

G WESTERN
AUSTRALIAN
GOVERNMENT
Gazette

2253



PERTH, THURSDAY, 30 APRIL 1998 No. 88 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.45 PM

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

**LOCAL LAW RELATING TO BEATTY PARK LEISURE
CENTRE**

LOCAL LAW RELATING TO HALLS AND CENTRES

LOCAL LAW RELATING TO ALFRESCO DINING

**LOCAL LAW RELATING TO STREET LAWNS AND
GARDENS**

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

**LOCAL LAW RELATING TO
BEATTY PARK LEISURE CENTRE**

IN pursuance of the powers conferred upon it by the abovementioned Act, the Local Government of the Town of Vincent hereby records having resolved on the 9th day of March 1998 to make the following Local-law to be known as the Local Law relating to Beatty Park Leisure Centre.

1. The Local Law Relating to Beatty Park Aquatic Centre published in the Government Gazette on 7 February 1963 and amended is hereby repealed.

INTERPRETATION

2. In this Local-law unless the context otherwise requires—

“attendant” means an employee of the Town performing any duties on or in connection with the Centre.

“Centre” means premises known as the Town of Vincent Beatty Park Leisure Centre located at Reserve No. 884 Vincent Street, North Perth.

“Centre Manager” means the Manager or other person appointed for the time being by the CEO to have the control and management of the Centre and such term shall include the Assistant Managers, Centre Supervisors and other authorised persons.

CEO means the Chief Executive Officer or acting Chief Executive Officer of the Town of Vincent;

“dog” means any animal belonging to the Canidae family.

“guide dog” means a dog trained by a guide dog training institution recognised by the Guide Dogs for the Blind Association of Western Australia Incorporated which is used as a guide by a person who is blind or partially blind, and includes a dog which is in the course of such training;

“spectator” means any person admitted to the Centre for the sole purpose of viewing the swimming or other activities conducted within the centre;

“swimming coach” means any person licensed by the Town to enter the Centre for the purpose of teaching or coaching swimming;

“Town” means the Local Government of the Town of Vincent.

USE AND CONTROL OF THE CENTRE

3. The Centre shall be open for use by the public during such hours and periods as the Town may from time to time determine with the Town reserving the right to refuse admission to any person at any time.
4. The Centre or any part of it may at any time in the discretion of the Centre Manager be set aside for the use of certain persons to the exclusion of others.
5. The Centre Manager may temporarily suspend admittance or clear the Centre or any part of it or any person or persons if in his or her opinion such action is necessary or desirable.
6. No person shall enter and no employee of the Town shall permit entry to any person until such person has paid the appropriate entry fee as determined from time to time by the Town. Nothing in this clause shall prevent the Centre Manager at his or her discretion from inviting people into the Centre from time to time free of charge.
7. Every person using the Centre shall obey all reasonable directions of the Centre Manager with regard to such use.
8. No person shall in any way obstruct the Centre Manager in his or her control of the Centre and of persons in the centre.
9. It shall be the duty of the Centre Manager (who is hereby so empowered and directed) to refuse admission to or remove or cause to be removed from the Centre any person who, in the opinion of the Centre Manager, is guilty of a breach of any of the provisions of this Local-law or who, by his or her past or present conduct, is deemed undesirable and any such person shall, upon the request of the Centre Manager to withdraw from the Centre, quietly and peaceably do so as soon as possible.
10. Any person who has been refused admission to the Centre or who feels aggrieved by action of the Centre Manager may appeal to the Town by letter addressed to the CEO against such action and the Town may give such direction in the matter as is thought fit provided that such right of appeal shall not imply any right of action for damages or other remedy against the Centre Manager or Town arising out of such refusal of admission.

