

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT PROPERTY LOCAL LAW 2008

City of Vincent

Local Government Property Amendment Local Law 2019

Under the powers conferred by the *Local Government Property Local Law 2008* and by all other powers enabling it, the Council of the City of Vincent resolved on to make the following local law:

1. Citation

This local law may be cited as the *City of Vincent Local Government Property Local Law 2008*

2. Commencement

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

3. Principal local law

In this local law the *City of Vincent Local Government Property Local Law* published in the *Government Gazette* on is referred to as the principal local law. The principal local law is amended.

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SCHEDULE 2 – DETERMINATIONS

5. Clause 1.5 amended

In clause 1.5(2) —

Delete “Notwithstanding anything to the contrary” and insert “Unless otherwise provided for”

6. Clause 1.6 Definitions Amended

- (1) Insert *“Amend” means replace, substitute, in whole or part, add to or vary, and the doing of any two or more of such things simultaneously or by the same written law”*;
- (2) Amend “Applicant” definition; insert *“or a body corporate”* after the word person. Delete after the word applies *“for a permit under clause 3.2”* and insert *“to the local government to use local government property, in accordance with this local law”*;
- (3) Insert *“body corporate” means a legal entity, such as an association, company, government, government agency, institution, partnership, or a person that is a corporation created by charter, prescription or legislation;*
- (4) Amend “carriageway” definition; delete *“or made”* after the word paved and insert *“bitumen or”*;
- (5) Amend “community facility” definition; delete *“infant welfare centre”* after word centre, and replace with *“child health clinic”*;
- (6) Insert *“face of kerb” means the side of the kerb adjacent to the carriageway”*;
- (7) Amend “firework” definition; delete *“catherine”* and insert *“Catherine”*;
- (8) Amend “function” definition, part (c), delete *“organisation”* and replace with *“organised”*
- (9) Amend “kerb” definition; delete *“includes”* and insert *“means”*;
- (10) Insert *“landscaping feature” means any garden bed, rock, pathway, seating, decoration and lighting or similar feature, installed with a verge”*;
- (11) Amend “lawn” definition; insert *“such as a tree”* after the word local government;
- (12) Amend “local government property” definition:
 - (a) Delete *“belongs to”* and replace with *“is owned or leased by”*;
 - (c) Delete *“under”* and replace with *“within the district as defined in”*;
- (13) Amend “permit” definition. Delete *“means a permit issued under this local law”* and insert *“means written confirmation from the local government of an applicant’s right to use local government property in accordance with this local law, and can include electronic confirmation, and may include a booking/reference number”*;
- (14) Amend “person” definition. Insert *“means a natural person and”*
- (15) Amend “sign” definition. Delete *“approved by the local government”*;
- (16) Amend “thoroughfare” definition. Delete *“has the meaning given it”* and insert *“is defined”* followed by the following after the word Act *“and means a road or thoroughfare and includes structures or other things relating 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”*;
- (17) Amend “verge” definition. Delete *“land”* and replace with *“private property”* and insert after the word footpath *“or kerb”*;

7. Clause 1.8 amended

- (1) Insert *“and will be specified in the City’s Schedule of Fees & Charges, as amended from time to time”*;

8. Clause 2.8 amended

- (1) In clause 2.8(1)(a) delete *“on premises”*;
- (2) In clause 2.8(1)(c) delete *“on the property”*;

9. Clause 3.1 amended

- (1) In clause 3.1(1) insert “*which includes but is not limited to a lease, license or shared use agreement*” after the word government;
- (2) In clause 3.1(2) delete “*and any permit required under this*” and replace with “*to use*”.
- (3) In clause 3.1(2) delete “*law*” and replace with “*government property or a thoroughfare*”;

10. Clause 3.2 amended

- (1) Delete clause 3.2(2) (b)
- (2) Renumber clause 3.2(2)(c) and 3.2(2)(d) as 3.2(2)(b) and 3.2(2)(c) respectively;
- (3) In clause 3.2(2)(b) insert “*which may include a plan, specifications or photographs*”;
- (4) In clause 3.2(2)(c) delete “*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*” and insert “*local government or the specified person at the local government together with any fee specified in the form or as specified in the City’s schedule of Fees and Charges*”;
- (5) In clause 3.2(5) (a) delete “*is not in accordance with*” and insert “*does not comply with the requirements in*”;
- (6) In clause 3.2(5)(b) delete “*in the case of an application for a sign permit, is not in accordance with clause 3.2(2)*” and insert “*is not properly completed; or*”;
- (7) Delete clause 3.2(5)(c)
- (8) Delete clause 3.2(5)(d)
- (8) Renumber clause 3.2(5)(e) as 3.2(5)(c)

