City of Wanneroo

Public Places and Local Government Property Local Law 2015

Published in the Government Gazette on 29 February 2016, Number No. 33
Amended: Government Gazette on 21 March 2017, Number 60
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15/557012

Local Government Act 1995

City of Wanneroo

Public Places and Local Government Property Local Law 2015

Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Wanneroo resolved on 2 February 2016 to make this local law.

Part 1 - Preliminary

1.1 Title

This is the *City of Wanneroo Public Places and Local Government Property Local Law 2015.*

1.2 Commencement

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

1.3 Application

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 200 metres seaward from the western boundary of the district.

1.4 Repeal and transitional provisions

(1) The following local laws are repealed –

(a) *Trading in Public Places Local Law 1999*, published in the *Government Gazette* on 27 August 1999;

(b) Part 4 of the *Signs Local Law 1999,* published in the *Government Gazette* on 27 August 1999; and

(c) *Local Government and Public Property Local Law*, published in the *Government Gazette* on 18 January 2000.

(2) An application for, or an application for the renewal of, a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.

(3) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

1.5 Definitions

In this local law -

Act means the *Local Government Act 1995*;

applicant means a person who applies for a licence;

application means an application for a licence;

application fee means the fee payable on the lodgement of an application for a licence and which relates to the lodgement, assessment and determination of the application but does not include the licence fee;

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;

beach means the area of sandy shoreline from the low-water mark to either the toe of the dune or the commencement of vegetation or a man-made structure;

boat means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

building means any building which is local government property and includes any –

(a) hall or room;

(b) corridor, stairway or annexe of any hall or room; and

(c) jetty;

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;

CEO means the chief executive officer of the local government;

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

Council means the council of the local government;

determination means a determination made under clause 2.1;

district means the district of the local government;

dune means a mound or ridge of sand or other loose sediment, that may or may not contain vegetation that adjoins a beach;

entertain means conduct any form of theatrical, artistic, musical, audio or visual performance and includes busk;

food has the meaning given by the *Food Act 2008* ;

food business has the meaning given to it by the *Food Act 2008*;

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

Health Act means the *Health Act 1911*;

hire includes offer to hire and expose for hire;

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

kerb includes the edge of a carriageway;

lawn means any part of a street 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;

licence means a licence under this local law;

licence fee means the fee payable on the issue of a licence;

licence document means a licence document issued under this local law;

licensed premises has the same meaning as is given to it in section 3 of the Liquor Control Act;

licensee means a person who holds a licence;

liquor has the meaning given to it in section 3 of the Liquor Control Act ;

***Liquor Control* Act** means the *Liquor Control Act 1988*;

local government means the City of Wanneroo;

local government property means anything except a street –

(a) which belongs to or leased by the local government;

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

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

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

manager means the person for the time being employed or engaged by the local government to control and manage a facility which is local government property, and includes the person's assistant or deputy;

market means a collection of stalls, stands or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction;

nuisance means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which –

(a) is injurious or dangerous to the health or safety of another person of normal susceptibility; or

(b) which has a disturbing effect on the state of reasonable physical, mental or social well being of another person;

owner or occupier, in relation to land, does not include the local government;

penalty unit has the meaning given to it in the *City of Wanneroo Penalty Units Local Law 2015*;

permissible verge treatment means any one of the treatments described in clause 6.4(2), and includes any associated reticulation pipes and sprinklers;

person 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 –

(a) a street;

(b) any local government property; or

(c) a place to which the public have access;

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

repealed local law means a local law repealed under clause 1.4;

retailer means a the owner or occupier of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

sell includes –

(a) offer or attempt to sell;

(b) display for sale;

(c) send, forward or deliver for sale or on sale;

(d) barter or exchange;

(e) dispose, by lot or chance or by auction;

(f) supply, or offer, agree or attempt to supply –

(i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or

(ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or

(g) authorise, direct, cause or permit to be done any act referred to in this definition;

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

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

stall means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold and includes a vehicle;

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 any 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;

trading means selling or hiring goods or services and includes the setting up of a stall and conducting business at a stall;

vehicle includes –

(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

(b) an animal being ridden or driven,

but excludes –

(c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and

(d) a pram, stroller or similar device;

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

waste includes matter –

(a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or

(b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.

1.6 Interpretation

In this local law, a reference to local government property includes a reference to any part of local government property.

1.7 Overriding power to hire and agree

Despite anything to the contrary in this local law, the CEO or an authorised person, on behalf of 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.

Part 2 - Determinations in respect of local government property

2.1 Determinations as to use of local government property

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

(a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;

(b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;

(c) as to the matters in clauses 2.7(2) and 2.8(2); and

(d) as to any matter ancillary or necessary to give effect to a determination.