11. No person shall enter or depart from any part of the Centre except by means of the respective entrances or exits set apart for such purposes.
 12. No person shall trespass or enter upon any part of the Centre set apart for the exclusive use of persons of the opposite sex. Children under the age of 4 years, when in the accompaniment of a parent or guardian are exempt from this clause.
 13. No person shall enter or attempt to enter any toilet cubicle or changeroom that is already occupied without the consent of the occupier.
 14. No person shall dress or undress or remove any part of his or her bathing costume except in a changeroom or enclosure provided for that purpose.
 15. No person shall use any Pool or appear in public unless properly attired in a costume so as to preserve public decency and shall so cover the body as to prevent indecent exposure of that person. Any person who in the opinion of the Centre Manager commits a breach of this clause may be required by the Centre Manager to resume ordinary clothing and such person shall forthwith comply with such requirement.
 16. No person shall enter or be in the Centre while in an intoxicated condition.
 17. No person shall take into the Centre or have in his or her possession any intoxicating liquor or other prohibited substance.
- Nothing in this clause shall prevent the Centre Manager from time to time allowing persons at the discretion of the Centre Manager to take onto the centre and/or consume on the centre intoxicating liquor.
18. (a) A person who is suffering from any skin infection or other communicable disease or who is in an unclean condition shall not enter or use or attempt to enter or use any swimming pool or any dressing room or remain in the Centre.
 - (b) The Centre Manager shall not permit any person who is suffering from any skin infection or other communicable disease or who is in the opinion of the Centre Manager in an unclean condition to enter or use the swimming pool or dressing room or remain in the Centre.
19. No person shall bring into or deposit any filth or rubbish in the Centre
 20. No person shall eat in or take into any part of the Centre any food, drinks or confectionery of any kind whatsoever except in areas of the Centre as directed by the Centre Manager.
 21. No person shall smoke tobacco or any other substance in or about the Centre except in areas of the Centre as directed by the Centre Manager.
 22. No person shall disfigure or write upon any part of the Centre.
 23. No person shall behave in an unseemly, improper, disorderly or riotous manner, swear or use any indecent, obscene or abusive language or gamble or misconduct himself or herself in the Centre.
 24. No person shall climb up or on any fence, wall, partition or roof of the Centre.
 25. No person shall deliberately waste or wastefully use fresh water in the Centre.
 26. No person shall spit or expectorate or commit any nuisance in the Centre.
 27. No person shall damage or interfere with or use improperly any part of or the furniture or fittings in the Centre.
 28. No person shall in any way annoy or interfere with any other person in the Centre.
 29. Dogs shall not be allowed or permitted in or upon any part of the Centre and no person shall cause or permit any dog belonging to that person or under his or her control to enter or remain in or upon any part of the Centre.
- Nothing in this clause shall prevent the Centre Manager from allowing—
- (a) a bona fide guide dog in the company of a sight impaired person entry to the Centre. Such guide dog however shall not be permitted in any pool or spa in the Centre.
 - (b) for the purposes of security a dog or dogs under the control of the Centre Manager or other person authorised by the Town entry to the centre. Such dog or dogs however shall not be permitted in any pool or spa in the Centre.
30. No person shall approach or enter a pool or spa until he or she shall have thoroughly cleansed and washed himself or herself in one of the showers provided and the Centre Manager may prohibit any person approaching or entering or remaining in any part of the Centre who in the Centre Managers opinion has neglected so to do or is in his or her opinion otherwise dirty or unfit to use any part of the Centre.
 31. No person under the age of twelve years shall be permitted entry to the Centre unless accompanied by a responsible adult.
 32. All persons under the age of four years while in any pool or spa in the Centre must be accompanied in the pool or spa by a responsible adult.
 33. No person shall—
 - (a) use soap in any part of the Centre other than in the changerooms.
 - (b) use any detergent or any substance, oil or preparation whilst he or she is in any pool or spa in the Centre whereby the water may be discoloured or contaminated or rendered turbid or, in the opinion of the Centre Manager, in any way unfit;
 - (c) foul or pollute the water in any shower pool or spa in the Centre.
 - (d) bring into any part of the Centre or place thereon any chemical substance, liquid or powder;
 - (e) wilfully soil or defile or damage any towel or bathing costume the property of the Town;