11. Clause 3.2A amended

- (1) In clause 3.2A (1) (b) insert “and”;
- (2) Delete clause 3.2A (1)(c)
- (3) Rename clause 3.2A(1)(d) as 3.2A(1)(c)

12. Clause 3.3 amended

- (1) In clause 3.3(1)(a) insert “*including but not limited to those conditions in clause 3.4*”;
- (2) In clause 3.3(1)(b) insert “*on any of the grounds specified in the clause 3.3A, or for any other reason determined at the sole discretion of the local government*”;
- (3) In clause 3.3(2) delete “*is to issue*” and replace with “*will provide*” and delete “*a permit*” and replace with “*written confirmation*” and after the word government insert “*which could be electronic*”;
- (4) In clause 3.3(3) insert “*(which includes electronic)*” after the word notice and after the word applicant insert “*It is not necessary for the local government to provide reasons for the refusal*”;
- (5) Delete clause 3.3(4) and 3.3(5);

13. Clause 3.3A amended

- (1) In clause 3.3A title delete “*applicant*” and insert “*application*”;
- (2) In clause 3.3A delete “*to approve*”;

- (3) In clause 3.3A(a) insert “*or condition of a lease or licence or hire arrangement*” after the word law;
- (4) In clause 3.3A(b) insert “*in the opinion of the local government*” after the word applicant;
- (5) Insert clause 3.3A(d) “*the local government deems the permit application to be for an activity which is not appropriate for the local government property or thoroughfare which the permit is sought in respect to;*”
- (6) Rename clause 3.3A(d) to 3.3A(e);

14. Clause 3.4 amended

- (1) In clause 3.4(1)(a) delete “*the payment of fees and charges*” and insert “*the payment of fees and charges, as amended from time to time, or as otherwise determined by the local government, at the local governments sole discretion*”;
- (2) In clause 3.4(1)(i) insert “*as set out in clause 13.4*”;
- (3) Delete clause 3.4(2)

15. Clause 3.5 amended

- (1) In title of clause 3.5 delete “*and variation of*” and insert “*permit*”;
- (2) In clause 3.5(1) insert “*for an activity defined in clause 3.14(1)*” after the word approved;
- (3) In clause 3.5(2) delete “the local government may vary the conditions of a permit, and” and insert “Where an application for a permit has been approved for an activity defined in clause 3.14(2) subject to conditions, the permit holder shall comply with each of those conditions”;

16. Clause 3.5A inserted

“3.5A Amendment of permit conditions

- (1) *A permit holder may apply in writing to the local government to vary or amend any of the terms or conditions of the permit.*
- (2) *The local government may, in respect of an application under sub-clause (1) –*
 - (a) *amend the permit, either in accordance with the application or otherwise as it sees fit; or*
 - (b) *refuse to amend the permit.*
- (3) *The local government may, at any time, amend any of the terms or conditions of a permit, subject to providing the permit holder with written notice of the reasons for the amendment.*
- (4) *If the local government amends a permit under this clause, it is to notify the permit holder in writing of the amendment as soon as practicable and the amended condition(s) shall apply from the date of notification, unless otherwise specified in the amendment.”;*

17. Clause 3.6 amended

- (1) In clause 3.6 title delete “*Agreement for*” and insert “*erection of a*”;
- (2) Rename clause 3.6 as 3.6(1)
- (3) Insert clause 3.6(2) “*The person is required to obtain all other necessary approvals to govern the erection of a building, including but not limited to development approval, if applicable, and a permit for use of the local government property.*”;

18. Clause 3.7 amended

Delete clause 3.7 and insert-

“3.7 Duration of Permit

A permit is valid for the period specified in the permit unless cancelled in accordance with clause 3.11.”

19. Clause 3.8 amended

In clause 3.8(2) delete “*mutatis mutandis*” and insert “*to the extent that is applicable for a permit renewal.*”

20. Clause 3.9 amended

In clause 3.9(3) delete “*transfer may be affected by an endorsement on the permit signed by the CEO*” and insert after the word permit “*it will provide written confirmation to the former permit holder and the transferee*”

21. Clause 3.10 amended

- (1) Delete “*his or her permit*” after the word person;
- (2) Insert “*evidence of a permit*” after the word produce;
- (3) Insert a new sentence “*Evidence could include the written confirmation (electronic version acceptable) provided by the City or the permit number (if applicable).*”

