Key for reviewing changes:

New additions based off similar local laws, supported by officers.
New additions proposed by officers.
Significant amendments to existing provisions.

LOCAL GOVERNMENT ACT 1995

CITY OF FREMANTLE

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2026

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LOCAL GOVERNMENT ACT 1995

CITY OF FREMANTLE

LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2026

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Fremantle has resolved on [Insert Date] to make the *City of Fremantle Local Government Property and Public Places Local Law 2026*.

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *City of Fremantle Local Government Property and Public Places Local Law 2026.*

1.2 Commencement

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

1.3 Application

This local law applies –

(a) throughout the district; and

(b) in the sea adjoining the district for a distance of 200 metres seawards from the high water mark of the Indian Ocean.

1.4 Repeal

The following local laws are repealed:

(1) the *City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law 2005*; and

(2) the *City of Fremantle Local Government Property Local Law 2002.*

1.5 Definitions

In this local law -

"Act" means the *Local Government Act 1995*;

"aircraft" has the meaning given to it in the *Civil Aviation Act 1988* (Cth)*;*

"animal" means any living thing that is not a human being or any flora or tree, but excludes a cat;

"aperture" means a man-made opening;

"applicant" means a person who applies for a permit under this local law;

"authorised person" means a person appointed by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

"article" in respect of lost property, includes money;

"attendant" means an employee of the local government with responsibility for the control and management of persons in a pool area or other facility which is local government property;

"beach" means the area of sandy shoreline from the low-water mark to either the toe of the sand dune or the commencement of vegetation or a man-made structure;

"balloon" means a pliable container of any shape which is inflated with air or gas;

"boat" means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a personal watercraft or jet ski;

"building" means any building which is local government property and includes a –
(a) hall or room;
(b) corridor, stairway or annexe of any hall or room; and
(c) jetty;

"bulk rubbish container" means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;

"built-up area" has the meaning given to it in the *Road Traffic Code 2000*;

"carriageway" has the meaning given to it in the *Road Traffic Code 2000*;

"CEO" means the Chief Executive Officer of the local government;

"change room" means a room designated for the changing of clothes and may include showers, toilets and hand washing basins;

"charitable organisation" means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium;

"children's playground" means an area generally featuring sand, rubber, bark, grass, or another impact attenuating (soft fall) surface, that is provided with equipment and/or objects intended for children's play and includes fixed play equipment such as swings, slides, climbing structures, seesaws, nature play objects, and any similar apparatus or object designed for recreational use by children;

"commencement day" means the day on which this local law comes into operation;

"Council" means the Council of the local government;

"crossing" means a crossing giving access from a public thoroughfare to –
(a) private land; or
(b) a private thoroughfare serving private land;

"date of publication" means, where local public notice is required to be

given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

"determination" means a determination made under clause 2.1;

"district" means the district of the local government;

"drone" means a remotely piloted aircraft;

"eBikes" means an electrical bikes with power (motorised) assistance;

"eRideables" means an electric rideable device, including an eScooter, eSkateboard, eWheel, eUnicycle, hoverboard, and eSkates;

"flora" means all vascular plants other than plants recognised as weeds, and excludes a tree;

"footpath" has the meaning given to it in the *Road Traffic Code 2000*;

"firework(s)" means an article or substance, containing one or more explosives with or without other substances, that is designed to entertain people by producing light, sound, gas, smoke, or a combination of them, by means of an exothermic chemical reaction that does not rely on oxygen from external sources to sustain the reaction, but not a model rocket motor;

"fishing" means to use any line, lure, rod, pot, net or other method for the purpose of catching freshwater and marine wildlife;

"function" means an event or activity characterised by all or any of the following:
(a) formal organisation and preparation;
(b) its occurrence is generally advertised or notified in writing to particular persons;
(c) organisation by or on behalf of a club;
(d) payment of a fee to attend it; or
(e) systematic recurrence in relation to the day, time and place;

"garden" means any part of a thoroughfare which is planted, developed or treated, otherwise than as a lawn, with one or more flora but does not include the planting of a tree;

"intersection" has the meaning given to it in the *Road Traffic Code 2000*;

"kerb" includes the edge of a carriageway;

"lawn" means any part of a thoroughfare which –
(a) is planted, by any person, only with grass, or with any similar flora; or
(b) is planted, by the local government, with any other flora;

"liquor" has the meaning given to it in the *Liquor Control Act 1988*;

"local government" means the City of Fremantle;

"local government property" means anything except a thoroughfare –

(a) which belongs to is leased or licensed by the local government;

(b) of which the local government is the management body under the *Land Administration Act 1997*; or

(c) which is an 'otherwise unvested facility' within section 3.53 of the Act;

"local planning scheme" means a local planning scheme of the local government made under the *Planning and Development Act 2005;*

"local public notice" has the same meaning as in section 1.7 of the Act;

"lot" has the meaning given to it in the *Planning and Development Act 2005*;

"nuisance" means –

(a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social wellbeing of another person;

(b) anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or

(c) anything a person does in or on a public place which unreasonably detracts from or interferes with the enjoyment or value of nearby land owned by another person, provided that anything done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality will not be unreasonable for the purpose of this local law;

"occupier" has the meaning given to it in the Act, but does not include the local government;

"owner" has the meaning given to it in the Act;

"permissible verge treatment" means a treatment described in clause 8.7(2), and includes reticulation pipes and sprinklers installed for the purposes of the treatment;

"permit" means a permit issued under this local law;

"permit holder" means a person who holds a valid permit;

"person" does not include the local government;

"pool area" means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

"premises" means a building, stadium or similar structure which is local government property, but not an open space such as a park, carpark or a playing field;

"privacy-protected area" means an area of local government property designated by the local government by determination as an area in which restrictions on photographing, filming, audio recording, video recording or live streaming are reasonably necessary for the protection of personal privacy, confidentiality, safety or security, and which is identified by signs erected by the local government;

"prohibited drug" has the meaning given to it in the *Misuse of Drugs Act 1981;*

"promotional activity" means the advertising of, promotion of, or raising of funds for, a particular group, product or service;

"public place" includes -

(a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and

(b) local government property,

but does not include premises on private property from which trading is lawfully conducted under a written law.

