

LOCAL GOVERNMENT ACT 1995

City of Belmont

ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Belmont resolved on 24 February 2009 to make the *City of Belmont Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2008*.

Title

1. This title may be referred to as the *City of Belmont Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2008*.

Commencement

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

Amendment

3. The *City of Belmont Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* published in the *Government Gazette* on 13 September 2001 and as amended and published in the *Government Gazette* on 26 June 2007, is hereby amended in the following manner—

- a. Delete the existing definition of “acceptable material” in clause **2.6 Interpretation** and insert a new definition for “acceptable material” as follows—

“acceptable material” means any of the following—

- (a) Mulch—particle size not greater than 20mm; and
- (b) Impervious materials but specifically—
 - (i) compacted limestone with particle size not greater than 10mm;
 - (ii) compacted gravel with particle size not greater than 10mm;
 - (iii) compacted aggregate/roadbase with particle size not greater than 10mm;
 - (vi) coloured concrete (earthy tones, not grey) to a minimum thickness of 75mm and maximum thickness of 100mm;
 - (v) brick paving, installed to the manufacturer’s specifications; and
- the impervious materials set out in (i) to (iii) shall be compacted to such a degree that there are no loose stones on the verge surface.

- b. In clause **2.6 Interpretation** insert after the definition of “acceptable material” a definition for “50% Rule” as follows—

“50% Rule” means the installation of a verge treatment in accordance with Schedule 2 in a proportion of 50% of those permissible verge treatments included in clause 2.7(2)(b),(c) or (d) and 50% of an acceptable material.

- c. Delete the existing clause **2.7 Permissible Verge Treatments** and replace with a new clause 2.7 as follows—

2.7 Permissible verge treatments

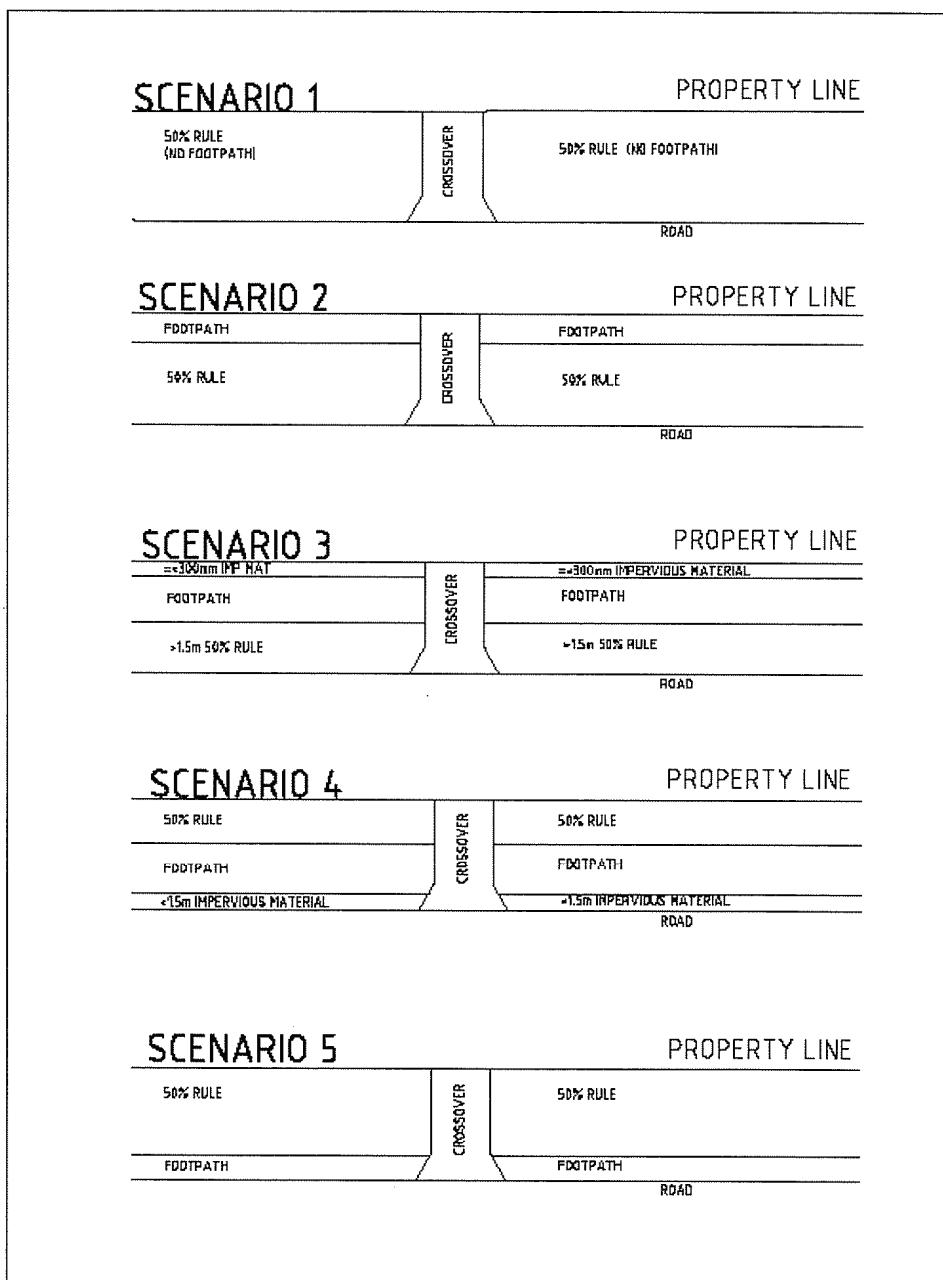
(1) An owner or occupier of land which abuts a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.

(2) The permissible verge treatments are—

- (a) reticulation pipes and sprinklers;
- (b) the planting and maintenance of a lawn;
- (c) the installation of a permeable artificial grass onto compacted aggregate or roadbase which has a particle size not greater than 10mm and the artificial grass must be pegged down in such a manner that there are no protrusions or trip hazards;
- (d) the planting and maintenance of a garden provided that—
 - (i) it complies with the provisions of Clause 2.1 subclause (a); and
 - (ii) clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and
 - (iii) 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;

- (e) the installation over no more than one half of the area of the verge (excluding any vehicle crossing or footpath) of an acceptable material under the 50% Rule;
- (f) the installation to a verge of an acceptable material where permitted under Schedule 2.
- d. Amend clause 2.11(2) by inserting the word ‘permissible’ before the word ‘verge’.
- e. Amend clause 3.1 by deleting in the definition of an advertising sign the words “but does not include an “election sign”.”
- f. Delete the definition of an “election sign” in clause 3.1.
- g. Delete clause 3.5 from the local law.
- h. Amend schedule 1—Prescribed offences by deleting the following—
 - “3.5(1) Erecting or placing an election sign on a thoroughfare without a permit \$100”
- i. Insert a new schedule 2 as follows—

Schedule 2
Verge Treatment Scenarios



Dated this 16th day of April 2010.

The Common Seal of the City of Belmont was hereunto affixed by authority of part 15 of the City of Belmont Standing Orders Local Law 2006, on this 16th day of April 2010.

STUART COLE, Chief Executive Officer.