



LOCAL LAW RELATING TO THOROUGHFARES

This Local Law was made by Council at its meeting on 24 October 2000, was Gazetted on 10 November 2000 and will be amended from time to time.

TABLE OF CONTENTS

PART 1 – PRELIMINARY	3
1. CITATION	3
2. REPEAL	3
3. OPERATION	3
4. APPLICATION	3
5. INTERPRETATION	3
PART 2 – ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES	6
6. GENERAL PROHIBITIONS	6
7. ACTIVITIES ALLOWED WITH A PERMIT – GENERAL	7
PART 3 – STREET LAWNS AND GARDENS	7
8. EXISTING VERGE DEVELOPMENTS	7
9. ITEMS FOR WHICH A PERMIT IS NOT REQUIRED	8
10. ITEMS FOR WHICH A PERMIT IS REQUIRED	8
11. LAYING OF IRRIGATION PIPES UNDER STREET LAWNS OR GARDENS	8
12. WATERING OF LAWNS	9
13. RESTRICTIONS ON VERGE DEVELOPMENT	9
14. OBLIGATIONS OF OWNER OR OCCUPIER	9
15. POWER TO CARRY OUT PUBLIC WORKS ON VERGE	10
PART 4 – FOOTPATHS, CROSSOVERS AND RIGHTS OF WAY	10
16. WORKS ON THOROUGHFARES	10
17. PERMISSION FROM THE LOCAL GOVERNMENT FOR WORKS ON THOROUGHFARES	10
18. TEMPORARY CROSSOVERS	11
19. REMOVAL OF REDUNDANT TEMPORARY CROSSOVER	12
20. STANDARD VEHICLE CROSSOVER	12
21. CONTRIBUTION BY LOCAL GOVERNMENT FOR A STANDARD CROSSOVER	12
22. EXCAVATION UNDER FOOTPATH	13
23. FOOTPATH PROTECTION	13
24. RIGHTS-OF-WAY	13
PART 5 – ANIMALS AND VEHICLES IN PUBLIC PLACES	14
25. LEAVING ANIMAL OR VEHICLE IN PUBLIC PLACE OR ON LOCAL GOVERNMENT PROPERTY	14
26. UNLAWFUL PARKING	14
27. PROHIBITIONS RELATING TO ANIMALS	14
28. REMOVAL OF ANIMAL OR VEHICLE	15
29. ANIMAL TO BE DEALT WITH BY LAW	15
PART 6 – PERMITS	15
30. APPLICATION FOR A PERMIT	15
31. DECISION ON APPLICATION FOR PERMIT	16
32. CONDITIONS WHICH MAY BE IMPOSED ON A PERMIT	16
33. COMPLIANCE WITH AND VARIATION OF CONDITIONS	17
34. WITHDRAWAL OF PERMIT	17
35. CANCELLATION OF A PERMIT	17
36. PRODUCTION OF PERMIT	17
PART 7 – OBJECTIONS AND APPEALS	17
37. APPLICATION OF PART 9 DIVISION 1 OF ACT	17

PART 8 – MISCELLANEOUS NOTICES	18
38. NOTICE TO REMOVE ANYTHING ON LAWN OR GARDEN	18
39. NOTICE TO REPAIR DAMAGE TO THOROUGHFARE	18
40. NOTICE TO REMOVE THING UNLAWFULLY PLACED ON THOROUGHFARE	18
PART 9 - ENFORCEMENT	18
41. OFFENCE TO FAIL TO COMPLY WITH NOTICE	18
42. LOCAL GOVERNMENT MAY UNDERTAKE REQUIREMENTS OF NOTICE	18
PART 10 - PENALTIES	19
43. OFFENCES	19
44. PRESCRIBED OFFENCES	19
45. FORMS	19
46. DELEGATION	20

LOCAL GOVERNMENT ACT 1995

THE CITY OF NEDLANDS

THOROUGHFARES LOCAL LAW

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the City of Nedlands resolved to make the following Local Law on the 24 day of October 2000.

PART 1 – PRELIMINARY

1. CITATION

This Local Law may be cited as the City of Nedlands Thoroughfares Local Law.

2. REPEAL

The following Local Laws are repealed –

- By-laws Relating to Street Lawns and Gardens and the Laying of Pipes Under Carriageways published in the Government Gazette 26 February 1982 and amended on 23 December 1994;
- By-laws Relating to Animals and Vehicles on Roads and the Deposit of Rubbish and Other Materials on Streets and Public Places published in the Government Gazette 12 March 1963 and amended on 9 October 1981; and
- By-laws Relating to the Prevention of Damage to Footpaths, Verges and Rights of Way published in the Government Gazette on 17 March 1989.