"regulations" means the *Local Government (Functions and General) Regulations 1996*;

"sandboard" means a board designed to be used for sliding down a slope of land and sandboarding has correlative meaning;

"Schedule" means a schedule in this local law;

"sign" includes a bill, notice, flag, mark, structure or device on which may be shown words, numbers, expressions, symbols or images;

"Smoke" and/or "***smoking"*** means to –

(a) smoke, hold or otherwise have control over an ignited tobacco product;

(b) light a tobacco product; or

(c) use an e-cigarette;

"thoroughfare" has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management or control of the local government;

"tree" means woody perennial plant generally having a single stem or trunk;

"utility" means any public or private body which provides an essential service, such as electricity, gas, water, drainage, sewerage, telecommunications or traffic control, and has equipment on, in or under a public place for that purpose;

"valid", in relation to a permit issued under this local law, means current and for which all the associated fees have either been paid in full or have been waived by the local government;

"vehicle" includes -

(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
(b) an animal being ridden or driven,

but excludes -

(c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;
(d) a pram, a stroller or a similar device;
(e) a bicycle or wheeled recreational device;
(f) a shopping trolley; and
(g) a boat;

"verge" means that part of a thoroughfare between the carriageway and a lot which abuts the thoroughfare and includes a nature strip, but does not include a footpath;

1.6 Interpretation

In this local law, a reference to local government property includes a reference to any part of that local government property.

1.7 Overriding power to hire and agree

Notwithstanding anything to the contrary in this local law, the local government may -

(a) hire local government property to any person; or

(b) enter into an agreement with any person regarding the use of any local government property.

1.8 Transitional

A permit or licence issued in accordance with a local law listed in clause 1.4 -

(a) is to be taken to be a permit granted under this local law;

(b) is to be valid for the period specified on the licence or permit; and

(c) may be earlier cancelled or suspended under this local law.

Part 2 - Determinations in respect of local government property

Division 1 - Determinations

2.1 Determinations as to use of local government property

The local government may make a determination in accordance with clause 2.2 -

(a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;

(b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;

(c) as to the matters in clauses 2.7(2) and 2.8(2); and

(d) as to any matter ancillary or necessary to give effect to a determination.

2.2 Procedure for making a determination

(1) The local government is to give local public notice of its intention to make a determination.

(2) The local public notice referred to in subclause (1) is to state that –

(a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;

(b) a copy of the proposed determination may be inspected and obtained from the local government's offices; and

(c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

(3) If no submissions are received in accordance with subclause (2)(c), the local government is to decide –

(a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;

(b) to amend the proposed determination, in which case subclause (5) will apply; or

(c) not to continue with the proposed determination.

(4) If submissions are received in accordance with subclause (2)(c), the local government –

(a) is to consider those submissions; and

(b) is to decide –

(i) whether or not to amend the proposed determination; or

(ii) not to continue with the proposed determination.

(5) If the local government decides to amend the proposed determination, it is to give local public notice –

(a) of the effect of the amendments; and

(b) that the proposed determination has effect as a determination on and from the date of publication.

(6) If the local government decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.

(7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).

(8) A decision under subclause (3) or (4) is not to be delegated by Council.

2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

(1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

(2) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

(1) The Council may amend or revoke a determination.

(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination it is to give local public notice of

the revocation and the determination is to cease to have effect on the date of publication.

Division 2 - Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

(1) A determination may provide that specified local government property is set aside as an area on which a person may –

(a) bring, ride or drive an animal;

(b) take, ride or drive a vehicle, or a particular class of vehicle;

(c) fly or use a motorised model aircraft, car, ship, glider or rocket;

(d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;

(e) launch, beach, retrieve or leave a boat;

(f) take or use a boat, or a particular class of boat;

(g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;

(h) play or practice –

(i) golf or archery;

(ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 2024*; or

(iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;

(i) ride a bicycle, a wheeled recreational device, a sandboard or a similar device;

(j) wear no clothing; and

(k) launch or land a drone.

(2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –

(a) the days and times during which the activity may be pursued;

(b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;

(c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;

(d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;

(e) may specify that the activity can be pursued by a class of persons or

all persons; and

(f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

(1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property:

(a) Smoking on premises or within a designated smoke free area;

(b) riding a bicycle, an e-bike or e-rideable, a wheeled recreational device, a sandboard or a similar device;

(c) taking, riding or driving a vehicle on the property or a particular class of vehicle;

(d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;

(e) taking or using a boat, or a particular class of boat;

(f) the playing or practice of -

(i) golf, archery, pistol shooting or rifle shooting; or

(ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;

(g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property;

(h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose;

(i) releasing an unsecured balloon inflated with a gas that causes it to rise in the air;

(j) using a motorised model airplane, helicopter, boat, drone or other similar remotely piloted device;

(k) smoking in contravention of a sign which prohibits the act of smoking; and

(l) photographing, filming, audio recording, video recording or live streaming of another person within a privacy-protected area.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –

(a) the days and times during which the activity is prohibited;

(b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;

(c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;

(d) that an activity is prohibited in respect of a class of persons or all persons; and

(e) may distinguish between different classes of the activity.

(3) In this clause –

premises means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

Division 3 - Transitional

2.9 Signs taken to be determinations

(1) Where a sign erected on local government property has been erected under a local law of the local government that is repealed by this local law, then it is to be taken to be and has effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

Part 3 - Activities on local government property

Division 1 - When a permit is required

3.1 Application

This Part does not apply to a person who uses or occupies local government property or public place under a written agreement with the local government to do so.