22. Clause 3.11 amended

Delete clause 3.11 and insert –

“3.11 Cancellation of permit

- (1) *Subject to clause 12.1, a permit may be cancelled by the local government on any one or more of the following grounds:*
 - (a) *the permit holder has not complied with a*
 - (i) *condition of the permit; or*
 - (ii) *provision of this local or any other written law relating to the activity regulating by the permit;*
 - (b) *the permit holder is convicted of an offence against the local law*
 - (c) *the permit holder fails to maintain any required public liability insurance or ceases to indemnify the local government against damages in connection with loss or damage in connection with an activity conducted by the permit holder under the permit;*
 - (d) *the permit holder has become bankrupt, or gone into liquidation;*
 - (e) *the permit holder has entered into any composition or arrangement with creditors;*

- (f) *a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder's undertakings or property;*
 - (g) *if the permit holder's application is subsequently found to be incomplete, insufficient or not containing a required document;*
 - (h) *if the permit holder's application is subsequently found to contain incorrect or falsified information and/or documents*
 - (i) *if the City reasonably considers that the activity permitted by the permit may create a public health, safety or amenity issue;*
 - (j) *if valid development approval is required and not held for the abutting premises at which the business relating to the activity authorised by the permit is conducted or for the outdoor eating area, and;*
 - (k) *another permit for an outdoor eating area, goods display or portable advertising sign has been granted, and remains in effect, in relation to the building or business premises related to the permit.*
- (2) *On the cancellation of a permit the local government will provide the permit holder with written notice that the permit has been cancelled.*
- (3) *On receiving notice that the permit has been cancelled in accordance with subclause (2):*
- (a) *the permit holder must immediately cease using the local government property or the thoroughfare unless the notice from the local government provides otherwise; and*
 - (b) *any fees paid by the permit holder in respect of the permit are forfeited and will not be refunded by local government."*

23. Clause 3.11A amended

- (1) rename clause "3.11A" to "3.12" and in the heading replace "*holder*" with "*holder's*"
- (2) In clause 3.12(2) insert "*by notice in writing to the permit holder*" after the word local government.
- (3) Insert a new clause (3):

"(3) The rights and privileges granted to a permit holder on the issue of a permit may be suspended by the local government where –

 - (a) the permit holder's application is subsequently found to be incomplete, insufficient or not containing a required document;*
 - (b) the permit holder's application is subsequently found to contain incorrect or falsified information and/or documents; or*
 - (c) the City considers the activity permitted by the permit may create a public health, safety or amenity issue.*

until the defect in the permit holder's application is rectified to the satisfaction of the local government and/or the local government considers that the activity may be conducted in a manner which does not create a public health, safety or amenity issue."

24. Clause 3.11B amended

(1) Rename clause “3.11B” to “3.13”.

(2) Delete clause 3.11B and insert-

“The requirement for a permit under this local law, is additional to the requirement, if any, for any other approvals, included but not limited to development approval.”

25. Clause 3.12 amended

(1) Rename clause “3.12” to “3.14”

(2) In clause 3.14 heading insert “*on local government property and thoroughfares*” after the word activity.

(3) In clause 3.14(1)(a) delete the word “hire” and replace with “use”;

(4) In clause 3.14(1)(a) insert after the word property “*or a thoroughfare for any purpose which amounts to exclusive use of the whole or a portion of the property for any period of time*”;

(5) In clause 3.14(1)(b) insert after the word property “*or a thoroughfare, except where the person holds a permit issued under another local law of the local government authorising such advertising in that location*”;

(6) In clause 3.14(1)(c) insert after the word property “*or a thoroughfare*”;

(7) delete clause 3.14(1)(d) and rename clause 3.14(1)(e), 3.14(1)(f), 3.14(1)(g), 3.14(1)(h), 3.14(1)(i), 3.14(1)(j), 3.14(1)(k), 3.14(1)(l) and 3.14(1)(m), 3.14(1)(n), 3.14(1)(o), 3.14(1)(p) and 3.14(1)(q) as 3.14(1)(d), 3.14(1)(e), 3.14(1)(f), 3.14(1)(g), 3.14(1)(h), 3.14(1)(i), 3.14(1)(j), 3.14(1)(k), 3.14(1)(l), 3.14(1)(m), 3.14(1)(n), 3.14(1)(o) and 3.14(1)(p), respectively;

(8) In clause 3.14(1)(d) delete the word “or” after plant

(9) In clause 3.14(1)(d) insert after the word seeds “*or install any other landscaping feature*” and “*unless in accordance with the clause 9.4 of this local law*”;

(10) Delete clause 3.14(1)(e) and insert –

“carry on any trading on local government property unless the trading is conducted in accordance with a permit issued under the City’s Trading in Public Places Local Law;”;