3. OPERATION

This Local Law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

4. APPLICATION

This Local Law applies throughout the district.

5. INTERPRETATION

In this Local Law, unless the context otherwise requires –

“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;

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

“carriageway” means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the road, for the standing or parking of vehicles, but does not include a lane, right of way or driveway;

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer of the City of Nedlands;

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

“crossover” means a constructed pavement giving access from a carriageway to private land.

“footpath” means a path or shared path that is used or intended for use by pedestrians or cyclists and includes use by disabled persons in wheelchairs or motorised wheelchairs;

“garden” means an area of a street which is planted, developed or treated otherwise than as a lawn but does not include any development or treatment which involved the construction of works in a street within the meaning of Schedule 9.1 of the *Local Government Act 1995*;

“intersection” means the area comprised within imaginary straight lines joining in succession the points of transection of the property lines of two or more roads that meet each other. Where the property lines are curved at any corner, the point of transection of the property lines shall be regarded as the point on the curve nearest to the point at which those property lines, if extended in straight lines from each end of the curve, would meet;

“junction” means that part of a road lying between imaginary straight lines at right angles to the road commencing from the point of transection formed by its own property lines with the property lines of a road which abuts thereon. Where the property lines are curved at any corner, the point of transection formed by the property lines shall be determined in the same manner as is provided in the definition of “intersection”;

“kerb” means the concrete strip used to protect and define the edge of a carriageway;

“lawn” means an area of a street which is planted solely with grass and which comprises no other landscaping feature other than a tree or shrub planted by the City;

“local government” means the local government of the City of Nedlands;

“permit” means written authorisation from the CEO or an Officer of the City of Nedlands;

“property line” means the boundary between the land comprising a street and the land that abuts thereon;

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

“right of way” means a right of way described in Part VIII Section 167A of the *Transfer of Land Act 1893-1972*;

“road” means any highway, road, street, land, thoroughfare, right of way, cul-de-sac or similar place which the public are allowed to use, and includes all of the land lying between the property lines, including the street verge and footpath adjacent to it;

“road crossing” means a trench excavated across a carriageway, verge or footpath for installing public utilities, drainage or reticulation;

“standard crossover” means a crossover with the standard dimensions of 2.75 metres wide at the boundary line and 4.5 metres wide at the kerb line, and, constructed to comply with the Council Crossover Specification;

“street” includes a carriageway – which the public are allowed to use, and includes every part of the carriageway;

“thoroughfare” means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

“vehicle” includes every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; but excludes wheel chairs designed for use by a physically impaired person on a footpath; and a pram or similar device.

“verge” means that portion of the street between the property line and the carriageway;

Any other expression used in this Local Law and not defined herein shall have the meaning given to it in the *Local Government Act 1995*.

PART 2 – ACTIVITIES ON THOROUGHFARES AND PUBLIC PLACES

Division 1 – General

6. GENERAL PROHIBITIONS

A person shall not –

- (a) plant any plant which may grow to a height that will cause an obstruction to visibility for pedestrians, cyclists or motorists;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless –
 - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
 - (ii) the person is acting under the written authority of the local government;
- (c) interfere with pedestrian and vehicular access on thoroughfares;
- (d) throw, place or deposit any obstruction, box, case, crate, bottle, coal, timber, brick or other material on or in any public place unless the person is acting under the written authority of the local government;
- (e) break up, damage, or destroy any street, way, footpath or other public place;
- (f) place on any footpath any substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (g) drain or discharge water from private property onto a carriageway or footpath;
- (h) cause any obstruction to a water channel or drainage course in a thoroughfare;
- (i) leave an animal or vehicle or any part of a vehicle in a public place so as to obstruct any portion of that place;
- (j) construct or use anything on, under or over a thoroughfare;
- (k) unless at the direction of the local government, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed,

fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law; or

- (l) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades or similar device.

7. ACTIVITIES ALLOWED WITH A PERMIT – GENERAL

- (1) A person shall not, without a permit –
 - (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 during the period of time advertised in connection with that collection by the local government;
 - (c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;
 - (d) fell any tree onto a thoroughfare;
 - (e) unless installing a permissible verge treatment –
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, woodchips, bark or sawdust;
 - (f) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare; or
 - (g) interfere with the soil of, or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

PART 3 – STREET LAWNS AND GARDENS

Division 1 – Permissible Verge Developments

8. EXISTING VERGE DEVELOPMENTS

Where before the coming into operation of this local law a garden has been planted in a street the owner or occupier of the land that abuts on that portion

of the street in which that garden is planted shall ensure that the garden complies with the provisions of this local law but is not required to obtain a permit pursuant to this local law.