3.2 Activities needing a permit

(1) A person must not without a permit -

(a) subject to subclause (3), hire local government property;

(b) advertise anything by any means on local government property;

(c) erect any sign on local government property, excluding an advertising sign on a thoroughfare in accordance with Part 9;

(d) erect, on local government property, a structure for public amusement or for any performance, whether for gain or otherwise;

(e) teach, coach or train, for profit, any person in or on local government property;

(f) plant any flora or sow any seeds on local government property, excluding a permissible verge treatment on a thoroughfare in accordance with Part 8;

(g) unless that person is an employee of the local government acting in the course of their duties or on an area set aside for that purpose -

(i) drive or ride or take any vehicle on to local government property; or

(ii) park or stop any vehicle on local government property;

(h) conduct a function, or undertake any promotional activity, on local government property;

(i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a charitable organisation;

(j) light a fire on local government property except in a facility provided for that purpose;

(k) light or set off any fireworks or conduct a fireworks display on local government property;

(l) parachute, hang glide, abseil or base jump from or on to local government property;

(m) launch an aircraft from, or land an aircraft onto, local government property;

(n) erect a building or a refuelling site on local government property;

(o) make any excavation on or erect or remove any fence on local government property;

(p) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;

(q) deposit or store any thing on local government property;

(r) depasture, tether, drive or ride any horse, sheep, cattle, goat, camel, ass, mule or pig on local government property; or

(s) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

(3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.3 Permit required to camp outside a facility

(1) In this clause -

"facility" has the meaning given to it in the *Caravan Parks and Camping Grounds Act 1995*;

(2) This clause does not apply to a facility operated by the local government.

(3) Except in accordance with a permit, a person must not -

(a) camp on, or lodge at, local government property;

(b) occupy any structure at night for the purpose of sleeping on local government property; or

(c) erect a tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

3.4 Permit required for possession and consumption of liquor

(1) A person must not, on local government property, consume any liquor or have in their possession or under their control any liquor, unless –

(a) that is permitted under the *Liquor Control Act 1988*; and

(b) a permit has been obtained for that purpose.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2 - Responsibilities of permit holder

3.5 Responsibilities of permit holder

A holder of a permit must, in respect of local government property to which the permit relates -

(a) take reasonable steps to maintain law and order by all in attendance at any function for which the local government property has been hired;

(b) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;

(c) prevent overcrowding;

(d) leave the local government property in a clean and tidy condition after its use;

(e) comply with a direction from the CEO or an authorised person to take the action specified in the direction for the purpose of maintaining public safety;

(f) report any damage or defacement of the local government property to the local government; and

(g) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

Part 4 - Behaviour on all local government property

Division 1 - Behaviour on and interference with local government property

4.1 Behaviour which interferes with others

A person must not, in or on any local government property, behave in a manner which –

(a) is likely to interfere with the enjoyment of a person who might use the property;

(b) interferes with the enjoyment of a person using the property; or

(c) places the public at risk or interferes with the safety of others.

4.2 Behaviour detrimental to property

(1) A person must not, in or on local government property, behave in a way which is or might be detrimental to the property, unless authorised by the local government to do so.

(2) In subclause (1) –

"detrimental to the property" includes –

(a) removing any thing from the local government property such as a rock, flora, tree, fixture, fitting, chattel, equipment or furniture

provided for the use, enjoyment or safety of any person; and

(b) destroying, defacing or damaging any thing on the local government property, such as any flora, tree, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person or a building.

4.3 Taking or injuring any fauna

(1) A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

(2) In this clause –

"fauna" means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal –

(a) any class of animal or individual member;

(b) the eggs or larvae; or

(c) the carcass, skin, plumage or fur.

4.4 Removing or damaging any flora or tree

(1) A person must not remove or damage any flora or tree which is on or above any local government property, unless that person is authorised to do so under a written law or with the written approval of the local government.

(2) In this clause –

"flora" means all vascular plants other than plants recognised as weeds, and excludes a tree; and

"tree" means a woody perennial generally having a single stem or trunk.

4.5 Intoxicated persons not to enter local government property

A person must not enter or remain on local government property while, in the opinion of an authorised person, is under the influence of liquor or a prohibited drug.

4.6 No prohibited drugs

A person must not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

Division 2 - Signs

4.7 Signs

(1) The local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person must comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) –

(a) is not to be inconsistent with any provision of this local law or any

determination; and

(b) is to be for the purpose of giving notice of the effect of a provision of this local law.

Part 5 - Matters relating to particular local government property

Division 1 - Beaches

5.1 Powers of authorised persons or surf life saving club members

(1) An authorised person employed by the local government may perform all or any of the following functions in relation to a beach:

(a) patrol any beach;

(b) carry out any activity on any beach;

(c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;

(d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and

(e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.

(2) Subject to subclause (3), the local government may authorise, under section 9.10 of the Act, the members of a surf life saving club to perform all or any of the functions listed in subclause (1).

(3) Members authorised by the local government under subclause (2) must have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.

(4) Under subclause (2), the local government may authorise members generally, or in relation to particular times, days or months.

(5) The authority of an authorised person employed by the local government under clause 5.1(1) is to prevail over the authority provided to members of a surf life saving club under clause 5.1(2).

5.2 Authorising other persons

(1) A local government may authorise, under section 9.10 of the Act, a person to perform all or any of the functions referred to in clause 5.1(1) in relation to a beach.

(2) Under subclause (1), the local government shall authorise only those persons who, in the reasonable opinion of the local government, are competent to perform the functions referred to in clause 5.1(1) in respect of which they are authorised.

(3) Under subclause (1), the local government may authorise a person generally, or in relation to particular times, days or months.