(11) In clause 3.14(1)(h) delete after the words entry to “*land or a building hired by a voluntary non profit organisation*” and insert “*an area or a building hired or leased from the local government, and that hire or lease arrangement provides that a fee for entry may be charged*”;

(12) In clause 3.14(1)(i) insert “*or on a thoroughfare*” after the word property;

(13) In clause 3.14(1)(j) insert “*or a thoroughfare*”, after the word property;

(14) Delete clause 3.14(1)(r) and 3.14(1)(s) and insert –

“3.14(1)(q) *erect, display, post, stick, stamp, stencil, paint or otherwise affix or cause to be erected displayed, posted, stuck, stamped, stencilled, painted or otherwise affixed any sign, banner, placard, handbill, notice, advertisement, writing or picture whatsoever upon any tree, plant, building, structure, fitting or soil being local government property or on any other local government property, except where the*

person holds a permit issued under another local law of the local government authorising such an activity in that location; and”;

(15) Delete clause 3.14(1)(t) and insert –

“3.14(1)(r) *carry out filming, shoot or take a recording on a local government property or within a thoroughfare where exclusive use of a portion of the local government property or thoroughfare is required;*

(16) Insert a new clause –

“3.14(1)(s) *Construct anything or locate any infrastructure on local government property; or a thoroughfare, including but not limited to paving, planter boxes and outdoor seating.”*

(17) Delete clause 3.14(2) and insert

“3.14(2) *A person shall not without a permit carry out work in a thoroughfare or on a local government property, including but not limited to-*

(a) *verge treatments, unless he verge treatment is in accordance with clause 9.4 of this local law;*

(b) *vehicle crossovers;*

(c) *crossing a footpath with a vehicle which is likely to cause, or causes damage to the footpath;*

(d) *locating construction materials on a verge or thoroughfare;*

(e) *Undertaking construction activities adjacent to a verge or thoroughfare”;*

(18) Insert a new clause –

“3.14(3) *A person shall not without a permit use local government property or a community facility for a for profit purpose, including but not limited to:*

(a) *group fitness classes;*

(b) *life coaching or counselling;*

(c) *meetings or seminars; or*

(d) *guided walks or tours.”*

(19) Amend clause 3.14(4) -

(1) Insert the words “*at the local government’s sole discretion*” after the word may;

(2) Insert “(2) or (3) after the word subclauses; and

(3) Insert the words “*by providing notice in writing to that person*” after the word person.

26. Clause 3.13 amended

Rename 3.13 as 3.15.

27. Clause 3.14 amended

(1) Rename 3.14 as 3.16;

- (2) In clause 3.16(1)(a) delete “and” and replace with “or”;
- (3) In clause 3.16(1)(b) insert “or” after the word purpose;
- (4) delete clauses 3.16(2)(a) and 3.16(2)(b);
- (5) rename clause 3.16(2)(c) as 3.16(1)(c);

28. Clause 3.15 amended

Rename clause 3.15 as 3.17.

29. Clause 4.6 amended

Insert “unless pursuant to a permit issued under clause 3.14” after the word liquor.

30. Part 5 division 1 amended:

- (1) Replace clause 5.1 definitions with –

“administration centre”	<i>means the local government’s administration centre which is currently located on Crown Land Lot 502, being Reserve 50345 and having an address of 244 Vincent Street, Leederville.</i>
“change room”	<i>means the room or area designated for changing ones clothes in a public place such as a pool premises, and includes any bathroom or toilet at the public place.</i>
“library”	<i>means the place or premises provided by the local government for the purpose of borrowing books and local history, and includes the library and local history centre located on a portion of Crown Land Lot 501, being Reserve 39009 and having an address of 99 Loftus Street, Leederville; and</i>
“pool premises	<i>means the place or premises provided by the local government for the purpose of swimming or bathing, and includes Beatty Park Leisure Centre, which is located on a portion of Crown Land Lot 1618 and being Reserve Number 884, and having an address of 220 Vincent Street, North Perth, and includes all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the place or premises or used in connection with it.”</i>

31. Clause 5.2 amended

- (1) In clause 5.2(1) insert “administration centre, library or” after the word the;
- (2) Rename clauses 5.2(1)(a)(ii), 5.2(1)(a)(iii) and 5.2(1)(a)(iv) as 5.2(1)(a)(iii), 5.2(1)(a)(iv) and 5.2(1)(a)(vi) respectively;
- (3) Insert clause –

“5.2(1)(a)(iii) *under the age of 5 years and who is unaccompanied in the water by a responsible person 16 years or older, or,”*
- (4) In clause 5.2(2) insert “administration centre, library or” after the word the;
- (5) In clause 5.2(3) insert ““administration centre, library or” after the word the.