- (f) wilfully or negligently break, injure, damage, destroy or tamper with any equipment, locker, key or other property of the Town.
 - (g) bring into any part of the Centre any glass container
34. (a) Every person who hires an article of property of the Town shall pay the deposit specified by the Town from time to time with respect to that article and shall return that article to an attendant before leaving the Centre.
- (b) If any article so hired is returned in good order and condition, the deposit paid in respect thereof shall be refunded to the person returning that article but if any article is not returned or is returned in a damaged condition then without prejudice to any other remedies of the Town such part or the whole of the deposit as the Centre Manager or attendant shall decide shall be forfeited to the Town.
35. (i) No person shall for profit teach, coach or train any other person in any part of the Centre unless with the prior written permission of the Town.
- (ii) The Town may grant such permission subject to such conditions as it thinks fit and may at any time withdraw such permission.

DEPOSITING OF ARTICLES AND LOST PROPERTY

36. Any person may deposit subject to such fee as determined by the Town from time to time any article for safe keeping subject to the following terms and conditions and any person making any deposit shall be deemed to agree that such conditions shall be applicable thereto—
- (i) If any article deposited be damaged, destroyed, lost or stolen neither the Town nor any officer, employee (including the Centre Manager and attendants) or agent of the Town shall be in any way responsible for any such damage, destruction, loss or theft, howsoever occurring.
 - (ii) If any article deposited is not reclaimed within three months from the date of the deposit the Town or some person duly authorised in that behalf by the Town may sell or otherwise dispose of the same and shall be under no liability either to the owner or depositor by reason of such sale or disposal and may apply the proceeds of sale as the Town sees fit.
37. (i) There shall be kept by the Centre Manager or by an attendant a book (here after referred to as the Lost Property Register).
- (ii) Any person who finds any article which has been left in the Centre shall forthwith deliver it to the Centre Manager or an attendant.
- (iii) Upon receipt of such article the Centre Manager or attendant shall forthwith take charge and enter or cause to be entered in the Lost Property Register a description of the article, the time and date of its receipt and the name of the finder.
- (iv) The Centre Manager or an attendant may deliver to a person apparently the owner of any article particulars of which have been entered in the Lost Property Register upon receiving satisfactory proof of ownership and on payment of the prescribed fee (if any) and upon such delivery such person shall by way of acknowledging receipt of the said article sign his or her name in the Lost Property Register and add his or her address.
- (v) In the interpretation of this clause the word "article" shall include money.
38. Neither the Town nor any officer or employee of the Town shall be in any way responsible for any article lost by or stolen from any person whilst in the Centre or for any article damaged or destroyed whilst in on or about the Centre.
39. No ticket, token, license or receipt or membership card issued as provided by this local-law shall be transferable and no person to whom it was originally issued shall enjoy any benefit or any privileges from it.

PENALTY

40. A person who contravenes any provisions of these Local Laws commits an offence and is liable to a penalty not less than \$200.00 and not exceeding \$5000.00 and if the offence is of a continuing nature, such person may be liable to a further penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

This Local Law was made by the Town of Vincent Council at an Ordinary Meeting held on 9 March 1998. The Common Seal of The Town of Vincent was affixed in the presence of—

A. J. (JACK) MARKS J.P., Mayor.
JOHN GIORGI, J.P., Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

LOCAL LAW RELATING TO HALLS AND CENTRES

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Local Government of the Town of Vincent hereby records having resolved on the 9th day of March 1998 to make the following Local law to be known as the Local Law Relating to Halls and Centres.

1. The Local Law Relating to Halls published in the Government Gazette on 13 January 1971 and amended is hereby repealed.

2. In this Local law—

“Catering services” means the provision for reward of food and/or drink whether alcoholic or otherwise for consumption at a hall during any period of hire.

“CEO” means the Chief Executive Officer or Acting Chief Executive Officer of the Town of Vincent.

“Council” means the Council of the Town of Vincent.

“Hall” means any Centre, building or premises owned by or vested in or under the care, control and management of the Town and which the Town makes available for hiring by any person.

“Hirer” means the person or persons by whom an application to hire a hall is made and includes any person, body corporate or association whether incorporated or not on whose behalf such application is made.

“Period of Hire” means the period for which the Town agrees to hire a hall and includes any period prior or subsequent to such agreed period to which the hirer or any person having the implied or express permission of the hirer is or remains in the hall or in the vicinity thereof.