(4) Where the local government has authorised members of a surf life saving club under clause 5.1(1) and a person under subclause (1) in relation to the same beach, so that they can perform all or any of the functions referred to in clause 5.1(1) contemporaneously, the local government is to specify which authorisation is

rendered ineffective when both are exercised.

5.3 Persons to comply with signs and directions

A person must -

(a) not act in contravention of a sign erected on a beach under clause 5.1(1)(c);

(b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless they are a member of the surf life saving club, an authorised person or has obtained permission to enter from the surf life saving club;

(c) comply with any direction given under clause 5.1(1)(c) or 5.1(1)(e); and

(d) not interfere with, obscure, obstruct, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.

5.4 Prohibited fishing activities

A person must not fish for sharks –

(a) by means of any fishing line that contains any metal wire or chain within one metre of any hook;

(b) with use of blood or berley as a lure:

(c) with use of a device such as a spear gun, hand spear, hawaiian sling or other like device.

Division 2 - Fenced or closed property

5.5 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the local government.

Division 3 – Golf course

5.6 Interpretation

In this Division –

"controller" means the person appointed by the local government to direct, control and manage a golf course;

"golf course" means that portion of a golf course reserve which is laid out as a golf course and includes all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range; and

"golf course reserve" means the local government property described in Schedule 2 and includes all buildings, structures, fittings, fixtures and equipment on that land.

5.7 Observance of special conditions of play

While on a golf course, every player shall observe and comply with a –

(a) Direction of a controller in respect of any special conditions of play; and

(b) Requirement of any notice erected to direct or control play.

Division 5 – Smoke free area

5.8 Interpretation

In this Division –

"smoke free area" means an area prescribed by Council under this division as an area where smoking is prohibited.

5.9 Smoking prohibited

(1) A person must not smoke in a smoke free area.

(2) Where an authorised person believes on reasonable grounds that a person is contravening or has contravened subclause (1), the authorised person may direct the person to extinguish the tobacco product or e-cigarette.

5.10 Determination in regard to smoke free area

The local government may make a determination in accordance with Part 2 of this local law prescribing a public place as a smoke free area.

5.11 Signage

The local government may erect or caused to be erected a sign or marking identifying a smoke free area.

Part 6 - Fees for entry on to local government property

6.1 No unauthorised entry to function

(1) A person must not enter local government property on a day or during a time when the property is set aside for a function, or when an admission charge is authorised, except –

(a) through the proper entrance for that purpose; and

(b) on payment of the applicable admission charge.

(2) The local government may exempt a person from compliance with subclause (1)(b).

Part 7 - Jetties and bridges

Division 1 - Preliminary

7.1 Interpretation

(1) In this Part –

"jetty" means any breakwater, groyne, jetty, pier, wharf or landing place which is local government property; and

"bulk cargo" means bulk produce, such as grain, coal, oil or mineral ore, which is not packaged.

(2) This Part applies only to bridges and jetties which are local government property.

Division 2 – Consents and fees

7.2 Application for consent and application fee

(1) Where a person is required to obtain the consent of the local government under this Part, the person must apply for that consent in the manner required by the local government.

(2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.

(3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.

(4) Where a local government considers an application for consent, the local government must provide its decision in writing to the applicant.

(5) Where a fee is referred to in this Part, the fee must be imposed by the local government under sections 6.16 to 6.19 of the Act.

Division 3 – Prohibitions on use of jetty

7.3 When use of jetty is prohibited

A person must not land at, use or go on any part of a jetty which is –

(a) under construction or repair; or

(b) closed,

unless that person has first obtained the consent of the local government.

Division 4 – Mooring boats to jetties

7.4 Method of mooring boat

A person in control of a boat must not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

Division 5 – When boats may remain at jetty

7.5 When boat may remain moored

A person in control of a boat must not moor or make fast the boat to a jetty unless –

(a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;

(b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government;

(c) the loading or discharging of cargo or other goods is in progress in accordance with Division 7; or

(d) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast

to the local government.

7.6 Authorised person may order removal of boat

Despite anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty must remove it immediately after being directed to do so by an authorised person.

Division 6 – Launching of boats

7.7 Restrictions on launching

A person must not launch a boat from or over any jetty (other than a boat ramp) unless they have first obtained the consent of the local government.

Division 7 – Cargo or other goods

7.8 Loading and discharging

A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods –

(a) until the cargo or other goods are ready to be loaded or discharged; or

(b) without the consent of the local government –

(c) between the hours of 6.00pm to 6.00am on the next day; or

(d) for longer than 2 consecutive hours.

7.9 Outgoing cargo not to be stored on jetty

A person in control of cargo or other goods intended for loading on to a boat shall –

(a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and

(b) load them on to the boat as soon as practicable after the boat is moored or fastened to or alongside the jetty.

7.10 Removal of incoming cargo from jetty

Any person unloading cargo or other goods from a boat on to a jetty shall remove them or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

7.11 Authorised person may direct removal

An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Part to remove them from the jetty.

7.12 Handling of bulk cargo

Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to a jetty.

Division 8 – Polluting surrounding area

7.13 Polluting surrounding area

A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

Division 9 – Fishing from jetties and bridges

7.14 Limitations on fishing

A person must not -

(a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or

(b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

Part 8 - Activities in thoroughfares and public places

Division 1 - General

8.1 General prohibitions

A person must not –

(a) plant any flora or tree which is not maintained at or below 0.75m in height on a thoroughfare so that the flora or tree does not create a sightline hazard for pedestrians, cyclists or motorists;

(b) damage or remove any lawn, garden, flora or part of any flora on or from a thoroughfare unless –

(i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare and the lawn or the garden and the particular flora has not been installed or planted by the local government; or

(ii) the person is acting under the authority of a written law;

(c) damage or remove a tree or part of a tree on a thoroughfare unless –

(i) the removal of the tree is authorised by the local government in writing; or

(ii) the person is acting under authority of a written law;

(d) plant any flora or tree (except grass or a similar flora) on a thoroughfare so that it is within 2m of a carriageway;

(e) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, excluding water) which may create a hazard for any person using the footpath;

(f) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any

structure erected on a thoroughfare by the local government or a person acting under the authority of a written law;

(g) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a thoroughfare; or

(h) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades, eBike, eRideable or similar device.

