthest from the public place or reserve	150
3.9	Using broken glass, barbed or razor wire, spiked or jagged projections in fence construction without approval	150

Clause No	Nature of Offence	Modified Penalty \$
3.10(a)	Erecting or maintaining a gate in a fence not opening into the property	150
3.10(b)	Erecting or maintaining a gate in a fence not opening by sliding parallel and on inside of fence	150
3.10(c)	Erecting or maintaining a gate in a fence without approval	150
3.11	Erecting or maintaining a fence/obstruction temporarily or permanently across right of way, pedestrian access way or road without consent	150
Part 5—Estate Fences		
5.1(2)	Failure to depict suburb name on estate boundary fence or estate entry statement	250
5.2(1)	Failure to repair/replace damaged estate boundary fence with same or similar materials as original fence	150
Part 6—Tennis Court Fencing		
6.1(2)(a)	Erecting or repairing a tennis court fence higher than 3.6m	150
6.1(2)(b)	Erecting tennis court fence less than 900mm from boundary of adjoining lot without submission from adjoining owner	150
6.1(2)(c)	Not erecting or repairing chain link mesh fence in accordance with manufacturer's specification	150
Part 7—Security and Flood Lighting		
7.1(1)(a)	Erecting or maintaining on private land a luminaire which spills 10 lux or more illumination into adjacent land/building	150
7.1(1)(b)	Erecting or maintaining security/floodlight higher than 3m or at greater angle than 20 degrees from the vertical down	150
7.1(1)(c)	Erecting or maintaining security/floodlight so glare affects amenity or is hazardous	150
7.4(a)	Permitting tennis court floodlights to remain lit after 10 pm	150
7.4(b)	Hiring tennis court for tennis or other activity for commercial gain	150
Part 8—Electrified, Barbed and Razor Wire Fences		
8.1(1)(a)	Having and using an electrified fence without a licence	150
8.1(1)(b)	Having and using a barbed or razor wire fence without a licence	150
Part 9—Street Numbering		
9.2(1)	Failure to paint/affix/maintain current street number in a conspicuous place on front of building, fence, letterbox or gate fronting street	150
9.3(1)	Placing street number so as to cause confusion or be misleading	150
Part 10—Vehicle Storage, Wrecking, Fibreglassing and Spray Painting		
10.1(b)	Parking a not operational and road registered vehicle on the front set-back without being properly screened	150
10.1(c)	Storing a vehicle longer than 10 metres, wider than 2.5 metres or higher than 3 metres on a residential lot	150
10.2	Undertaking or permitting commercial wrecking of vehicles without planning approval	150
10.3(1)	Storing, wrecking or allowing to remain on land any vehicle, part or body of vehicle or machinery in state of disrepair without it being screened from view	150
10.3(2)	Keeping on any residential or special rural lot more than one vehicle in state of disrepair	150
10.4(1)	Failure to dispose of vehicle, parts or body of vehicle or machinery at a place set aside or approved for that purpose	150
10.4(2)	Destroying portion of vehicle or machinery by fire so as to cause nuisance by smoke or odour	150
10.5	Using or manufacturing fibreglass or undertaking spray painting without approval	150
Part 11—Private Swimming Pools		
11.1(a)	Not allowing inspector to inspect swimming pool	150
11.1(b)	Failure to remove impediment to reasonable and safe access	150

Clause No	Nature of Offence	Modified Penalty \$
Part 12—Sand Drift and Litter Control		
12.1	Failure to prevent soil or dust from being released or escaping	150
12.2(1)	Allowing fill or excavation to affect adjoining land	150
12.2(3)	Failure to retain soil	150
12.3(1)	Failure to provide a suitable litter receptacle or enclosure on a building site	250
12.3(2)	Failure to keep wind blown building rubbish in receptacle or enclosure	150
Part 13—Driveways and Drainage		
13.1(1)	Constructing a vehicle crossing at a gradient exceeding maximum allowable	150
13.1(2)	Constructing a driveway at a gradient exceeding maximum allowable	150
13.2	Allowing storm water to discharge onto adjoining land or road reserve	150
	Other offences not specified	150 ^a

10. Schedule of Fees and Charges deleted

Delete the Schedule of Fees and Charges.

Dated: 4 March 2009.

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

JON KELLY, Mayor.
DANIEL SIMMS, Chief Executive Officer.