“Town” means the Town of Vincent.

3. Any person who wishes to hire a hall shall make written application to the CEO in a format determined from time to time by the CEO.

4. The fees payable for the hire of a hall shall be determined from time to time by the Town and such fee shall be paid at the time the application to hire is made Provided that the Town may in its absolute discretion waive the payment of such fee or any part it.

5. The Town may grant any application to hire a hall on such conditions as it thinks fit or it may refuse the same without assigning or giving any reason for such refusal.

6. The CEO or his or her nominee shall deal with all applications to hire halls and shall approve or refuse the same.

7. If an application for the hire of a hall is refused the fee so paid shall be forthwith refunded by the Town to the person paying the same. If the Town agrees to hire a hall and the hiring is subsequently cancelled by the hirer the fee so paid shall be forfeited to the Town provided that it may at its absolute discretion refund the whole or any part thereof to the person paying the same.

8. Notwithstanding that the Town has agreed to hire a hall it may at any time prior to the commencement of the period of hire on repayment of the hiring fee cancel the hiring and the Town shall not be liable to pay any compensation or damages by reason of such cancellation.

9. (i) In the event of—

(a) damage being caused to a hall during the period of hire;

(b) any property, chattels, equipment, fixtures or fittings in a hall or used in connection with a hall or in the vicinity thereof being lost or damaged during the period of hire;

(c) the CEO or his or her nominee being of the opinion that a hall has been left in an unreasonably dirty condition after the expiration of a period of hire,

the hirer shall pay to the Town on demand the cost of making good such loss or damage or the cost of cleaning the hall as the case may be.

(ii) The Town may require as a condition of the hiring that the hirer deposit with it an amount, in addition to the hiring fee, as security for the cost of making good any such loss, damage and as security for the cost of any such cleaning. In any of the events referred to in paragraph (a) of this clause the amount so deposited may be applied by the Town to or toward the cost of making good such loss or damage or the cost of such cleaning as the case may be. The balance of such amount, if any, shall be repaid to the person who paid the same. Any shortfall shall be paid by the person to the Town upon demand.

10. The Town may from time to time grant to any person or persons the right to provide catering services at a particular hall or halls and may regulate and control the provision of any such services by agreement with such person or persons.

11. In the event of the right to provide catering services to a particular hall being granted to any person or persons no other person or persons shall provide such services at that hall while the grant so made continues.

12. Every hirer of a hall shall ensure that during the period of hire—

- (i) no light and no lighting fixture or fitting is interfered with, covered or decorated in any way except with the written consent of the CEO;
- (ii) no candles are brought into or used in the hall without the written consent of the CEO, which shall not be unreasonably withheld;
- (iii) no confetti is brought into or used in the hall;
- (iv) any kitchen or food preparation room is left in a clean condition and that all food scraps, waste and rubbish are placed in the bags or other receptacle provided therefor;
- (v) all decorations including flowers and all equipment brought into the hall are removed immediately the period of hire terminates;
- (vi) no damage is caused to the hall or any property, chattels, equipment, fixtures or fittings therein or used in connection therewith;
- (vii) no property, chattels, equipment, fixtures or fittings are removed from the hall;
- (viii) no nuisance or annoyance is caused to the owners or occupiers of property in the vicinity of the hall;
- (ix) no alcoholic liquor is brought into or served in a hall without the written consent of the CEO and Police Department as necessary;
- (x) where liquor or other drinks are to be served from a keg or other bulk container such keg or container is located in a place designated or approved by the CEO;
- (xi) where the right to provide catering services to the hall has been granted by the Town to any person or persons such services are provided only by such person or one of such persons;
- (xii) the CEO and employees of the Town shall at all times during the period or hire have free access to the hall and every part of it, to ensure compliance with this Local Law.

13. No person using a hall shall—

- (i) behave in a disorderly manner;
- (ii) use any obscene or indecent language;
- (iii) be in an intoxicated condition;
- (iv) create or take part in any disturbance;
- (v) cause any nuisance or annoyance to the owners or occupiers of any adjoining property or property in the vicinity of the hall.

