

LOCAL GOVERNMENT ACT 1995

*City of Armadale*CITY OF ARMADALE ACTIVITIES AND TRADING IN THOROUGHFARES AND
PUBLIC PLACES AMENDMENT LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the City of Armadale resolved on 25 July 2016 to make the following local law.

1. Citation

This local law may be cited as the *City of Armadale Activities and Trading in Thoroughfares and Public Places Amendment Local Law 2016*.

2. Commencement

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

3. Principal local law

This local law amends the *City of Armadale Activities and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* on 24 July 2001 and as amended on 9 December 2011.

4. Headings of principal local law amended

The principal local law is amended as follows—

- (a) In clause 1.1 delete “*The name of this local law*”;
- (b) In clause 1.2 delete “*Meaning of terms used in this local law*”;
- (c) In clause 1.3 delete “*Area to which this local law applies*”;
- (d) In clause 1.4 delete “*Old local laws repealed*”;
- (e) In clause 2.1 delete “*Activities in thoroughfares and public places that are not permitted*”;
- (f) In clause 2.2 delete “*Activities in thoroughfares and public places that are allowed with a permit*”;
- (g) In clause 2.3 delete “*Permit required for possession and consumption of liquor in thoroughfares*”;
- (h) In clause 2.5 delete “*Crossing to be shown on building applications*”;
- (i) In clause 2.6 delete “*An approved crossing place can be used for temporary access*”;
- (j) In clause 2.7 delete “*Special approval is required for more than two crossings*”;
- (k) In clause 2.8 delete “*Standard crossing defined*”;
- (l) In clause 2.9 delete “*Conditions applying to the construction of crossings*”;
- (m) In clause 2.10 delete “*Existing crossings deemed to comply*”;
- (n) In clause 2.11 delete “*Redundant crossings to be removed*”;
- (o) In clause 2.12 delete “*Areas to which this Division applies*”;
- (p) In clause 2.13 delete “*Verge treatments that are allowed without a permit*”;
- (q) In clause 2.14 delete “*Only permissible verge treatments to be installed*”;
- (r) In clause 2.15 delete “*Things the owner/occupier are obliged to do*”;
- (s) In clause 2.16 delete “*Local government can give notice to owner/occupier make good any breach of provisions*”;
- (t) In clause 2.17 delete “*Existing verge treatments will be deemed as complying*”;
- (u) In clause 2.18 delete “*Public authorities are not required to restore verge treatments*”;
- (v) In clause 2.19 delete “*Meaning of terms used in this Division*”;
- (w) In clause 2.20 delete “*Local government may assign a number to a lot*”;
- (x) In clause 2.21 delete “*Public place defined for the purposes of this Division*”;
- (y) In clause 2.22 delete “*Signs can be erected on public places*”;
- (z) In clause 2.23 delete “*Existing signs continue to be valid in certain cases*”;
- (aa) In clause 2.24 delete “*Permit required to drive a vehicle on a closed thoroughfare*”;
- (bb) In clause 3.1 delete “*Meaning of terms in this Part*”;
- (cc) In clause 3.2 delete “*Permit required to erect or place an advertising sign on a thoroughfare*”;
- (dd) In clause 3.3 delete “*Things to be considered when determining an application for permit*”;