9. ITEMS FOR WHICH A PERMIT IS NOT REQUIRED

A permit is not required from the local government for planting lawn on verges.

10. ITEMS FOR WHICH A PERMIT IS REQUIRED

- (1) A person shall not plant a garden in a street, except pursuant to a permit issued by the City and then only in conformity with this Local Law.
- (2) The City shall not issue a permit for the planting of a garden in any portion of a street, except on the application of the owner or occupier of that land that abuts on that portion of the street.
- (3) A person requiring a permit to plant a garden on a verge shall submit to the City a sketch plan setting out details of the proposed garden and the positions of the proposed garden beds and any species of trees or shrubs proposed to be planted.
- (4) A permit issued for the purposes of this Local Law shall be issued by the CEO or his/her nominee and may contain such conditions as the CEO or his/her nominees consider appropriate.
- (5) A person shall not plant a garden beyond the verge in respect of which the permit is issued.
- (6) All verges shall be graded from the property line of the land abutting on that portion of the street to the kerb of the carriageway and in accordance with the general ground levels pertaining to that street.

11. LAYING OF IRRIGATION PIPES UNDER STREET LAWNS OR GARDENS

- (1) The owner or occupier of land abutting on a portion of a street in which a lawn or garden is planted shall ensure that any water pipe laid under that lawn or garden-
 - (a) is laid and kept beneath the surface of the street, at a depth of not more than 300mm nor less than 150mm and so that any fitting connected to a pipe does not project unreasonably above the surface of the lawn or garden;

- (b) if connected to a public water supply, is laid to comply with the requirements of the body constituted for, and having control of that supply;
 - (c) if connected to a private water supply, where passing under road, pavement, made footpaths or crossings, is of galvanised iron, PVC or of copper; and
 - (d) has approved valves, located within the property where they are connected to the water supply and is fitted so as to give complete control of the flow of water from that supply.
- (2) Where a person, in the course of laying pipes pursuant to this Local Law causes damage to any road, pavement, footpath or crossing, or to any water, gas or sewerage pipes, to any power or telephone cables or to a fire hydrant, that damage may be made good, by the authority having the control of the thing damaged at the expense of that person or of the person on whose behalf the pipes were laid, and the amount of that expense may be recovered in a court of competent jurisdiction.

12. WATERING OF LAWNS

A person shall not water a street lawn or garden in such a manner as will, or may, occasion inconvenience to persons using the adjoining carriageway or footpath.

13. RESTRICTIONS ON VERGE DEVELOPMENT

- (1) A person shall not plant or keep any shrub in a garden in a street if that shrub is of a height or of a variety likely to grow to a height that will cause an obstruction of visibility for pedestrians, cyclists or motorists.
- (2) Nothing in this Local Law authorises a person to place or erect any fence, bore, well, enclosure or other obstruction on, or about, a lawn or garden in a street.

14. OBLIGATIONS OF OWNER OR OCCUPIER

- (1) An owner or occupier who installs or maintains a verge development shall –
 - (a) keep the verge development in a good and tidy condition and ensure, where the verge development is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
 - (b) not place any obstruction on or around the verge treatment; and
 - (c) not disturb a footpath on the verge.

- (2) The City shall not be liable for any damage sustained by a person by reason of, or arising out of, the planting, or existence, of a lawn or garden in a street.

15. 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 development and, in particular, any plant or hard surface; or
 - (ii) sprinklers, pipes or other reticulation equipment.

PART 4 – FOOTPATHS, CROSSOVERS AND RIGHTS OF WAY

Division 1 – Works on thoroughfares

16. WORKS ON THOROUGHFARES

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

17. PERMISSION FROM THE LOCAL GOVERNMENT FOR WORKS ON THOROUGHFARES

- (1) The local government may-
 - (a) grant a permit to construct anything on, over or under a public thoroughfare or other public place that is local government property; and
 - (b) impose conditions in respect of the permit, which may include a condition imposing a charge for any damage to the public thoroughfare or public place resulting from the construction.
- (2) A person who constructs anything in accordance with a permit from the local government is required to
 - (a) maintain it; and

- (b) obtain from any insurance company approved by the local government, an insurance policy, in the joint names of the local government and the person, indemnifying the local government against any claim for damages which may arise in, or out of, its construction, maintenance or use;
 - (c) make good all damage caused to the verge, carriageway, footpath, drains, kerb and right-of-way during the whole of the time the works are in progress.
- (3) A person who fails to comply with a condition of the permit commits an offence.