(2) The determinations in Schedule 1 –

(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 CEO or an authorised person is to give local public notice of the local government's 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 may decide –

(a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;

(b) to amend the proposed determination, in which case subclause (5) is to apply; or

(c) not to continue with the proposed determination.

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

(a) is to consider those submissions; and

(b) may decide –

(i) whether or not to amend the proposed determination; or;

(ii) whether or 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).

2.3 Discretion to erect sign

The local government may erect a sign on local government property 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 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 local government 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 local government 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.

2.7 Activities which may be pursued on specified local government property

(1) A determination may provide that specified local government property is set aside as an area on which a person may –

(a) take, ride or drive a vehicle, or a particular class of vehicle;

(b) fly or use a motorised model aeroplane;

(c) 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;

(d) launch, beach or leave a boat;

(e) take or use a boat, or a particular class of boat;

(f) play or practise –

(i) golf or archery;

(ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or

(iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property; or

(g) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device.

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

(a) the days and times during which the activity may be pursued;

(b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;

(c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;

(d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, 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

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

(a) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;

(b) taking, riding or driving a vehicle or a particular class of vehicle;

(c) riding or driving above a specified speed a vehicle or a particular class of vehicle;

(d) taking or using a boat, or a particular class of boat;

(e) 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;

(f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and

(g) the traversing of 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, equipment or things, or all vehicles, 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.

2.9 Sign under repealed local law taken to be determination

(1) Where a sign erected on local government property has been erected under a repealed 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 - Activities on local government property requiring a licence

3.1 Activities requiring a licence

(1) A person must not without a licence –

(a) subject to subclause (3) hire local government property;

(b) advertise anything by any means on local government property;

(c) erect, on local government property a structure for public amusement or for any performance, whether for gain or otherwise;

(d) teach, coach or train, for profit, a person or animal on 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 licence to conduct a function, and where the trading is carried on under and in accordance with the licence; or

(ii) by a person who has a licence or permit to carry on trading on local government property under any written law;

(g) conduct or set up a market on local government property;

(h) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose –

(i) drive or ride or take any vehicle on to local government property; or

(ii) park or stop any vehicle on local government property;

(i) conduct a function on local government property ;

(j) 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;

(k) light a fire on local government property except in a facility provided for that purpose;

(l) parachute, hang glide, abseil or base jump from or on to local government property;

(m) erect a building or a refuelling site on local government property;

(n) make any excavation on or erect or remove any fence on local government property;

(o) erect or install any structure above or below ground of local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;

(p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property;

(q) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property; or

(r) conduct an entertainment event on local government property.

(2) The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.

(3) The CEO or an authorised person may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.2 Erecting structures or camping

(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) This clause does not apply to a facility operated by the local government.

(3) A person must not without a licence –

(a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;

(b) erect, on local government property, any tent, camp, hut or similar structure; or

(c) erect, on local government property that is not enclosed, an umbrella or temporary shade structure unless –

(i) it is erected for protection from the sun or other elements;

(ii) it has an area of no more than 6 square metres;

(iii) it has a height of no less than 2.5 metres;

(iv) it is removed by that person –

(I) immediately on leaving that local government property; and

(II) during daylight on the same day on which it was erected; and

(v) it is for a private use.

(4) The maximum period for which the CEO or an authorised person may approve an application for a licence in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

3.3 Licence required for possession and consumption of liquor

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

(a) that is permitted under the Liquor Control Act; and

(b) a licence has been obtained for that purpose.

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

Part 4 - Behaviour on all local government property

Division 1 - Prohibited behaviour

4.1 Behaviour which interferes with others

A person must not, in or on any local government property, behave in a manner which –

(a) is likely to interfere with the enjoyment of a person who might use the property or who might otherwise lawfully be on the property; or

(b) interferes with the enjoyment of a person using, or otherwise lawfully on, the property.

4.2 Behaviour detrimental to property

(1) A person must not behave in or on local government property 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 the local government property including a rock, a plant or a seat provided for the use of any person; and

(b) destroying, defacing or damaging any thing on the local government property, including a plant, a seat provided for the use of any person or a building.

4.3 Taking or injuring fauna

(1) A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

(2) In this clause –

animal means any living thing that is not a human being, fly 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 shed or discarded by the animal in a normal or natural manner.

4.4 Flora

(1) Unless authorised to do so under a written law or with the written approval of the CEO 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.

4.5 Animals

(1) A person must not –

(a) tether any animal to a tree, shrub, tree guard, wall or fence; or

(b) permit any animal to enter upon or into any local government property,

unless authorised by a licence or under this local law.

(2) In this clause, 'animal' does not include a dog.