32. Clause 5.3 amended

- (1) Insert “administration centre, library or” after the word the;
- (2) In clause 5.3(b) delete “or” and insert “wall”;
- (3) In clause 5.3(b) delete “on the pool premises or a community facility” and replace with “or other structure not intended for climbing”;
- (4) In clause 5.3(c) delete “whilst” and insert “enter the premises if”;
- (5) In clause 5.3(c) delete “enter or use or attempt to enter or use the pool premises or a community facility”;
- (6) In clause 5.3(d) delete “pool”;
- (7) In clause 5.3(e) delete “on the pool premises whereby the water may be discoloured or contaminated or rendered turbid or, in the opinion of the Manager or authorised person, in anyway unfit”;
- (8) In clause 5.3(f) delete “in the pool premises”;
- (9) In clause 5.3(k) delete “and”;
- (10) In clause 5.3(l) insert “and”;
- (11) Insert clause –
“(m) using a mobile phone, camera or other similar recording device in a change room at a pool premises, library or other community facility.”

33. Division 4 part 5.8 amended

In thoroughfare definition insert “has the meaning in section 1.4 of the Act and” after the word thoroughfare.

34. Clause 5.9 amended

- (1) In clause 5.9(1) insert “which is at the discretion of the City.”
- (2) In clause 5.9(2) delete “no” and insert “if the local government provides approval in subclause (1) above, the”;
- (3) In clause 5.9(2) insert “not”.

35. Division 5 amended

- (1) Insert definitions –

“permanent structure” means a structure which is affixed to the ground and is considered to form part of the ground, and includes verandah posts and canopy structures;

“road reserve” means crown land which the local government has care, control and management of pursuant to section 55(2) of the Land Administration Act 1997;

- (2) In thoroughfare definition insert “has the meaning in section 1.4 of the Act and” after the word thoroughfare;

36. Clause 5.11 amended

- (1) In the heading insert words "*an awning, balcony or verandah*" after the word maintain;
- (2) delete "*a person shall not erect or maintain*" and insert "*the local government may approve*";
- (3) delete "*without*" and insert "*provided that it complies with*" after the word thoroughfare;
- (4) Delete "*approval of the local government*" and insert "*dimensions and design requirements as set out in clauses 5.12 and 5.13*";

37. Clause 5.12 amended

- (1) Delete "*a person shall not erect an awning, balcony or verandah over a thoroughfare unless it complies with the following dimension requirements*";
- (2) In clause 5.12(c) delete "*500*" and insert "*600*";
- (3) In clauses 5.12(c) insert "*face of the*" at the end of the sentence.

38. Clause 5.13 amended

Delete "*a person shall not erect an awning, balcony or verandah over a thoroughfare unless it complies with the following design requirements*"

39. Clause 5.15 inserted

Insert –

"5.15 Permanent structures within a thoroughfare or road reserve

A person shall not erect or maintain a permanent structure within a road reserve or thoroughfare without the prior written approval of the local government, and subject to the person obtaining any other approvals required, including development approval."

40. Part 6 amended

- (1) In the heading delete "*advertising*";
- (2) In the heading delete "*on thoroughfares*";
- (3) In clause 6.1 delete definition of advertisement - "*advertisement means the use or intention of use for the purpose of advertising any premises, services, business, function, event, product or thing*";
- (4) In definition of "advertising sign" delete "*free standing*" after the words means a;
- (5) In "advertising sign" definition delete "*and includes a ground based sign, a sandwich board sign and an "A" frame sign*";
- (6) In "advertising sign" definition insert –
 - "(a) *used or intended to be used for the purpose of advertising any premises, services, business, function, vent, product or thing; and*";
 - (b) *not a portable advertising sign under the local governments Trading in Public Places Local Law 2008.*";
- (7) delete "portable sign" definition;
- (8) In "sign" definition insert "*and advertising signs, portable direction signs and election signs*"
- (9) Insert "Division 2 – Permits"

41. Clause 6.1A amended

- (1) In heading insert “*for advertising sign*” after the word period;
- (2) replace “*one year or three years, whichever the applicant chooses on*” with “*the duration of*”;
- (3) replace “*application for a sign*” and insert “*period specified in the permit*”;

42. Clause 6.1B amended

- (1) In the heading insert the word “Advertising”;
- (2) Delete clause 6.1B(1);
- (3) Delete clause 6.1B(2);
- (4) Insert clause 6.1B “*A person shall not display an advertising sign on local government property unless that person is the holder of a valid permit for that advertising sign*”

43. Clause 6.2 amended

- (1) Delete “*Permit required for advertising signs and portable signs*” and insert “*portable sign permit*”;
- (2) Delete clause 6.2(1);
- (3) Insert –