Division 2 – Vehicle crossovers

Subdivision 1 – Temporary crossovers

18. TEMPORARY CROSSOVERS

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossover to protect the existing carriageway, kerb, drains and footpath, where –
- (a) a crossover does not exist; or
 - (b) a crossover does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossover.
- (2) The “person responsible for the works” in subclause (1) is to be taken to be –
- (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
 - (b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossover is removed, the permit holder shall keep the temporary crossover in good repair and in such condition so as to not create any danger or obstruction to persons using the thoroughfare.

19. REMOVAL OF REDUNDANT TEMPORARY CROSSOVER

- (1) Where works on a lot will result in a crossover no longer giving access to a lot, the crossover 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 her or him at their cost to –
 - (a) remove any part of or all of a crossover which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

Subdivision 2 – Standard vehicle crossover

20. STANDARD VEHICLE CROSSOVER

- (1) A person who desires to construct a vehicle crossover; or make alterations to an existing crossover shall apply to the local government in writing for a permit to do so.
- (2) The application shall specify the places at which such crossover is made or is to be made and the materials to be used.
- (3) A person shall pay a deposit to the Local Government, the amount as shall be set from time to time.
- (4) The provisions of Regulations 12 to 16 of the *Local Government (Uniform Local Provisions) Regulations 1996* shall apply.

21. CONTRIBUTION BY LOCAL GOVERNMENT FOR A STANDARD CROSSOVER

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

Division 3 - Footpaths

22. EXCAVATION UNDER FOOTPATH

A person shall not excavate through or under a footpath without –

- (a) first obtaining a permit from the local government; and
- (b) lodging with the local government a deposit or bond; or
- (c) otherwise than in accordance with the terms of the permit of the local government.

23. FOOTPATH PROTECTION

- (1) The owner, or occupier, licensee or contractor who undertakes works on private property adjacent to a footpath, must –
 - (a) Take all necessary precautions to ensure that the footpath is not damaged during the course of the works; and
 - (b) Notify the local government of any existing damage to the footpath 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, must ensure that –
 - (a) All reasonable precautions are taken to prevent damage to the footpath during the course of the works; and
 - (b) Heavy vehicles that access the private property, are to cross the footpath at the designated area for the proposed vehicle crossing.
- (3) Any person who causes damage to a footpath during works undertaken on private property or works within the road reserve shall pay the costs of the local government to repair the damage.

Division 4 – Rights of Way

24. RIGHTS-OF-WAY

- (1) A person requiring access to a right-of-way from their property shall pay a “Right-of-Way Upgrade fee” equivalent to the average cost to pave, seal, drain, kerb and light the right-of-way for an average property abutting that right-of-way.
- (2) The local government shall pay the fee into the Reserve Account used for maintaining and upgrading right-of-ways.

PART 5 – ANIMALS AND VEHICLES IN PUBLIC PLACES

25. LEAVING ANIMAL OR VEHICLE IN PUBLIC PLACE OR ON LOCAL GOVERNMENT PROPERTY

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorised to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours unless that vehicle causes an obstruction.
- (4) Where an authorised person finds a vehicle left in a public place contrary to the provisions of subclauses (1) and (3) of these local laws the authorised person may impound that vehicle.

26. UNLAWFUL PARKING

A vehicle which is parked in any portion of a public place where vehicles may not lawfully be parked is deemed to be causing an obstruction.

27. 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 shall not –
 - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;

- (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

28. REMOVAL OF ANIMAL OR VEHICLE

Where an authorised person or a member of the Police Force finds an animal or vehicle left in a public place, contrary to the provisions of clause 25 of this local law, he or she may remove the animal or vehicle –

- (a) in the case of an animal, place it in a public pound;
- (b) in the case of a vehicle, place it in an appointed place.

29. ANIMAL TO BE DEALT WITH BY LAW

Where an authorised person places an animal in a public pound pursuant to clause 28 of this local law, the animal shall thereafter be dealt with according to law.

PART 6 – PERMITS

Division 1 – Applying for a permit

30. APPLICATION FOR A PERMIT

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall –
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

- (4) The local government may require an applicant to give local public notice of the application for a permit.
- (5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

31. 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.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

Division 2 – Conditions

32. CONDITIONS WHICH MAY BE IMPOSED ON A PERMIT

The local government may approve an application for a permit subject to conditions relating to –

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;

- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government, and
- (i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder.