8.2 Activities allowed with a permit - general

(1) A person must not, without a permit –

(a) dig or otherwise create a trench through or under a kerb or footpath;

(b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised by the local government in connection with that collection;

(c) cause any obstruction to a vehicle or a person using a thoroughfare as a thoroughfare;

(d) cause any obstruction to a water channel or a water course in a thoroughfare;

(e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;

(f) damage a thoroughfare, kerb or footpath;

(g) light any fire or burn any thing on a thoroughfare;

(h) fell any tree onto a thoroughfare;

(i) unless installing, or in order to maintain, a permissible verge treatment -

(i) lay pipes under or provide taps on any verge; or

(ii) place or install, on any part of a thoroughfare, any thing such as crushed limestone, gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;

(j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;

(k) on a public place, use anything or do anything so, in the opinion of a person authorised by the local government, as to create a nuisance;

(l) place or cause to be placed on a thoroughfare or verge a bulk rubbish container; or

(m) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

8.3 No possession and consumption of liquor on thoroughfare

(1) A person must not consume any liquor or have in their possession or under their control any liquor on a thoroughfare unless –

(a) that is permitted under the *Liquor Control Act 1988* or under another written law; or

(b) the person is doing so in accordance with a permit.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

Division 2 - Vehicle crossings

8.4 Temporary crossing

(1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works must obtain a permit for the installation or use of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, where –

(a) a crossing does not exist; or

(b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.

(2) The "person responsible for the works" in subclause (1) is to be taken to be –

(a) the person named on the building permit issued under the *Building Act 2011,* if one has been issued in relation to the works; or

(b) the registered proprietor of the lot, if no building permit has been issued under the *Building Act 2011,* in relation to the works.

(3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that, until such time as the temporary crossing is removed, the permit holder must keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

8.5 Removal of redundant crossing

(1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.

(2) The local government may give written notice to the owner or occupier of a lot requiring them to –

(a) remove any part of or all of a crossing which does not give access to the lot; and

(b) reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot must comply with that notice.

Division 3 - Verge treatments

8.6 Definition

In this Division -

"acceptable material" means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by

the local government.

8.7 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 their land install a permissible verge treatment.

(2) Permissible verge treatments include –

(a) the planting and maintenance of a lawn;

(b) the planting and maintenance of a garden provided that -

(i) 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

(ii) where there is no footpath, a person has safe and clear access of a minimum width of 2 metres along that part of the verge immediately adjacent to the kerb;

(c) the installation of an acceptable material; or

(d) the installation of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

(3) The permissible verge treatment is to comply with clause 8.1 (a) and (d) of this local law.

8.8 Only permissible verge treatments to be installed and maintained

(1) A person must not install or maintain a verge treatment which is not a permissible verge treatment.

(2) The owner or occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 8.9.

8.9 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment must -

(a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;

(b) ensure the verge treatment does not cause a sight obstruction to any person using a footpath on the verge or a carriageway or crossing adjoining the verge or in proximity to it;

(c) not place any obstruction on or around the verge treatment;

(d) not disturb a kerb or a footpath on the verge; and

(e) ensure that the verge treatment does not damage or obstruct a drain, manhole, gully, inspection pit, channel, kerb, or tree.

8.10 Notice to owner or occupier

The local government may give a notice in writing to the owner or the occupier of a lot abutting a verge to make good, within the time specified in the notice, any breach of a provision of this Division.

8.11 Transitional provision

(1) In this clause –

"repealed provisions" means one or more of the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government; and

"repealed local laws" means the local laws that are repealed by clause 1.4.

(2) A verge treatment which –

(a) was installed prior to the commencement day; and

(b) on the commencement day is a type of verge treatment which was permitted under and complied with the repealed provisions,

is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the repealed provisions.

Division 4 – Public works

8.12 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority -

(a) is not liable to compensate any person for that disturbance;

(b) may backfill with sand, if necessary, any garden or lawn; and

(c) is not liable to replace or restore any –

(i) verge treatment and, in particular, any flora, tree or any acceptable material or other hard surface; or

(ii) sprinklers, pipes or other reticulation equipment.

Division 5 - Property numbers

8.13 Definition

In this Division -

"number" means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

8.14 Assignment of numbers

The local government may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.

Division 6 - Fencing

8.15 Public place – clause 4(1) of Division 1, Schedule 3.1 of Act

Each of the following places are specified as a public place for the purpose of clause 4(1) of Division 1 of Schedule 3.1 of the Act –

(a) a public place, as that term is defined in clause 1.6; and

(b) local government property.

Division 7 - Signs erected by the local government

8.16 Signs

(1) The local government may erect a sign on a public place specifying any conditions of use which apply to that place.

(2) A person must comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

8.17 Transitional

Where a sign erected on a public place has been erected under the repealed local laws, then on and from the commencement day, it is to be taken to be a sign erected under clause 8.16 if –

(a) the sign specifies a condition of use relating to the public place which gives notice of the effect of a provision of this local law; and

(b) the condition of use specified is not inconsistent with any provision of this local law.

Division 8 - Driving on a closed thoroughfare

8.18 No driving on closed thoroughfare

(1) In this clause –

"closed thoroughfare" means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

(2) A person must not drive or take a vehicle on a closed thoroughfare unless –

(a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or

(b) the person has first obtained a permit.