“6.2(1)” “*Subject to clause 6.2(2), a person shall not, without a permit erect or place a portable direction sign on local government property.*”;

- (4) In clause 6.2(2) delete “*neither exceeds*” and insert “*does not exceed*”;
- (5) In clause 6.2(2) delete “*provided*” and insert “*on any side provided*” after the word area;
- (6) Delete clause 6.2(3)

44. Clause 6.3 amended

- (1) Rename clause 6.3 as 6.4
- (2) Insert –

“6.3” *Nature and position of an advertising sign or portable direction sign*

Notwithstanding any provision of this local law, a person shall not erect or place an advertising sign or portable direction sign –

- (a) *over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2,700 millimetres;*
- (b) *on or within 600 millimetres from the face of the kerb;*
- (c) *in any other location where, in the opinion of the local government or an authorised person, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or*
- (d) *on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.”*

- (3) In clause 6.4 delete “*the purpose of clauses 3.3 and 6.2(1)*” and insert “*an advertising sign or a portable direction sign*”;
- (4) In clause 6.4(a) delete “*advertising*”;
- (5) In clause 6.4(a) delete “*or advertisements*”;

- (6) In clause 6.4(b) delete “*advertising signs or advertisements*” and replace with “*sign*”;
- (7) In clause 6.4(c) delete “*advertising*”;
- (8) In clause 6.4(c) delete “*or advertisements*”;
- (9) In clause 6.4(f) insert “*whether*” and delete “*advertising*”;
- (10) In clause 6.4(g) insert “*whether*” and delete “*advertising*”;
- (11) In clause 6.4(g) delete “*was designed*” and insert “*is used*”.

45. Division 3 amended

- (1) Rename clause 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10 as 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, and 6.11 respectively.

46. Clause 6.5 amended

- (1) In clause 6.5 heading insert the word “*direction*” after portable;
- (2) In clause 6.5 heading insert the word “*permit*” after sign;
- (3) In clause 6.5(1) insert “*direction*” after the word portable;
- (4) In clause 6.4(1)(a) insert “*direction*” after the word portable;
- (5) In clause 6.4(1)(a)(iii) insert “*directions to*” after the word to;
- (6) In clause 6.4(1)(a)(iii) delete “*business activity*” and insert “*place*”;
- (7) In clause 6.4(1)(a)(iv) delete “*in any position other than immediately in front of the building or the business to which the sign relates and be located not*”;
- (8) In clause 6.4(1)(a)(iv) delete “*500*” and insert “*600*”;
- (9) In clause 6.4(1)(a)(iv) insert “*the face of*” after the word to;
- (10) In clause 6.4(1)(a)(iv) delete “*the*” and insert “*a*” after the word using;
- (11) In clause 6.4(1)(a)(v) insert “*if it relates to a business or event*” at the start of the sentence;
- (12) In clause 6.4(1)(a)(v) insert “*or event*”;
- (13) In clause 6.4(1)(b) insert “*direction*”;
- (14) In clause 6.4(2) insert “*direction*”.

47. Clause 6.6 amended

- (1) In the heading of clause 6.6 insert “*permit*” after the word sign;
- (2) In clause 6.6(1) delete “*a thoroughfare*” and insert “*local government property*”;
- (3) In clause 6.6(1)(a) insert “*of thoroughfares*”;
- (4) In clause 6.6(1)(c) delete “*a thoroughfare*” and insert “*local government property*”;
- (5) In clause 6.6(1)(h) delete “*thoroughfare*” and insert “*local government property*”.

48. Division 4 inserted

Insert –

“Division 4 – Other obligations of a permit holder”

49. Clause 6.7 amended

- (1) In clause 6.7(a) delete “*advertising*”;
- (2) In clause 6.7(b) delete “*advertising*”;
- (3) In clause 6.7(c) delete “*a thoroughfare*” and replace with “*local government property*”;
- (4) In clause 6.7(d) delete “*display an advertising*” and insert “*where a*”;
- (5) In clause 6.7(d) insert “*display that sign*”;
- (6) In clause 6.7(e) insert “*at all times*”;
- (7) In clause 6.7 delete “*footpath at all times*” and insert “*local government property*”.

50. Clause 6.8 amended

Delete “*an advertising sign*” and insert “*a sign to be*”.

51. Clause 6.9 amended

- (1) 6.9 delete “*an advertising sign to*” and insert “*a sign to*”;
- (2) delete “*footpath*” and insert “*local government property*”.

52. Clause 6.10 amended

- (1) delete words “*advertising*” and “*item*”;
- (2) delete “*footpath*” and replace with “*local government property*”.