- (ee) In clause 3.4 delete “*Restrictions on portable signs*”;
- (ff) In clause 4.2 delete “*Restrictions on animals in thoroughfares*”;
- (gg) In clause 4.3 delete “*Meaning of terms used in this Division*”;
- (hh) In clause 4.4 delete “*Retailers must mark its shopping trolleys*”;
- (ii) In clause 4.5 delete “*Persons not to leave shopping trolleys in a public place*”;
- (jj) In clause 4.6 delete “*Retailer to remove abandoned shopping trolleys*”;
- (kk) In clause 4.7 delete “*Retailer taken to own shopping trolleys*”;
- (ll) In clause 5.1 delete “*Meaning of terms used in this Part*”;
- (mm) In clause 5.2 delete “*Area to which this part does not apply*”;
- (nn) In clause 5.3 delete “*Local government may declare a road to be a flora road*”;
- (oo) In clause 5.4 delete “*Construction works on flora roads to follow code of practice*”;
- (pp) In clause 5.5 delete “*Local government may signpost flora roads*”;
- (qq) In clause 5.6 delete “*Persons must drive only on the carriageway of flora roads*”;
- (rr) In clause 5.7 delete “*Local government may designate a special environmental area*”;
- (ss) In clause 5.8 delete “*Special environmental areas to be marked and recorded*”;
- (tt) In clause 5.9 delete “*Permit required to plant anything in a thoroughfare*”;
- (uu) In clause 5.10 delete “*Things to be considered when determining an application*”;
- (vv) In clause 5.11 delete “*Permit required to clear vegetation in a thoroughfare*”;
- (ww) In clause 5.12 delete “*Requirements of an application for a permit*”;
- (xx) In clause 5.13 delete “*Permit required to burn part of thoroughfare*”;
- (yy) In clause 5.14 delete “*Requirements of an application for a permit*”;
- (zz) In clause 5.15 delete “*Restrictions on approval of an application*”;
- (aaa) In clause 5.16 delete “*When application for permit cannot be approved*”;
- (bbb) In clause 5.17 delete “*Permit required to construct firebreak on a thoroughfare*”;
- (ccc) In clause 5.18 delete “*Requirements of an application for a permit*”;
- (ddd) In clause 5.19 delete “*When application for permit cannot be approved*”;
- (eee) In clause 5.20 delete “*Commercial harvesting flora on thoroughfare prohibited*”;
- (fff) In clause 5.21 delete “*Permit required for seed collection in a thoroughfare*”;
- (ggg) In clause 6.1 delete “*Meaning of terms used in this Division*”;
- (hhh) In clause 6.2 delete “*Permit required to conduct stall in public place*”;
- (iii) In clause 6.3 delete “*Permit required to trade in public place*”;
- (jjj) In clause 6.4 delete “*No permit require to sell newspapers only*”;
- (kkk) In clause 6.5 delete “*Things to be considered in determining an application for permit*”;
- (lll) In clause 6.6 delete “*Some conditions that may be included in an approval*”;
- (mmm) In clause 6.7 delete “*Exemptions from requirement to pay fee or to obtain a permit*”;
- (nnn) In clause 6.8 delete “*Things a stallholder and trader must and must not do*”;
- (ooo) In clause 6.9 delete “*Meaning of terms used in this Division*”;
- (ppp) In clause 6.10 delete “*Permit required to perform in a public place*”;
- (qqq) In clause 6.11 delete “*Local government may vary permitted area and time*”;
- (rrr) In clause 6.12 delete “*Duration of permit to be 3 months unless cancelled*”;
- (sss) In clause 6.13 delete “*Local government may cancel permit*”;
- (ttt) In clause 6.14 delete “*Things a permit holder must not do in a public place*”;
- (uuu) In clause 6.15 delete “*Meaning of terms used in this Division*”;
- (vvv) In clause 6.16 delete “*Permit required to conduct Facility*”;
- (www) In clause 6.17 delete “*Matters to be considered in determining an application*”;
- (xxx) In clause 6.18 delete “*Things a permit holder must do*”;
- (yyy) In clause 6.19 delete “*Unlawfully conducted Facility can be removed*”;
- (zzz) In clause 6.20 delete “*Restrictions on use of Facility by public*”;
- (aaaa) In clause 6.21 delete “*Temporary removal of Facility may be requested*”;