Part 9 - Advertising signs

Division 1 - Preliminary

9.1 Definitions

In this Part -

"advertising sign" –

(a) means a sign used for the purpose of advertising or drawing attention

to a product, business, person, place or event; and

(b) includes an election sign, garage sale sign, home open sign and portable advertising sign;

"election sign" means a sign –

(a) that encourages people to vote for a candidate, political party or referendum; and

(b) that relates to a Federal, State or Local Government election;

"erect or display", in relation to an advertising sign, includes place, post, pain or affix;

"garage sale sign" means a portable sign erected or displayed to advertise goods for sale at residential premises on a one-off or occasional basis;

"home open sign" means a portable sign erected or displayed to advertise that a home for sale is open, and excludes a "for sale" or "for lease" sign;

"portable advertising sign" means a portable free-standing advertising sign; and

"sign" includes a bill, notice, flag, mark, structure or device on which may be shown words, numbers, expressions, symbols or images.

9.2 Relationship with local planning scheme

In the event of an inconsistency between –

(a) a provisions of this Part; and

(b) a provision of a local planning scheme and/or a term of development approval issued under a planning scheme,

the latter is to prevail.

Division 2 – Permit

9.3 Advertising signs requiring a permit

(1) A person shall not, without a permit, erect or display an advertising sign on, in or over local government property, a throughfare or a public place.

(2) The CEO or an authorised person may exempt a person or class of persons from compliance with subclause (1).

(3) Subclause (1) does not apply to –

(a) a home open sign or garage sale sign;

(b) an election sign; or

(c) a portable sign,

erected or displayed in accordance with this local law.

Division 3 – Advertising sign requirements

9.4 General prohibitions on advertising signs

(1) A person shall not erect or display an advertising sign on, in or over local government property, a public place or a thoroughfare other than in accordance with this local law.

(2) A person shall not, unless authorised by the local government in writing or a written law, erect or display an advertising sign —

(a) on a footpath unless –

(i) at least 1.8m of the footpath remains unimpeded, such as to allow wheelchair access; or

(ii) otherwise approved by an authorised person;

(b) over a footpath where the resulting vertical clearance between the advertising sign and the footpath is less than 2.5m;

(c) on or within 1.5m of a kerb;

(d) on a roundabout, carriageway, dividing strip, or traffic island;

(e) on a natural feature (including a rock or tree), a local government owned or managed structure (including a street name sign pole), traffic direction or parking sign (including the associated pole), or a bridge or a structural approach to a bridge;

(f) if the advertising sign covers any local government sign or marking;

(g) unless it is of a stable design and is not readily moved by the wind;

(h) if the advertising sign is considered by the local government to be unsightly, offensive, or not maintained in good condition;

(i) if the erection or display of the advertising sign is considered by the local government to be injurious to the amenity or natural beauty of the area; or

(j) in any location where, in the opinion of the local government, the advertising sign is likely to –

(i) obstruct or impede the reasonable use of a thoroughfare, vehicle crossover, or access to a place by any person;

(ii) obstruct a line of sight of drivers of vehicles along a thoroughfare, verge or vehicle crossing;

(iii) create a hazard for any person using a thoroughfare, verge or vehicle crossing, including by obstructing or impeding the vision of a driver of a vehicle entering or leaving;

(iv) obstruct the sight distance of any other sign or traffic control device; or

(v) resemble or be mistaken by road users as a traffic control device.

9.5 Portable advertising sign requirements

(1) A person must not erect or display a portable advertising sign otherwise than in accordance with the requirements of clause 9.4 and this clause.

(2) A portable advertising sign shall –

(a) not exceed 1m in height above the finished ground or pavement level or exceed an area of 1 square metre on any sign face;

(b) not contain more than 2 sign faces;

(c) not contain illumination, animation, movement, reflective, retroreflective or fluorescent materials;

(d) be securely installed;

(e) in the case of a portable advertising sign relating to a business –

(i) only be erected or displayed in a location immediately adjacent to the business premises to which the sign relates;

(ii) be removed at the close of trading each day and not displayed again until the business opens for trading the next day.

(f) not be erected or displayed within 1.5 metres of an intersection or crossover; and

(g) be removed and relocated at the request of a person authorised for the purpose of a special event, parade, road or footpath works, or other event.

(3) No more than one portable advertising sign shall be erected or displayed in relation to the one building or business.

9.6 Election sign requirements

(1) A person must not erect or display an election sign otherwise than in accordance with the requirements of clause 9.4 and this clause.

(2) An election sign shall –

(a) not contain illumination, animation, movement, reflective, retroreflective or fluorescent materials;

(b) in the case of a mobile advertising vehicle or trailer that is parked, comply with the parking laws, signs and policies applicable to that parking area and must not pose a safety risk;

(c) not be erected or displayed within 30 metres of a signalised intersection or pedestrian activated crossing;

(d) not be erected or displayed within 10 metres of an intersection or junction, or in any other location that may pose a safety hazard or obstruction to pedestrians or road users;

(e) be securely installed;

(f) not display part of a message which is to be read with one or more other separate signs in order to obtain the whole message;

(g) not be erected or displayed more than 10 weeks prior to the election; and

(h) not be erected or displayed more than 48 hours after the close of polls on voting day.

(3) For information purposes, section 4.87, 4.88, and 4.89 of the Act prescribes electoral offences related to electoral material.

9.7 Home open sign and garage sale sign requirements

(1) A person must not erect or display a home open sign or garage sale sign otherwise than in accordance with the requirements of clause 9.4 and this clause.

(2) A home open sign or garage sale sign shall –

(a) not contain illumination, animation, movement, reflective, retroreflective or fluorescent materials;

(b) not be erected or displayed within 10 metres of an intersection or junction, or in any other location that may pose a safety hazard or obstruction to pedestrians or road users; and

(c) not be erected or displayed more than 24 hours prior to, or 24 hours after, the relevant home being open for inspection or garage sale is manned and goods are being offered for sale.