33. COMPLIANCE WITH AND VARIATION OF CONDITIONS

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

Division 3 – Miscellaneous

34. WITHDRAWAL OF PERMIT

A permit issued pursuant to this Local Law can be withdrawn at any time by the City and the owner or occupier of the property that abuts the street where the garden is kept shall follow all reasonable directions given by the City with regard to the removal of the garden and the said owner or occupier shall be responsible for any costs or damage associated with the removal of the garden.

35. CANCELLATION OF A PERMIT

A permit may be cancelled by the local government for failure by a permit holder with the conditions of the permit.

36. PRODUCTION OF PERMIT

A permit holder is to produce to an authorised person her or his permit as soon as practicable when required to do so by that authorised person.

PART 7 – OBJECTIONS AND APPEALS

37. APPLICATION OF PART 9 DIVISION 1 OF ACT

When the local government makes a decision –

- (a) under clause 31(1); or
- (b) as to whether it will renew, vary, or cancel a permit, the provisions of Division 1 of Part 9 of the Act and regulations 33 and 34 of the Regulations, relating to objection and appeal rights, apply to that decision.

PART 8 – MISCELLANEOUS NOTICES

38. NOTICE TO REMOVE ANYTHING ON LAWN OR GARDEN

An authorised person may at any time by notice in writing to the owner or occupier of land that abuts on a portion of a street in which a lawn or garden is planted require that owner or occupier to remove any tree, shrub, water piping or fitting from that lawn or garden. The owner or occupier shall comply with that notice within the time stipulated for compliance in the notice.

39. NOTICE TO REPAIR DAMAGE TO THOROUGHFARE

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

40. 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.

PART 9 - ENFORCEMENT

Division 1 – Notices given under this local law

41. 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 the person fails to comply with the notice, the person commits an offence.

42. LOCAL GOVERNMENT MAY UNDERTAKE REQUIREMENTS OF NOTICE

Where a person fails to comply with a notice referred to in clause 41, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

PART 10 - PENALTIES

Division 1 – Offences and penalties

Subdivision 1 – General

43. OFFENCES

- (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not less than \$500 and not exceeding \$5,000. If the offence is of a continuing nature, such person may be liable to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Subdivision 2 – Infringement notices and modified penalties

44. PRESCRIBED OFFENCES

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

45. FORMS

Unless otherwise specified, for the purposes of this local law –

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

46. DELEGATION

The City may delegate any of the powers, functions and duties in this Local Law to the CEO.

SCHEDULE 1
PRESCRIBED OFFENCES

Clause	Description	Modified Penalty \$
6(b)	Damaging lawn or garden	100
6(f)	Placing hazardous substance on footpath	100
6(k)	Damaging or interfering with signpost or structure on thoroughfare	100
6(l)	Riding of skateboard or similar device on mall or verandah of shopping centre	100
7(1)(a)	Digging a trench through a kerb or footpath without a permit	100
7(1)(b)	Throwing or placing anything on a verge without a permit	100
7(1)(d)	Felling a tree onto thoroughfare without a permit	100
7(1)(e)	Installing pipes or stone on thoroughfare without a permit	100
7(1)(f)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	100
7(1)(g)	Interfering with anything on a thoroughfare without a permit	100
10(1)	Installation of verge development without a permit	100
14(1)	Failure to maintain verge development or placement of obstruction on verge	100
18(1)	Failure to obtain permit for temporary crossing	100
19(2)	Failure to comply with notice to remove crossing and reinstate kerb	100
25(1)	Failure to comply with notice to rectify default	100
27(2)(a)	Animal on thoroughfare when not led, ridden or driven	100
27(2)(b)	Animal on public place with infectious disease	100
27(2)(c)	Training or racing animal on thoroughfare in built-up area	100
27(3)	Horse led, ridden or driven on thoroughfare in built-up area without a permit or other legal authority	100
33	Failure to comply with a condition of a permit	100
36	Failure to produce permit on request of authorised person	100
41	Failure to comply with notice given under local law	100

This Local Law was made by the City of Nedlands at an Ordinary Meeting held on 24th day of October 2000.

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

J.M. PATERSON, (MAYOR) S. SILCOX (CHIEF EXECUTIVE OFFICER)

APPEARANCE IN THE GOVERNMENT GAZETTE

G.G. 10/11/00

Gazetted