14. Penalty

A person who contravenes any provisions of these Local Laws commits an offence and is liable to a penalty not less than \$200.00 and not exceeding \$5000.00 and if the offence is of a continuing nature, such person may be liable to a further penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

This Local Law was made by the Town of Vincent Council at an Ordinary Meeting held on 9 March 1998.
The Common Seal of The Town of Vincent was affixed in the presence of—

A. J. (JACK) MARKS J.P., Mayor.
JOHN GIORGI, J.P., Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

LOCAL LAW RELATING TO ALFRESCO DINING

In pursuance of the powers conferred upon it by the above mentioned Act, and of all other powers enabling it, the Council of the above mentioned Town hereby records having resolved on 9 March 1998 to make and submit for confirmation by the Governor the following Local Law:

Citation

1. This Local Law may be cited as the Town of Vincent Local Law relating to Alfresco Dining.

Interpretation

2. In this Local Law unless the context otherwise requires—

(a) “Act” means the Local Government Act 1995.

“Alfresco Dining” is any outdoor eating area that is located in a public place.

“carriageway” means a portion of a street or public place that is improved, designed or ordinarily used for vehicular traffic or that is used for the standing or parking of vehicles and any median strip.

“Chief Executive Officer” means the Chief Executive Officer (CEO) of the Council or other Officer who, for the time being, is acting in that capacity.

“Council” means the Council of the Town of Vincent.

“eating area” means an area in which tables, chairs and other structures are provided for the purpose of food or drink to the public.

“footpath” includes every footpath, lane or other place—

(a) intended for the use of pedestrians only or, in the case of a dual use path, for the use of pedestrians and bicyclists only; or

(b) habitually used by pedestrians and not by vehicles, or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

“Health Act” means the Health Act 1911 (as amended).

“licence” means a licence issued by the Council under this Local Law to set up and conduct an eating area in a street or public place.

“licence plan” means a plan attached to and forming part of a licence depicting those portions of a street or public place in which an eating area may be set up or conducted by authority of a licence.

“public facility” includes any light, power or telephone pole, fire hydrant, drain, sump, tree, sign, traffic light, parking device or meter, shelter, seat, telephone box, letter boxes, public toilet or any work provided by a statutory body or authority, in any street or public place.

“public place” includes a street, way, and place, which the public are allowed to use, whether the street, way or place is or is not on private property.

“street” includes—

a highway; and

a thoroughfare;

which –

the public are allowed to use;

and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it.

“street alignment” means the boundary between the land comprising a street and the land that abuts there on.

(b) The following expressions have the respective meanings given to them in Section 160 of Division 3 of Part V of the Health Act: “eating house” and “proprietor”.

Prohibitions

3. No person shall set up or conduct an eating area in any street or public place—

(1) unless the person is the holder of a valid licence;

(2) otherwise in compliance with any conditions of the licence;

(3) otherwise in accordance with the licensed plan.

4. No person shall set up or conduct an eating area in any street or public place unless the holder of a valid licence operates or conducts business from a food premises as defined by the Health Act.

Application for Licence

5. (1) Any person seeking the issue of a licence shall make application in the form prescribed in the First Schedule and shall forward the application to the Chief Executive Officer together with—

- (a) the fee as determined by the Council from time to time in accordance with the provisions of the Act;
- (b) a plan and specification of the proposed eating area on a scale of 1:50 which plan and specification shall show—
 - (i) the position of tables, chairs and structures proposed to be provided in the proposed eating area; and
 - (ii) the location and dimensions of the proposed eating area;
- (c) a plan and specification of the proposed eating area and all land within thirty metres beyond the boundaries of the proposed eating area on a scale of 1:500 which plan and specification shall show the location of all carriageways, footpaths, public facilities, public places, streets and street alignments;
- (d) a colour photograph or photographs of the tables, chairs and other structures to be set up in the proposed eating area; and
- (e) proof of adequate insurance arrangements for public liability to the satisfaction of the Chief Executive Officer. This insurance is to be kept current with the eating area licence.