Division 4 – General provisions

9.8 Notification regarding removal and impounding of advertising signs

(1) An authorised person may issue a person who has erected or displayed an advertising sign on or in local government property, a thoroughfare or a public place with a notice requiring that person to remove the advertising sign within 24 hours, or earlier if, at the discretion of the local government or an authorised person, the advertising sign is a potential hazard to members of the public.

(2) An authorised person may remove or impound an advertising sign that has been erected or displayed on or in local government property, a thoroughfare or a public place contrary to this local law.

9.9 Advertising sign to be marked

Each advertising sign erected or displayed in or on local government property, a thoroughfare or a public place shall be clearly marked with the name of the person, organisation or business which erected or displayed the advertising sign.

9.10 Person or business taken to own advertising sign

In the absence of proof to the contrary, an advertising sign is to be taken to belong to the person, organisation or business whose name is marked on the advertising sign.

9.11 Insurance

If a person is required by the local government or an authorised person to hold public liability insurance in respect of the erection or display of an advertising sign on or in local government property, a thoroughfare or a public place, that person must present an authorised person with a current certificate of public liability insurance when directed by the authorised person.

Part 10 - Obstructing animals, vehicles or shopping trolleys

Division 1 - Animals and vehicles

10.1 Leaving animal or vehicle in public place

(1) A person must not leave an animal or a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit or is authorised to do so under a written law.

(2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.

(3) Subject to any other local law, a person does not contravene subclause (1) if a vehicle is left for a period not exceeding 24 hours.

10.2 Prohibitions relating to animals

(1) In this clause, "***owner"*** in relation to an animal includes –

(a) an owner of the animal;

(b) a person who has the animal in their possession or under their control; and

(c) the occupier of any premises where the animal is ordinarily kept or ordinarily permitted to live;

(2) An owner of an animal must not –

(a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;

(b) allow the animal which has a contagious or infectious disease to be led, ridden or driven in a public place;

(c) train or race the animal on a thoroughfare; or

(3) An owner of a horse must not lead, ride or drive the horse on a thoroughfare, unless the person does so under a permit or under the authority of a written law.

Division 2 - Shopping trolleys

10.3 Definitions

In this Division –

"retailer" means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

"shopping trolley" means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

10.4 Shopping trolley to be marked

A retailer must clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

10.5 Person not to leave trolley in public place

A person must not leave a shopping trolley in a public place or on local government property other than in an area set aside for the storage of

shopping trolleys.

10.6 Retailer to remove abandoned trolley

(1) If a shopping trolley is found in a public place or on local government property, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer, of the location of the shopping trolley.

(2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1).

(3) An authorised person may impound an abandoned trolley in a public place or on local government property, if the retailer fails to collect the trolley within a minimum of 24 hours of being advised under subclause (2).

10.7 Retailer taken to own trolley

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley or can be reasonably identified to be owned by the retailer.

Part 11 - Trading in public places and local government property

Division 1 – Stallholders and traders

11.1 Interpretation

In this Division, unless the context otherwise requires –

"Competition Principles Agreement" means the Competition Principles Agreement executed by the Treasurers of each State and Territory of the Commonwealth of Australia on 29 November 2024;

"public place" includes -

(a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and

(b) local government property,

but does not include premises on private property from which trading is lawfully conducted under a written law.

"stall" means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

"stallholder" means a person in charge of a stall;

"stallholder's permit" means a permit issued to a stallholder;

"trader" means a person who carries on trading;

"trader's permit" means a permit issued to a trader; and

"trading" includes –

(a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;

(b) displaying goods in any public place for the purpose of –

(i) offering them for sale or hire;

(ii) inviting offers for their sale or hire;

(iii) soliciting orders for them; or

(iv) carrying out any other transaction in relation to them; and

(c) the going from place to place, whether or not public places, and –

(i) offering goods or services for sale or hire; or

(ii) inviting offers or soliciting orders for the sale or the hire of goods or services,

but does not include –

(d) the delivery of pre-ordered goods or services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or

the taking of further orders for goods or services from the purchaser of those pre-ordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;

(e) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder's permit;

(f) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;

(g) the selling or the offering for sale or hire by a person of goods of their own manufacture or services which they provide; and

(h) the selling or hiring or the offering for sale or hire of –

(i) goods by a person who represents a manufacturer of the goods; or

(ii) services by a person who represents a provider of the services,

which are only sold directly to consumers and not through a shop.

Division 2 – Permits

11.2 Stallholder's permit

(1) A person shall not conduct a stall on a public place unless that person is –

(a) the holder of a valid stallholder's permit; or

(b) an assistant specified in a valid stallholder's permit.

(2) Every application for a stallholder's permit shall –

(a) state the full name and address of the applicant;

(b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;

(c) specify the proposed location of the stall;

(d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;

(e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and

(f) be accompanied by an accurate plan and description of the proposed stall.

11.3 Trader's permit

(1) A person shall not carry on trading unless that person is –

(a) the holder of a valid trader's permit; or

(b) an assistant specified in a valid trader's permit.

(2) Every application for a trader's permit shall –

(a) state the full name and address of the applicant;

(b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;

(c) specify the location or locations in which the applicant proposes to trade;

(d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;

(e) specify the proposed goods or services which will be traded; and

(f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

(3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

11.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper only is not required to obtain a permit.

11.5 Relevant considerations in determining application for permit

(1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to –

(a) any relevant policies of the local government;

(b) the desirability of the proposed activity;

(c) the location of the proposed activity;

(d) the principles set out in the Competition Principles Agreement; and

(e) such other matters as the local government may consider to be relevant in the circumstances of the case.

(2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds –

(a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;

(b) that the applicant is not a desirable or suitable person to hold a permit;

(c) that –

(i) the applicant is an undischarged bankrupt or is in liquidation;

(ii) the applicant has entered into any composition or arrangement with creditors; or

(iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property; or

(d) such other grounds as the local government may consider to be relevant in the circumstances of the case.