4.6 Intoxicated persons not to be on local government property

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

Division 2 - Signs and powers to give directions

4.7 Signs

(1) The CEO or an authorised person may erect a sign on local government property –

(a) specifying any conditions of use which apply to that property; and

(b) for any other purpose relevant to this local law, including giving notice of a breach of clause 4.4 and substituting a sign for flora that has been removed, damaged or interfered with contrary to clause 4.4.

(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.

4.8 Authorised person to be obeyed

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

4.9 Refusal of entry and removal

(1) If the CEO or an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, the CEO or authorised person may –

(a) refuse to allow that person to enter local government property; and

(b) if the person is on local government property, direct the person to leave the local government property.

(2) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property quickly and peaceably.

(3) If a person fails to comply with subclause (2), the CEO or an authorised person may remove the person, or arrange for the person to be removed, from the local government property.

4.10 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the CEO or an authorised person -

(a) if the value of the property reasonably exceeds the amount prescribed by regulation 30(3) of the *local government (Functions and General) Regulations* 1996, using the process under section 3.58 of the *Act* for the sale of the article as if it was property referred to in that section;

(b) if the article is of a negligible or little value or likely to be of no interest to a not for profit body, in any manner he or she thinks fit; or

(c) in any other case, by donation to a not for profit body incorporated under the *Associations Incorporations Act 1987*.

Part 5 - Matters relating to particular local government property

Division 1 - Functions and closed property

5.1 No unauthorised entry to function

(1) A person must not enter local government property on such days or during such times as the property is 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 CEO or an authorised person may exempt a person from compliance with subclause (1)(b).

5.2 No entry to fenced or closed local government property

A person must not enter local government property 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 CEO or an authorised person.

Division 2 - Golf courses

5.3 Interpretation

In this Division –

controller means an authorised person who has been appointed to control and manage a golf course;

golf course means that portion of a local government property which is laid out as a golf course and includes –

(a) all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range; and

(b) all buildings, structures, fittings, fixtures and equipment on that property.

5.4 Observance of special conditions of play

While on a golf course, a player must –

(a) observe and comply with a direction of the controller in respect of any special conditions of play;

(b) observe and comply with a requirement of any notice erected to direct or control play; and

(c) not be accompanied by a non playing person without the permission of the controller or an authorised person.

5.5 Children under the age of 10 years

A person under the age of 10 years must not enter, play or practise on a golf course unless accompanied by a person of 18 years or older.

Division 3 - Beaches

5.6 Powers of authorised persons or surf life saving club members

(1) An authorised person employed by the local government may perform all or any of the following functions in relation to a beach -

(a) patrol any beach;

(b) carry out any activity on any beach;

(c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;

(d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and

(e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.

(2) Subject to subclause (3), the local government may authorise, under section 9.10 of the Act, one or more members of a surf life saving club to perform all or any of the functions listed in subclause (1).

(3) Members authorised by the local government under subclause (2) must have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.

(4) Under subclause (2), the local government may authorise members generally, or in relation to particular times, days or months.

5.7 Authority of local government employee to prevail

If the local government has authorised a person under clause 5.6(1) and a member of a surf life saving club under clause 5.6(2) in relation to the same beach, where they could perform a function referred to in clause 5.6(1) contemporaneously, the authority of an authorised person employed by the local government under clause 5.6(1) is to prevail.

5.8 Persons to comply with signs and directions

A person must -

(a) not act in contravention of a sign erected on a beach under clause 5.6(1)(c);

(b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained permission to enter from the club;

(c) comply with any direction given under clause 5.6(1)(c) or 5.6(1)(e); and

(d) not interfere with, obscure, obstruct, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.

5.9 Unauthorised vehicles on beaches and dunes

A person must not cause a vehicle to be or drive a vehicle, on a beach or dune unless otherwise authorised or approved by the local government or any other public authority.

Part 6 - Activities in streets

Division 1 - General

6.1 General prohibitions

A person must not –

(a) plant, or allow to remain, in a street a plant that is or may become an obstruction to a reasonable sight line for a driver of any vehicle negotiating or using the street;

(b) damage a lawn or a garden, or remove any plant or part of a plant from a lawn or a garden, in a street unless –

(i) the person is the owner or the occupier of the lot abutting that portion of the street and the lawn or the garden or the particular plant has not been installed or planted by the local government ; or

(ii) the person is acting under the authority of a written law;

(c) damage, or remove a street tree, or part of a street tree, irrespective of whether it was planted by the owner or occupier of the lot abutting the street or by the local government , unless –

(i) the damage to, or removal of, the street tree is authorised by the CEO or an authorised person in writing; or

(ii) the person is acting under authority of written law;

(d) place, or allow to be placed or remain, on a street any thing (except water) that –

(i) obstructs the street; or

(ii) results in a hazard for any person using the street;

(e) unless at the direction of the CEO or an authorised person, damage, remove or interfere with any part of a street, or any structure erected on a street, by the local government or a person acting under the authority of a written law;

(f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a street; or

(g) within a mall, arcade or veranda of a shopping centre, ride any bicycle, skateboard, roller-blades or similar device.