53. Clause 6.11 amended

- (1) delete “*footpath*” and replace with “*local government property*”;
- (2) delete words “*advertising*” and “*or item*”.

54. Clause 8.1 amended

In clause 8.1(2) insert “*prior to any work commencing, unless otherwise agreed by the local government*” after the word clause.

55. Clause 8.2 amended

- (1) In clause 8.2(1)(a) insert “*that clause*” after the word in;
- (2) In clause 8.2(1)(a) insert “*the notice (as the case may be); or*”;
- (3) In clause 8.2(1)(b) insert “*to complete the restoration or reinstatement works*” after the word approval;
- (4) In clause 8.2(1) insert a new sentence after word undone “*Any costs relating to the work carried out by the local government exceeding the bond paid by the applicant is a debt owing to the local government.*”
- (5) In clause 8.2(3) insert “*by it*” after the word incurred.

56. Part 9 division 2 amended

- (1) Delete Part 9 division 2 – Verge Treatments
- (2) Insert –

“Division 2 – Verge treatments

9.4 Verge treatment

The owner or occupier of land adjacent to any verge may only treat the verge in front of such land in accordance with the City's policy in respect to verge treatments, planting and beautifications of a verge, as amended from time to time.

9.5 Enforcement

The local government may give notice in writing to the owner or occupier of land adjacent to a verge who has installed or maintained a treatment on the verge in front of such land, requiring that owner or occupier, within the time specified in the notice, to make good any breach of this Division, or to remove all or any part of a verge treatment that does not comply with this Division."

57. Part 9 amended

- (1) Rename clause 9.11, 9.12, 9.13, 9.14 as 9.6, 9.7, 9.8, and 9.9 respectively;
- (2) In clause 9.9(1) insert "*an internal driveway or constructed parking amenity on the*" after the word a.

58. Clause 10.1 amended

- (1) In clause 10.1(b) delete "*a lawn or a garden*" and replace with "*local government property*";
- (2) Delete clause 10(1)(e);
- (3) Delete clause 10(1)(g) and replace with:

"prune, injure, poison, remove or kill, by felling, poisoning or other means, any tree on a thoroughfare or any local government property, unless the person is:

- (i) acting under the authority of the local government; or*
- (ii) acting under authority of a written law."*

59. Clause 10.2 amended

- (1) In clause 10.2(1) delete "*a person shall not, without*" and replace with "*the local government may grant*";
- (2) In clause 10.2(1) insert "*for the following activities*" at the end of the sentence;
- (3) In clause 10.2(1)(i) delete "*permissible verge treatment*" and insert "*verge treatment in accordance with any requirements specified in this local law or in the local governments policy*";
- (4) In clause 10.2(2) delete "*exempt a person from compliance with a subclause (1) on*" and insert "*grant*";
- (5) In clause 10.2(2) delete "*application of that person*" and insert "*permit in 10.2(1) above subject to conditions.*"

60. Clause 11.3 amended

- (1) In the heading insert "*remove*" after the word to;
- (2) Insert "*either remove*" after the word to.

61. Clause 11.5 amended

Insert at the end of the sentence "*- and within the time frame stipulated in the notice. If the person does not comply with the notice to the satisfaction of the local government the person commits an offence*".

62. Clause 13.2 amended

- (1) In heading insert “*or a community facility*” after word property;
- (2) In clause 13.2(1) insert “*or manager*” after word person;
- (3) In clause 13.2(1)(a) insert “*or manager*” after word person;

63. Clause 13.4 amended

- (1) delete clause 13.4 and insert –

“13.4 Public liability insurance policy

- (1) *Where, as a condition of a permit, the permit holder is required to obtain and maintain a public liability insurance policy, the permit holder shall –*
 - (a) *Effect and maintain a policy of insurance in the name of the permit holder, and the local government (if required by the local government in respect to any injury to any person or an damage to any property which may occur in connection with the use of the local government property by the permit holder;*
 - (b) *ensure that any policy of insurance referred to in (a) indemnifies 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 local government property by the permit holder;*
 - (c) *effect and maintain the policy of insurance referred to in (a) for the duration of the permit,*
 - (d) *immediately notify the local government if the policy of insurance cover lapses, in which case the permit may be cancelled by the local government in accordance with clause 3.11;*
 - (e) *provide the local government with a certificate of currency confirming that public liability insurance cover is in place at any time requested by the local government*
 - (f) *ensure that, as a minimum, the permit holder's public liability insurance policy provides coverage of \$10 million (ten million dollars), or such other amount as the local government considers appropriate to the risk and liability involved. At the discretion of the local government, minimum value of coverage required may be increased at the policy renewal date;*
 - (g) *ensure that the public liability insurer of the permit holder is a reputable insurer licensed to conduct insurance business in Australia in accordance with the guidelines issued by the Australian Prudential Regulatory Authority (APRA).*
- (2) *A permit holder who refuses to or cannot provide a current certificate of insurance at least 14 days prior to the commencement of any activity, action or thing performed or erected in accordance with the permit, as required in accordance with subclause (1) commits an offence.*
- (3) *A permit holder must provide the local government with a copy of their certificate of insurance currency at any time requested by the local government, including at the permit application stage.”*