(2) The Council shall not be obliged to consider any application for a licence—

- (a) which is not accompanied by the plans and specification and the prescribed fee;
- (b) which is not properly completed; or
- (c) where any plan, specification or photograph does not in the opinion of the Chief Executive Officer contain sufficient information to enable it to properly consider the application.

6. (1) The Council may grant or refuse a licence or grant a licence subject to such conditions as it thinks fit.

(2) A licence shall be in the form of the Second Schedule.

(3) A licence plan shall be attached to and form part of the licence.

7. A licence shall be valid commencing on the date of its issue by the Council and expiring on 30 June next year or on the sooner cancellation of the licence by the Council.

Renewal or Transfer of Licence

8. On 30 June each year application for renewal of licence requires to be submitted by the proprietor, with the prescribed fee and proof of adequate insurance arrangements for public liability to the satisfaction of the Chief Executive Officer.

9. (1) A person may, before the expiration of a licence, apply to the Council for the Transfer of the licence.

(2) An application for the transfer of the licence shall be—

- (a) made in the form prescribed in Schedule Three;
- (b) signed by the proposed transferee of the licence and the holder of the licence; and
- (c) forwarded to the Chief Executive Officer together with the prescribed transfer fee.

10. (1) Upon the receipt of an application for the transfer of a licence, the Council may—

- (a) approve, with or without conditions the application for the transfer, or
- (b) refuse the application for the transfer for any reason that constitutes a ground on which the grant of a licence may be refused.

(2) Where the Council approves an application for the transfer of a licence, an endorsement to that effect, signed by the Chief Executive Officer or his nominee, shall be completed on the licence in the accordance with the Form in Schedule Two and the transfer takes effect on and from the date of that endorsement.

(3) A person to whom a licence is transferred under this Section shall comply with all the conditions to which the licence, as transferred, is subject.

(4) Where the Council approves of the transfer of a licence for the remaining period of the licence it shall not be obliged to refund any part of the fee or charge paid by the former licensee.

Obligations of Proprietor

11. A proprietor who is the person named in a licence—

- (a) shall ensure that the alfresco dining area is conducted at all times in accordance with the provisions of the local law;
- (b) shall ensure that the alfresco dining area is kept in a clean and tidy condition at all times;
- (c) shall maintain the chairs, tables and other structures set up on the alfresco dining area in good and serviceable condition at all times;
- (d) shall be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of the street or public place arising from the conduct of the alfresco dining area or the actions of persons in that area and the Council may recover such costs from the proprietor in a court of competent jurisdiction as a debt owing to it; and
- (e) shall display the licence in a conspicuous place in the adjoining eating house and whenever requested by an Environmental Health Officer to do so shall produce the licence to that officer.
- (f) Comply with the requirements specified in Council's Policy Relating to Alfresco Dining.

Offences and Penalties

- 12. The Council may cancel an alfresco dining licence for any of the following reasons—
 - (a) the holder of the licence has been convicted of an offence against this Local Law in respect of the eating area, the setting up and conduct of which is authorised by the licence; or
 - (b) the holder of the licence transfers or assigns or attempts to transfer or assign the licence to any other person.
- 13. Any person who contravenes any provisions of this Local Law commits an offence and is liable to a penalty not less than \$200.00 and not exceeding \$5000.00 and if the offence is of a continuing nature, such person may be liable to a further penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

First Schedule

Town of Vincent

**LOCAL LAW RELATING TO ALFRESCO DINING
APPLICATION FOR LICENCE**

To: The Chief Executive Officer
Town of Vincent

I, (Full Name)
 of
 (Residential Address)
 (Occupation)

hereby make application for a licence to set up and conduct an eating area pursuant to the Town of Vincent Local Law relating to Alfresco Dining.

I hereby declare that the following details are true and correct—

Details of Proposed Eating Area

Item No.