6.2 Activities allowed with a licence

(1) A person must not, without a licence –

(a) dig or otherwise create a trench through or under a kerb or footpath;

(b) throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;

(c) cause any obstruction to a vehicle or a person using a street as a street;

(d) cause any obstruction to a water channel or a water course in a street;

(e) throw, place or drain offensive, noxious or dangerous fluid onto a street;

(f) damage a street;

(g) fell or damage any street tree;

(h) fell any tree onto a street;

(i) light any fire or burn any thing on a street other than in a stove or fireplace provided for that purpose;

(j) unless installing, or in order to maintain, a permissible verge treatment –

(i) lay pipes under or provide taps on any verge; or

(ii) place or install, on any part of a street, any thing such as gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;

(k) provide, erect, install or use in or on any building, structure or land abutting on a street any hoist or other thing for use over the street;

(l) on a street use anything or do anything so as to create a nuisance;

(m) place or cause to be placed on a street a bulk rubbish container;

(n) interfere with the soil of, or anything in, a street or take anything from a street;

(o) carry on any trading on a street;

(p) conduct or set up a market on a street; or

(q) conduct an entertainment event on a street.

(2) The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.

6.3 Notice to owner or occupier

The CEO or an authorised person may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Part.

Division 2 - Permissible verge treatments

6.4 Permissible verge treatments

(1) An owner or occupier of land which abuts on a verge may, on that part of the verge directly in front of her or his land, install a permissible verge treatment.

(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 2m along that part of the verge immediately adjacent to the kerb;

(iii) it does not include a wall or built structure; and

(iv) it is not of a thorny, poisonous or hazardous nature; and

(c) the installation of an acceptable material.

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

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

(5) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 6.5.

6.5 Obligations of owner or occupier

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

(a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge are not obstructed by the verge treatment;

(b) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a thoroughfare, or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;

(c) not place any obstruction on or around the verge treatment;

(d) not disturb a footpath on the verge;

(e) ensure that the verge treatment does not damage or obstruct a drain, manhole, galley, inspection pit, channel, kerb or tree planted by the local government; and

(f) ensure that any sprinklers or pipes installed to irrigate a verge treatment –

(i) do not protrude above the level of the lawn or verge treatment when not in use;

(ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and

(iii) do not otherwise present a hazard to pedestrians or other persons.

6.6 Transitional provision

(1) In this clause –

former provisions means the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government.

(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.

6.7 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority –

(a) is not liable to compensate any person for that disturbance;

(b) may backfill with sand, if necessary, any garden or lawn; and

(c) is not liable to replace or restore any –

(i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or

(ii) sprinklers, pipes or other reticulation equipment.

Division 3 - Vehicle crossings

6.8 Temporary crossings

(1) Where it is likely that works on a lot will involve vehicles leaving a street 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, footpath, existing materials and street trees, where –

(a) a crossing does not exist; or

(b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.

(2) The ***person responsible for the works*** in subclause (1) is to be taken to be –

(a) the builder named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or

(b) the owner of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.

(3) If the permit authority for the purpose of subclause (1) is the local government, the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the person to whom the permit is given 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 street.

6.9 Removal of redundant crossing

(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 street affected by the removal are to be reinstated to the satisfaction of the CEO.

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

(a) remove any part of or all of a crossing which does not give access to the lot; and

(b) reinstate the kerb, drain, footpath, verge and any other part of the street, 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 4 - Property numbers

6.10 Assignment of numbers

(1) The CEO or an authorised person may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.

(2) In this clause, ***number*** means a number of a lot with or without an alphabetical suffix indicating the address of a lot by reference to a thoroughfare.

Division 5 - Fencing

6.11 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act

A public place, as that term is defined in clause 1.5, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

Division 6 - Signs erected by the local government

6.12 Signs

(1) The local government may erect a sign in a street specifying any conditions of use which apply to that street.

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

6.13 Transitional

Where a sign erected in a street has been erected under a repealed local law then, on and from the commencement day, it is to be taken to be a sign erected under clause 6.12 if –

(a) the sign specifies a condition of use relating to the street which gives notice of the effect of a provision of this local law; and

(b) the condition of use specified is not inconsistent with any provision of this local law.

Division 7 - Driving on a closed street

6.14 No driving on closed street

(1) A person must not drive or take a vehicle on a closed street unless –

(a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or

(b) the person has first obtained a licence.