64. Clause 14.3 amended

- In heading insert “*notices*” after word infringements.

65. Part 14 division 2 amended

Delete heading "*Division 2 Evidence in legal proceedings*"

66. Schedule 1 Prescribed Offences amended

- (1) In clause 3.5(2) delete "*as varied*" and insert "*for works on local government property*", and delete "*100*" and insert "*500*".
- (2) Renumber clause 3.12(1) to 3.14(1).
- (3) Insert clause –
"3.14(2) *Failure to obtain a permit to carry out works on local government property* 500"
- (4) Insert clauses –
"3.14(3) *Failure to obtain a permit to use local government property or a community facility for a commercial purpose* 500"
- (5) Renumber clause 3.14(1) to 3.16(1);
- (6) Renumber clause 3.15 to 3.17;
- (7) Insert clause 5.3(m):
"5.3(m) *Using a mobile phone, camera or other recording device in a change room in a pool premises, library or other community facility.* 500"
- (8) Insert clause 5.15:
"5.15 *Erecting a permanent structure within a thoroughfare or road reserve.* 250"
- (9) In clause 6.2(1) insert "*sign or*" after word placing and delete words "*or affixing any advertisement*".
- (10) Insert clause 6.1B(1):
"6.1B(1) *Displaying advertising sign on local government property without a permit.* 250"
- (11) Renumber clause 6.2(3) to 6.3.
- (12) Renumber clause 6.4(2) to 6.5(2) and insert "*direction*" after word portable.
- (13) Renumber clause 6.5(2) to 6.6(2);
- (14) Delete clause 6.1B(1).
- (15) Renumber clause 6.6(a) to 6.7(a);
- (16) Renumber clause 6.6(b) to 6.7(b);
- (17) Renumber clause 6.6(c) to 6.7(c);
- (18) Renumber clause 6.6(d) to 6.7(d);
- (19) Renumber clause 6.6(e) to 6.7(e);
- (20) Renumber clause 6.7 to 6.8;
- (21) Renumber clause 6.8 to 6.9 and delete "*or*" after the word sweeping and insert "*or other unauthorised works*" at the end of the sentence;
- (22) Renumber clause 6.9 to 6.10;

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|------|--|------|
| (23) | Renumber clause 6.10 to 6.11; | |
| (24) | Insert clause 8.8(2): | |
| | “8.8(2) <i>Failure to pay a required bond or security</i> | 500” |
| (25) | In clause 9.1 delete “200” and replace with “500”. | |
| (26) | In clause 9.2(1)(a) delete “200” and replace with “500”. | |
| (27) | In clause 9.2(1)(b) delete “200” and replace with “500”. | |
| (28) | In clause 9.2(1)(c) delete “50” and replace with “100”. | |
| (29) | In clause 9.2(2)(a) delete “200” and replace with “500”. | |
| (30) | Delete clauses 9.6(a), 9.6(b), 9.6(c), 9.8, 9.9(a), 9.9(b), 9.9(c), 9.9(d) and 9.9(e). | |
| (31) | Insert clause 9.4: | |
| | “9.4 <i>Failure to install or maintain verge in accordance with the relevant City policy, as amended from time to time</i> | 250” |
| (32) | Renumber clause 9.13(1) to 9.8(1). | |
| (33) | Renumber clause 9.14(2) to 9.9(2). | |
| (34) | In clause 10.1(g) insert “ <i>which includes a tree on a verge, thoroughfare or local government property,</i> ” after word tree, delete words “ <i>or part thereof</i> ” and delete “300” and replace with “500”. | |
| (35) | Delete clause 10(1)(e). | |
| (36) | In clause 11.1 delete “250” and replace with “500”. | |
| (37) | Insert clause 13.4(2): | |
| | “13.4(2) <i>Failure to hold or provide a current certificate of currency to an authorised person when requested.</i> | 250” |

- (1) In clause 1.3 delete “*Nick Catania, JP*” and replace with “*Emma Cole*” and delete “*John Giorgio, JP*” and insert “*David MacLennan*”