- 1. Location of proposed eating area
- 2. Description of eating house adjacent to proposed eating area
- 3. Proposed days of operation
- 4. Proposed hours of operation
- 5. Proposed number of tables
- 6. Proposed number of chairs
- 7. Proposed number of other structures
- 8. Description of tables and chairs including materials and dimensions
- 9. Description of other structures including materials and dimensions

I hereby declare that—

- (a) the eating house referred to in Item 2 above is registered as required by Division 3 or Part V of the Health Act; and
- (b) I am the proprietor of the eating house and am licensed in respect thereof in accordance with Division 3 of Part V of the Health Act.

The following are attached—

- (a) A plan and specification of the proposed eating area on a scale of 1:50 showing—
 - (i) the position of tables, chairs and structures proposed to be provided in the proposed eating area; and
 - (ii) the location and dimensions of the proposed eating area.
 - (iii) Proof of public liability policy for the proposed eating area of not less than \$5 million.
- (b) a plan and specification of the proposed eating area and the area incorporated within 30 metres beyond the boundaries of the proposed eating area on a scale of 1:500 showing the location of all carriageways, footpaths, public facilities, public places, streets and street alignments.
- (c) a colour photograph or photographs of the tables, chairs and other structures intended to be used in the proposed eating area.

I enclose the prescribed fee of \$
Dated the day of

.....
Signature of Applicant

Second Schedule

Town of Vincent

LOCAL LAW RELATING TO ALFRESCO DINING

LICENCE TO SET UP AND CONDUCT AN EATING AREA

This licence is issued to—

..... (Full Name)

of (Address)

This licence authorises you to set up and conduct an eating area—

- (a) on those portions of the street or public place shown
on the licensed plan attached hereto and generally in accordance with the licensed plan; and
- (b) in compliance with the conditions attached hereto.

This licence is valid commencing on the date of issue shown below and expiring on the 30th June next year or on the sooner cancellation of this licence.

Issued this day of

.....
Chief Executive Officer

Third Schedule

Town of Vincent

LOCAL LAW RELATING TO ALFRESCO DINING

APPLICATION FOR TRANSFER OF LICENCE

TO: Chief Executive Officer
Town of Vincent

I (full name)

Of

..... (residential address)

hereby make application for transfer of the licence to set up and conduct an eating area pursuant to Town of Vincent Local Law Relating to Alfresco Dining.

I hereby declare that the following details are true and correct.

Details of proposed Eating Area

Item No:

1. Address of proposed eating area
2. Name of eating house adjacent to proposed eating area
3. Proposed days of operation
4. Proposed hours of operation
5. Approved number of tables
6. Approved number of chairs
7. Approved number of other structures
8. Is alcohol being sold

I enclose the prescribed fee of \$.....

Evidence of a Public Indemnity Policy for not less than \$..... for the alfresco area is also required with this form.

DATED the day of

Signature of Applicant:

This Local Law was made by the Town of Vincent Council at an Ordinary Meeting held on 9 March 1998.
The Common Seal of the Town of Vincent was affixed in the presence of—

A. J. (JACK) MARKS J.P., Mayor.
JOHN GIORGI J.P., Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

TOWN OF VINCENT

LOCAL LAW RELATING TO STREET LAWNS AND GARDENS

IN pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it the Local Government of the Town of Vincent hereby records having resolved on the 9th day of March 1998 to make the following Local Law to be known as the Local Law Relating to Street Lawns and Gardens.

1. The Local Law Relating to Street Lawns and Gardens published in the Government Gazette on 24 October 1980 and amended is repealed.

2. In this Local Law unless the context otherwise requires—

“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 involves the construction of works in a street within the meaning of Schedule 9.1 of the Local Government Act 1995;

“carriage way” 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 of centre of the road, used 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 Town.

“footway” includes every footpath, lane or other place—

(a) intended for the use of pedestrians only or, in the case of a dual use path, for the use of pedestrians and bicyclists only; or

(b) habitually used by pedestrians and not by vehicles or, in the case of a dual use path, by pedestrians and bicyclists and not by vehicles other than bicycles;

“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 points 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”;

“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 Town;

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

“permit” means written authorisation from the CEO or an Officer of the Town of Vincent.

“Town” means the Local Government of the Town of Vincent;

3. 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.

4. (i) A person shall not plant a garden in a street, except pursuant to a permit issued by the Town and then only in conformity with this Local Law.