(2) In this clause –

closed street means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

Division 8 - Notices

6.15 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 street, the CEO or an authorised person may give a written notice to the owner or the occupier of the land abutting 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.

6.16 Notice to remove hazardous plants

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

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

6.17 Notice to remove any thing unlawfully placed on street

Where any thing is placed on a street in contravention of this local law, the CEO or an authorised person may give a written notice –

(a) to the owner or the occupier of the property which abuts that portion of the street where the thing has been placed; or

(b) to any other person who may be responsible for the thing being so placed,

requiring the person to remove the thing.

Part 7 – Activities in public places

Division 1 - General provisions

7.1 Leaving animal or vehicle in public place

(1) A person must not leave an animal or a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a licence or is authorised to do so under a written law.

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

(3) A person does not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

7.2 Prohibitions relating to animals

(1) In subclause (2), ***owner*** in relation to an animal includes –

(a) an owner of it;

(b) a person in possession of it;

(c) a person who has control of it; and

(d) a person who ordinarily occupies the premises where the animal is permitted to stay.

(2) An owner of an animal must not –

(a) allow the animal to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven;

(b) allow the animal, if it has a contagious or infectious disease. to be led, ridden or driven in a public place; or

(c) train or race the animal in a public place.

(3) An owner of a horse must not lead, ride or drive the horse on a street, unless that person does so under a licence or under the authority of a written law.

(4) This clause does not apply to a person with a disability where the animal is a guide dog or assistance animal as defined in the Disability Discrimination Act 1992 (Commonwealth) Section 9(2).

7.3 Shopping trolley to be marked

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

7.4 Person not to leave trolley in public place

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 Retailer to remove abandoned trolley

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

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

(a) requests the local government to collect and deliver the shopping trolley to the retailer; and

(b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

7.6 Retailer taken to own trolley

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

Part 8 - Licensing

Division 1 - Applying for a licence

8.1 Application for licence

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

(2) An application for a licence under this local law must -

(a) be in the form determined by the CEO;

(b) be signed by the applicant;

(c) provide the information required by the form; and

(d) be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.

(3) The CEO or an authorised person may require an applicant to provide additional information reasonably related to the application before determining the application.

(4) The CEO or an authorised person may require an applicant to give local public notice of the application .

(5) The CEO or an authorised person may refuse to consider an application which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

8.2 Decision on application

(1) The CEO or an authorised person may –

(a) approve an application unconditionally or subject to any conditions; or

(b) refuse to approve an application .

(2) If the CEO or an authorised person approves an application , he or she is to issue to the applicant a licence in the form determined by the CEO.

(3) If the CEO or an authorised person refuses to approve an application , he or she is to give written notice of that refusal to the applicant.

(4) The CEO or an authorised person may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the licensee.

8.3 General restrictions on grant of licence

(1) The CEO or an authorised person must not grant a licence if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.

(2) The CEO or an authorised person must not grant a licence unless the CEO or an authorised person is satisfied that –

(a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the licence;

(b) the public place at which the activity is to be carried on is suitable for that purpose;

(c) a licence or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and

(d) the applicant is a fit and proper person to carry on the activity.

(3) The CEO or an authorised person must not grant a licence to an applicant if the applicant has been found guilty of an offence under this local law unless the CEO or an authorised person is satisfied that there are exceptional reasons for doing so.

8.4 Amendment of licence

(1) In this clause –

amend includes –

(a) to impose any new condition; and

(b) to change or remove any existing condition.

(2) The CEO or an authorised person may, by written notice given to the licensee, amend a licence.

(3) An amendment may be made on application made by the licensee or on the CEO or authorised person's initiative.

Division 2 - Conditions

8.5 Examples of conditions

(1) Examples of the conditions that the CEO or an authorised person may impose on a licence under clause 8.2(1)(a) or 8.4(2) are conditions relating to -

(a) the payment of a fee;

(b) compliance with a standard or a policy adopted by the local government;

(c) the duration and commencement of the licence;

(d) the commencement of the licence 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 licence which may be required by the local government under any written law;

(g) the area of the district to which the licence applies;

(h) where a licence is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and

(i) the obtaining of public risk insurance in an amount and on terms reasonably required by the CEO or an authorised person.

(2) Examples of the type and content of the conditions on which a licence to hire local government property may be issued include –

(a) when fees and charges are to be paid;

(b) payment of a bond 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 CEO or an authorised person to cancel a booking during the course of an annual or seasonal booking, if the CEO or an authorised person 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;

(i) whether or not the hire is for the exclusive use of the local government property;

(j) the obtaining of a policy of insurance in the names of both the local government and 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.

8.6 Imposing conditions under a policy

(1) In this clause –

policy means a local government policy adopted by the Council under section 2.7 of the Act containing conditions subject to which an application for a licence may be approved under clause 8.2.