- (bbbb) In clause 7.1 delete “*Requirements of an application for a permit*”;
- (cccc) In clause 7.2 delete “*How an application for a permit will be determined*”;
- (dddd) In clause 7.3 delete “*Conditions which may be imposed on a permit*”;
- (eeee) In clause 7.4 delete “*Conditions which may be imposed under a policy*”;
- (ffff) In clause 7.5 delete “*Permit holder must comply with conditions*”;
- (gggg) In clause 7.6 delete “*Duration of permit to be one year unless otherwise stated or cancelled*”;
- (hhhh) In clause 7.7 delete “*Permit holder must apply for renewal of permit*”;
- (iiii) In clause 7.8 delete “*Permit holder must apply for transfer of permit*”;
- (jjjj) In clause 7.9 delete “*Permit must be produced on request*”;
- (kkkk) In clause 7.10 delete “*Permit may be cancelled by the local government*”;
- (llll) In clause 8.1 delete “*Objections and appeals provisions of the Act to apply*”;
- (mmmm) In clause 9.1 delete “*Notice may be issued to repair or redirect sprinkler*”;
- (nnnn) In clause 9.2 delete “*Notice may be issued regarding hazardous plants*”;
- (oooo) In clause 9.3 delete “*Notice may be issued to repair damage to a thoroughfare*”;
- (pppp) In clause 9.4 delete “*Notice may be issued to remove any thing unlawfully placed in a thoroughfare*”;
- (qqqq) In clause 10.1 delete “*Offence to fail to comply with notice*”;
- (rrrr) In clause 10.2 delete “*Local government may undertake requirements of notice*”;
- (ssss) In clause 10.3 delete “*Offence for failure to comply*”;
- (tttt) In clause 10.4 delete “*Modified penalties apply to prescribed offences*”;
- (uuuu) In clause 10.5 delete “*Requirements for forms*”.

5. Clause 1.2 amended

In clause 1.2 in the definition for “bulk rubbish container”, delete “domestic rubbish” and insert “domestic waste”.

6. Clause 2.2 amended

Clause 2.2(b)(iv) is amended as follows—

- (a) Delete “licence” and insert “permit”;
- (b) Delete “*Building Regulations 1989*” and insert “*Building Act 2011*”.

7. Clause 5.1 amended

Clause 5.1 is amended as follows—

- (a) In the definition of “rare flora” delete “23F” and insert “23F(1)”;
- (b) In the definition of “Roadside Conservation Committee” delete “Office of” and insert “Department of the”.

8. Clause 5.20 amended

Clause 5.20 is amended as follows—

- (a) Delete the clause title “**Commercial wildflower harvesting**” and insert “**Wildflower harvesting**”;
- (b) Delete “commercially”.

9. Clause 6.1 amended

Clause 6.1 is amended as follows—

- (a) Insert the following definition in alphabetical order—
 - “not for profit organisation” means—
 - (a) an association incorporated under the *Associations Incorporation Act 1987* and
 - (b) any other organisation that does not trade or secure pecuniary profit for its members from the transactions of the organisation.
- (b) In the definition of “stall” after “conducted” insert “and that trading is conducted only by a not for profit organisation”;
- (c) In the definition of “stallholder’s permit” after “permit” insert “described in clause 6.2 that is”;
- (d) In the definition of “trader’s permit” after “permit” insert “described in clause 6.3 that is”;
- (e) In the definition of “trading”—
 - (a) Delete subclauses (d) to (g); and

- (b) Delete “but does not include –” and insert “but does not include the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit.”

10. Clause 6.12 amended

Delete clause 6.12 and insert—

6.12 Duration of permit

Unless it is sooner cancelled under this local law, a permit is valid—

- (a) from the date and for the period (not exceeding 3 months from the date it is issued) determined by the local government when issuing the permit; or
- (b) if no date or period is determined by the local government when issuing a permit, from the date it is issued and for the period of 3 months from that date.

11. Schedule 1 amended

Schedule 1 is amended as follows—

- (a) Insert the following after 2.4(1)—

2.7	Installing more than two crossings to one lot without the approval of the local government	125
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- (b) In the description of clause 5.20 delete “Commercial harvesting” and insert “Harvesting”.

Dated: 18 August 2016.

The common seal of the City of Armadale was affixed by the authority of a resolution of the Council in the presence of—

H. A. ZELONES JP, Mayor.
R. S. TAME, Chief Executive Officer.