(ii) The Town 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.

(iii) A person requiring a permit to plant a garden in a street shall submit to the Town 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 in relation to the frontage of the carriage-way.

(iv) The owner or occupier of land that abuts on portion of a street may plant a lawn in that portion of the street without obtaining a permit to do so unless the lawn is part of a garden in that portion of the street.

(v) A permit issued for the purposes of this Local Law shall be issued by the CEO or his nominee and may contain such conditions as the CEO or his or her nominee consider appropriate.

5. A person shall not plant a garden in a street—
- (i) so that it extends beyond the frontage in respect of which the permit is issued;
 - (ii) that is not graded from the frontage 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.
6. (i) The owner or occupier of land abutting on portion of a street in which a lawn or garden is planted shall ensure that any water pipe laid to 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 foot-paths or crossings is of galvanised wrought 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.
- (ii) 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 any court of competent jurisdiction.
7. 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.
8. (i) A person shall not plant or keep any tree or shrub in a garden in a street if that tree or shrub is of a height exceeding 500mm or is of a variety likely to grow to a height exceeding 500mm, if that tree or shrub is within 6 metres of a junction or intersection.
- (ii) Nothing in this Local Law authorises a person to place or erect any fence, enclosure or other obstruction on, or about, a lawn or garden in a street.
9. (i) The CEO may at any time by notice in writing to the owner or occupier of land that abuts on 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 and the owner or occupier shall comply with that notice within the time stipulated for compliance therewith in the notice.
- (ii) If an owner or occupier upon whom a notice has been served pursuant to subclause (i) of this clause fails to comply with that notice within the stipulated time the Town may remove or cause to be removed the tree, shrub water piping or fitting from that lawn or garden referred to in the notice at the expense of the owner or occupier and any expense incurred by the Town in so doing may be recovered from that owner or occupier in a court of competent jurisdiction.
10. (i) The Town may, without being liable to compensate any person therefor, dig up all or any part of a lawn or garden in a street, for the purpose of carrying out any authorised works.
- (ii) A person employed by the Town acting pursuant to this clause shall not disturb a lawn or garden or damage any pipes laid under that lawn or garden to any greater extent than is reasonably necessary for the purpose of carrying out any authorised works and shall, upon the completion of the works, reinstate the lawn or garden, as far as is reasonably practicable.
11. (i) Where the Town for the purpose of carrying out authorised works is of the opinion that the carrying out of those works may be impeded by the existence of piping, under a lawn or garden in a street, it may give notice to the owner or occupier of the land abutting on the lawn or garden to remove the piping, until the completion of the works. Where the owner or occupier does not comply with the notice within the time stipulated in the notice for compliance therewith the Town may remove the piping at the expense of the owner or occupier, and any expense incurred by the Town pursuant to this clause may be recovered in any court of competent jurisdiction.
- (ii) The Town shall not be liable for damage to piping under a lawn or garden in a street, occasioned either in the course of the removal of the piping under the provisions of a subclause (i) of this clause or in the course of carrying out authorised works.
12. (i) Except as provided by this Local Law, a person shall not wilfully damage a lawn or garden in a street.
- (ii) Except as provided in this Local Law a person other than the owner or occupier of land that abuts upon portion of a street in which a garden is planted or a person authorised by that owner or occupier shall not remove any flower, plant, or shrub from that garden.
13. The Town 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.
14. A permit issued pursuant to this Local Law can be withdrawn at any time by the Town 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 Town 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.

15. Penalty

A person who contravenes any provisions of these Local Laws commits an offence and is liable to a penalty not less than \$200.00 and not exceeding \$5000.00 and if the offence is of a continuing nature,

such person may be liable to a further penalty not exceeding a fine of \$500.00 in respect of each day or part of a day during which the offence has continued.

This Local Law was made by the Town of Vincent Council at an Ordinary Meeting held on 9 March 1998.
The Common Seal of The Town of Vincent was affixed in the presence of—

A. J. (JACK) MARKS, J.P., Mayor.
JOHN GIORGI, J.P., Chief Executive Officer.



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