(2) Under clause 8.2(1)(a) the CEO or an authorised person may approve an application subject to conditions by reference to a policy.

(3) The CEO or an authorised person must give to the licensee a copy of the policy or, at the discretion of the CEO or the authorised person, the part of the policy which is relevant to the application for a licence, with the form of licence referred to in clause 8.2(2).

(4) An application for a licence is not to be taken to have been approved subject to the conditions contained in a policy until the CEO or an authorised person gives the licensee 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 apply to a policy and, for that purpose, a policy is deemed to be information within section 5.94(u)(i) of the Act.

8.7 Compliance with conditions

Where an application for a licence has been approved subject to conditions, the licensee must comply with each of those conditions, as amended.

Division 3 - Duration of licences

8.8 Duration of licence

A licence 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 licence; or

(b) suspended or cancelled under this Division.

8.9 Renewal of licence

(1) A licensee may apply to the CEO for the renewal of a licence.

(2) An application for renewal must –

(a) be in the form determined by the CEO;

(b) be signed by the licensee;

(c) provide the information required by the form;

(d) be forwarded to the CEO no later than 28 days before the expiry of the licence, or within a shorter period that the CEO in a particular case permits; and

(e) be accompanied by any fee imposed by the Council under section 6.16-6.19 of the Act.

(3) The provisions of this Part that apply to an application for a licence also apply to an application for the renewal of a licence as though it were an application for a licence.

8.10 Transfer of licence

(1) An application for the transfer of a valid licence is -

(a) to be made in writing;

(b) to be signed by the licensee and the proposed transferee of the licence;

(c) to include such information as the CEO or an authorised person may require to enable the application to be determined; and

(d) to be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.

(2) The CEO or an authorised person may approve an application for the transfer of a licence, refuse to approve it or approve it subject to any conditions.

(3) Where the CEO or an authorised person approves an application for the transfer of a licence, the transfer may be effected by an endorsement on the licence signed by the CEO or the authorised person.

(4) Where the CEO or an authorised person approves the transfer of a licence, the local government is not required to refund any part of any fee paid by the former licensee.

8.11 Suspension of licence

(1) The CEO may, subject to clause 8.12, by written notice given to the licensee, suspend a licence if there are reasonable grounds for believing that –

(a) the licensee has contravened a term or condition of a licence;

(b) the licensee has contravened a provision of this local law; or

(c) the continued carrying on of the activity authorised by the licence constitutes or will constitute an unacceptable risk to the safety of the public.

(2) The suspension notice must –

(a) state the day, or the day and time, on or at which the suspension takes effect;

(b) state the reasons for the CEO's decision to suspend the licence; and

(c) where appropriate, indicate what steps need to be taken to ensure that there is compliance with the relevant provision, term or condition or that there is no longer a risk as described in subclause (1)(c); and

(d) inform the licensee that the licensee has a right to apply under the Act for a review of the CEO's decision to suspend the licence.

8.12 Proposed suspension

(1) If the CEO proposes to suspend a licence for the reason mentioned in clause 8.11(1)(a), the CEO must give written notice to the licensee of the proposed suspension.

(2) The notice must –

(a) state that the CEO proposes to suspend the licence;

(b) state the reasons for the proposed suspension; and

(c) inform the licensee that the licensee is entitled to make representations to the CEO in respect of the proposed suspension within 7 days after the day on which the licensee is given the notice.

(3) In considering whether to suspend the licence, the CEO must have regard to any representations made by the licensee within the period referred to in subclause (2)(c).

8.13 Revocation of suspension

(1) The CEO must, by written notice given to the licensee, revoke the suspension of a licence if the CEO is satisfied that the steps specified in the suspension notice have been taken.

(2) The CEO may, by written notice given to the licensee, revoke the suspension of the licence if the CEO considers that it is appropriate to do so in the circumstances of a particular case.

8.14 Period of suspension

The suspension of a licence has effect on the day, or the day and time, specified in the suspension notice until one of the following happens –

(a) the suspension is revoked under clause 8.13;

(b) the licence is cancelled under clause 8.15 or expires; or

(c) the licence is surrendered in accordance with the provisions of this local law.

8.15 Cancellation of licence

A licence may be cancelled by the CEO if -

(a) the licence was obtained improperly;

(b) the licensee has persistently or frequently contravened a term or condition of the licence, or a provision of this local law, whether or not the licence is or has been suspended on the grounds of a contravention; or

(c) there are reasonable grounds for believing that the continued carrying on of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the licence has been suspended on the grounds of that risk.

8.16 Surrender of licence

A licensee may, at any time by notice in writing to the CEO, surrender the licence.

Division 4 - Responsibilities of licensees and others

8.17 Production of licence

A licensee must produce to an authorised person her or his licence immediately after being required to do so by that authorised person.

