

Fishing

45. (1) A person shall not fish in any area:
- (a) where fishing is prohibited and the prohibition is designated by signs; or
 - (b) set aside by a beach inspector or member of a life saving patrol as a designated permitted bathing area.
- (2) A person shall not at any place whether fishing is permitted or not:
- (a) clean fish or cut bait on any seat or hand rail;
 - (b) leave or deposit fish offal on land or in the sea within 200m of any part of the beach; or
 - (c) without written approval of the local government, fish for sharks by use of set or buoyed lines or use blood, offal or any other lure for the purpose of attracting sharks within 200m of any part of a beach.

Surfboards and boats

46. A person shall not ride a surfboard or drive a personal watercraft or boat in any area set aside by a beach inspector or member of a life saving patrol, as a designated permitted bathing area.

PART 8 – ACTIVITIES IN THOROUGHFARES**Works in public property**

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

Verge treatment

48. The owner or occupier of land adjacent to any thoroughfare may only treat the verge in front of such land with a permissible treatment and in any event shall not:
- (a) alter the finished level of the verge; or
 - (b) cover or obstruct any manholes, gullies or inspection pits which are serviced from time to time.

Permissible verge treatments

49. The owner or occupier of land adjacent to a thoroughfare may on the verge in front of such land, install any one of the following treatments:

(1) *Treatment 1*

Plant and maintain lawn; or

(2) *Treatment 2*

Plant and maintain a garden provided that:

- (a) no part of the garden (or plant, or other vegetation making up the garden) exceeds a height of 600mm, or restricts the clear sight visibility of pedestrians or motorists in the vicinity of intersection corners and bends in the thoroughfare;
- (b) no plant or other vegetation making up the garden is of a thorny or poisonous nature or which may otherwise create a hazard;
- (c) at all times pedestrians must have a 1.5m width safe path or accessway established and kept clear of vegetation at all times adjacent the kerb where there is no made footpath; and
- (d) no water pipes or connections protrude above the surface of the garden; or

(3) *Treatment 3*

Install a hard surface with an acceptable material provided that storm water run off generated from the hard surface does not cause a hazard or damage to property; or

(4) *Treatment 4*

Install a hard stand surface over a portion of the area of verge (excluding any crossover) with an acceptable material and plant and maintain either a lawn or a garden on the balance in accordance with sub clause(1) and (2) respectively.

Owner's or occupiers responsibilities for verge treatments

50. An owner or occupier who installs and maintains a verge treatment shall:

- (a) indemnify the local government against all or any damage or injury caused to any person or thing including any thoroughfare, pavement, footpath or crossover or any pipe or cable and shall make good at such owner's or occupier's expense all such damaged caused;

- (b) keep the verge treatment in good and tidy condition and ensure, where the verge treatment is a garden or lawn, that no obstruction of any sort (physical, sight or other) is caused to any accessway, footpath, pavement or thoroughfare;
- (c) lay, install or pave a surface with an acceptable material only;
- (d) not place any obstruction on or around any verge treatment;
- (e) not water or maintain a verge treatment in such a manner as to cause a nuisance or hazard to any person using the adjacent footpath, accessway or thoroughfare;
- (f) not extend the verge treatment beyond the verge immediately adjacent to the property owned or occupied, without the written approval of the owner of the adjoining property, immediately adjacent the verge to be treated.

Enforcement

51. The local government may give notice in writing in accordance with clause 63, requiring the adjacent owner or occupier of any land to make good within the time period specified in the notice or in that time, give satisfactory reason why the verge treatment should be retained or be given extra time in which to comply.

Public works on verges

52. (1) For the purpose of carrying out any works the local government or any authority empowered by law to dig up a thoroughfare or carry out any other works, may without notice and without being liable to compensate any person, dig up all or part of a thoroughfare and disturb any verge treatment placed there by an adjacent owner or occupier.
- (2) Where the local government digs up or carries out any works in a verge which has a verge treatment, then the local government shall use its best endeavours to:
- (a) replace and restore any reticulation pipes and sprinklers; and
 - (b) back fill with sand any garden or lawn, but otherwise shall not be liable to replace or restore any verge treatment and in particular any plant, or other vegetation or any surface or in any event, shall not be liable to any person for any damage or disturbance caused.

Vehicle crossing treatment

53. The owner or occupier of land adjacent to a thoroughfare may only install or have installed a vehicle crossing in front of such land which is a permissible vehicle crossing treatment.