8.18 Other responsibilities of licensee

A licensee must, in respect of local government property to which the licence 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) comply with a direction from the CEO or an authorised person to take the action specified in the direction for the purpose of maintaining public safety;

(c) leave the local government property in a clean and tidy condition after its use;

(d) report any damage or defacement of the local government property to the CEO or an authorised person; and

(e) prevent the consumption of any liquor on the local government property unless the licence allows it and a licence has been obtained under the Liquor Control Act for that purpose.

8.19 Production of licence document for amendment

If the CEO or an authorised person amends or renews a licence, the licensee must, if required by the CEO or authorised person, produce the licence document to the CEO or authorised person for amendment within the period specified by the CEO or authorised person.

8.20 Return of licence document if licence no longer in effect

If a licence –

(a) has expired or has not been renewed;

(b) has been suspended or cancelled; or

(c) has been surrendered,

the person who was the licensee must, as soon as practicable after the expiry, suspension, cancellation or surrender, return the licence document to the CEO.

8.21 Advertising

A person must not advertise, or otherwise hold out in any way, that the person conducts a commercial activity in any public place unless that person holds a licence authorising that commercial activity.

8.22 False or misleading statement

A person must not make a false or misleading statement in connection with an application in respect of a licence under this local law.

Part 9 – Objections and review

9.1 Objection and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law in respect of the grant, renewal, transfer, amendment, suspension or cancellation of a licence .

Part 10 – Enforcement

Division 1 - Notices

10.1 Definition

In this Division –

costs of the local government include its administrative costs.

10.2 Damage to local government property

If a person unlawfully removes, damages or interferes with local government property or portion of a street, the CEO or an authorised person may give the person a notice requiring that person, within the time specified in the notice, to do any one or more of the following (at the local government's option) –

(a) reinstate the property to the state it was in before the removal, damage or interference;

(b) replace that property; or

(c) pay for the costs of reinstatement or replacement.

10.3 Breach of a licence

If a licence holder breaches a condition of the licence, or fails to comply with a direction under this local law, the CEO or an authorised person may give the person a notice.

10.4 Notice requirements

A notice under this Division must –

(a) be in writing;

(b) specify the reason for giving the notice, the work or action that is required to be undertaken and the time within which it is to be undertaken; and

(c) be given to the person referred to in clause 10.2 or 10.3, as the case may be.

10.5 Local government may undertake requirements of notice

(1) If a person fails to comply with a notice referred to in clause 10.2, the local government may –

(a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference; and

(b) recover from the person, as a debt, the costs of doing so.

(2) If a person fails to comply with a notice referred to in clause 10.3, the local government may –

(a) take whatever remedial action it considers appropriate to put the local government in the position it would have been in if the breach or failure had not occurred; and

(b) recover from the person, as a debt, the costs of doing so.

10.6 Offence to fail to comply with notice

A person who fails to comply with a notice given to him or her under this local law commits an offence.

Division 2 - Offences and penalties

10.7 Offences and general penalty

(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, on 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.

10.8 Prescribed offences

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

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

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

(a) commission of the prescribed offence is a relatively minor matter; and

(b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

10.9 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 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 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

(c) the form of the 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.

10.10 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 - DETERMINATIONS

(Clause 2.1)

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

Part 1 - Preliminary

1.1 Definition

In these determinations –

local law means the *Public Places and Local Government Property Local Law 2015 made by the local government*.

1.2 Interpretation

Where a term is used but not defined in a determination and that term is defined in this local law then the term is to have the meaning given to it in this local law.

Part 2 - Application

2.1 Vehicles on local government property

(1) Unless authorised by a licence or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless –

(a) subject to subclause (3), the local government property is clearly designated as a road, access way or car park;

(b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in –

(i) providing a service or making a delivery in connection with the local government property; or

(ii) maintaining the local government property;

(c) the person is driving an emergency vehicle in the course of his or her duties;

(d) the vehicle is –

(i) driven on local government property that has been designated as a golf course;

(ii) used in accordance with the conditions set down by the local government, the controller or an authorised person; and

(iii) of a type allowed to be taken onto the golf course by the local government, the controller or an authorised person; or

(e) the vehicle is a motorised wheelchair, and the driver of that vehicle is a disabled person.

(2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.

(3) Other than in accordance with paragraphs (b), (c), (d) or (e) of subclause (1), a person must not drive a vehicle on local government property that is being used for a function for which a licence has been obtained unless permitted to do so by the licence holder or an authorised person.

2.2 Motorised model aeroplanes, toys or ships

A person must not use, launch or fly a motorised model aeroplane, toy, ship, glider or rocket that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except in accordance with a licence or determination that specifies that particular local government property.

2.3 Children's playgrounds

(1) The local government may set aside a public reserve or any portion of a public reserve as a children's playground.

(2) The local government may limit the ages of persons who are permitted to use a children's playground and may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.

(3) A person over the age specified on that sign, other than a person having the charge of a child or children in the playground, must not use a playground or interfere with the use by children of the playground.

2.4 Launching and retrieval of boats

A person must not take a boat onto, launch a boat from, or retrieve a boat on, local government property except in accordance with licence or a determination that specifies that particular local government property unless –

(a) the person is

(i) a local government employee or authorised person; or

(ii) a contractor engaged by the local government and who is engaged in providing a service, maintaining or making a delivery in connection with, the local government property.

(b) the person is in charge of a boat engaged in rescue services or dealing with an emergency; or

(c) the local government property is a boat ramp that is delineated by a sign to that effect.

2.5 Activities prohibited on local government property

(1) A person must not play or practise archery or pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise permitted by a determination or licence.

(2) A person must not play or practise golf on local government property except on Reserve 20091 (known as Marangaroo Golf Course) and Reserve 44338 (known as Carramar Golf Course).

(3) A person must not, on any local government property, use or ride a bicycle or wheeled recreational device, skateboard, or sand board –

(a) inside, or on the curtilage to, a building;

(b) on a golf course except to the extent permitted under clause 2.1(1)(d) of these Determinations; or

(c) in or on a lakebed or waterway.

(4) A person must not use on, or take on to, any local government property, a spear gun, hand spear, gidgie or similar device unless permitted by a determination or licence.

SCHEDULE 2 - PRESCRIBED OFFENCES

Clause	Description	Penalty Unit
2.4	Failure to comply with a determination	10
3.1	Undertaking activity on local government property without a licence	15
3.2	Camping on local government property or erecting an unauthorised structure	15
3.3	Failure to obtain licence for liquor	10
4.1	Behaviour interfering with others	15
4.2	Behaviour detrimental to local government property	20
4.3	Taking or injuring fauna without authorisation	20
4.4	Removing, damaging or depositing flora without authorisation	20
4.5	Animal on local government property without a licence	10
4.6	Under influence of liquor or prohibited drug on local government property	10
4.7	Failure to comply with sign	10
4.8	Failure to comply with direction of authorised person	10
5.1, 5.2	Unauthorised entry to event, closed or fenced local government property	10
5.4	Failure to observe conditions of play or direction of course controller on golf course	10
5.8	Failure to comply with sign or direction on beach	10
5.9	Unauthorised vehicles on beaches and dunes	50
6.1(a), 6.4(2)(b)	Planting or allowing plant or verge treatment in street to become a sightline hazard	10
6.1(b)	Damaging a street lawn or garden	10
6.1(c)	Damaging or removing whole or part of a street tree without authorisation	20
6.1(d)	Obstruction of street	10
6.1(e)	Damaging, removing or interfering with street, part of street, sign or structure in a street without authorisation	10
6.1(f)	Playing games in street so as to impede vehicles or persons	10
6.1(g)	Riding of skateboard or similar device on mall, arcade or veranda of shopping centre	10
6.2	Carry on or undertake prohibited activity in street or damage local government property in a street without authorisation	20
6.4(4)	Install verge treatment that is not a permissible treatment	10
6.5(a), 6.5(d) 6.5(e)	Failure to keep permissible verge treatment in good and tidy condition, obstruct a street, footpath, drain, or driveway	10

Clause	Description	Penalty Unit
6.5(c)	Placing an obstruction on or around a verge treatment	10
6.5(f)	Failure to ensure sprinklers or reticulation pipes do not protrude above level of verge treatment when not in use, not used at such times as to cause inconvenience to pedestrians, or otherwise present a hazard	10
6.8	Failure to obtain licence for a temporary crossing	10
6.9	Failure to remove redundant crossing or reinstate kerb, drain, footpath, verge or street	10
6.12	Failure to comply with condition of use of a street indicated by a sign	10
7.1(1)	Animal or vehicle obstructing public place without authorisation	10
7.2(2)	Animal in public place when not led, ridden or driven	10
7.3	Failure to clearly mark name or trading name on shopping trolley	10
7.4	Person leaving a shopping trolley in a public place other than trolley bay	10
7.5	Failure to remove shopping trolley after being advised of location	10
8.7	Failure to comply with licence condition	10
8.18	Failure to comply with licence condition in relation to local government property	15
8.17, 8.19, 8.20	Failure to produce licence for inspection, amendment or to return licence when no longer in effect	10
10.6	Failure to comply with notice	30

Dated 12 February 2016.

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

T. ROBERTS, Mayor
D. SIMMS, Chief Executive Officer