11.6 Conditions of permit

(1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include –

(a) the place, the part of the district, or the thoroughfare to which the permit applies;

(b) the days and hours during which a permit holder may conduct a stall or trade;

(c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;

(d) the goods or services in respect of which a permit holder may conduct a stall or trade;

(e) the number of persons and the names of persons permitted to conduct a stall or trade;

(f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;

(g) whether and under what terms the permit is transferable;

(h) any prohibitions or restrictions concerning the -

(i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;

(ii) the use of amplifiers, sound equipment and sound instruments;

(iii) the use of signs; and

(iv) the use of any lighting apparatus or device;

(i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;

(j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;

(k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;

(l) the acquisition by the stallholder or trader of public risk insurance;

(m) the period for which the permit is valid; and

(n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.

(2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorise another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if they were the permit holder.

11.7 Exemptions from requirement to pay fee or to obtain a permit

(1) In this clause –

"commercial participant" means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

(2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on –

(a) on a portion of a public place adjoining the normal place of business of the applicant; or

(b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

(3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

Division 3 – Conduct of stallholders and traders

11.8 Relevant considerations in determining application for permit

(1) A stallholder while conducting a stall or a trader while trading shall –

(a) display their permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with them while conducting a stall or trading;

(b) not display a permit unless it is a valid permit; and

(c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the Commonwealth *National Measurement Act 1960.*

(2) A stallholder or trader shall not –

(a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;

(b) act in an offensive manner;

(c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or

(d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

Part 12 – Roadside Conservation

Division 1 - Preliminary

12.1 Interpretation

In this Part –

"specially protected flora" has the meaning given to it in section 5 of the *Biodiversity Conservation Act 2016*;

"threatened flora" has the meaning given to it in section 5 of the *Biodiversity Conservation Act 2016*; and

"special environmental area" means an area designated as such under clause 12.3.

12.2 Application

This Part applies to the District of the City of Fremantle.

Division 2 – Special environmental areas

12.3 Designation of special environmental areas

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which -

(a) has specially protected flora or threatened flora; or

(b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

12.4 Marking of special environmental areas

The local government is to mark and keep a register of each thoroughfare,

or part of a thoroughfare, designated as a special environmental area.

Division 3 – Planting in thoroughfares

12.5 Permit to plant

A person shall not plant any flora or tree or sow any seeds in a thoroughfare without first obtaining a permit, unless in accordance with clause 8.7 of this local law.

12.6 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 12.5, the local government is to have regard to -

(a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and

(b) the diversity of species and the prevalence of the species which are to be planted or sown.

Division 4 – Clearance of vegetation

12.7 Permit to clear

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

12.8 Application for permit

In addition to the requirements of clause 13.1(2), a person making an application for a permit for the purpose of clause 12.7 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

Division 5 – Commercial wildflower harvesting on thoroughfares

12.9 General prohibition on commercial wildflower harvesting

Subject to clause 12.10, a person shall not commercially harvest native flora on a thoroughfare.

12.10 Permit for vegetation projects

(1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.

(2) The local government may approve an application for a permit under subclause (1) only where –

(a) the seed is required for a revegetation project in any part of the district; and

(b) the thoroughfare, or the relevant part of it, is not a special environmental area.

(3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions –

(a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and

(b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

Part 13 - Permits

Division 1 - Applying for a permit

13.1 Application of this Part

This Part does not apply to a person who uses or occupies local government property or public place under a written agreement with the local government to do so.

13.2 Application for permit

(1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law must -

(a) be in the form determined by the local government;

(b) be signed by the applicant;

(c) provide the information required by the application form or any other information required under this local law; and

(d) be forwarded to the local government together with any fee imposed and determined by the local government under and in accordance with section 6.16 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

(4) The local government may require an applicant to give local public notice of the application for a permit.

(5) The local government may refuse to consider an application for a permit which is not in accordance with the provisions of this local law.

13.3 Decision on application for permit

(1) The local government may –

(a) approve an application for a permit unconditionally or subject to any conditions; or

(b) refuse to approve an application for a permit.

(2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.

(3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

(4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).

(5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds

under subclause (1)(b).

Division 2 - Conditions

13.4 Conditions which may be imposed on a permit

Without limiting the generality of clause 13.3(1)(a), the local government may approve an application for a permit subject to conditions relating to –

(a) the payment of a fee;

(b) compliance with a policy adopted by the local government;

(c) the duration and commencement of the permit;

(d) the commencement of the permit being contingent on the happening of an event;

(e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;

(f) the approval of another application for a permit, licence or approval which may be required by the local government under any written law;

(g) the area of the district to which the permit applies;

(h) where a permit is issued for an activity which will or may cause damage to local government property or public place, the payment of a deposit or bond against such damage;

(i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government;

(j) the provision of an indemnity from the permit holder indemnifying 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 public place or local government property by the permit holder; and

(k) any other reasonable conditions as specified by an authorised person.

13.5 Imposing conditions under a policy

(1) In this clause –

"policy" means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 13.3(1)(a).

(2) Under clause 13.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 13.3(2).

(4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a

policy is to be taken to be information within section 5.94(u)(i) of the Act.

13.6 Compliance with and variation of conditions

(1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder must comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder must comply with those conditions as varied.

Division 3 - General

13.7 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is –

(a) otherwise stated in this local law or in the permit; or

(b) cancelled under clause 13.11.

13.8 Renewal of permit

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of this Part and any other provision of this local law relevant to the permit which is to be renewed, apply, with appropriate modifications to an application for the renewal of a permit.

13.9 Transfer of permit

(1) An application for the transfer of a valid permit is to –

(a) be made in writing;

(b) be signed by the permit holder and the proposed transferee of the permit;

(c) provide such information as the local government may require to enable the application to be determined; and

(d) be forwarded to the local government 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.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by –

(a) an endorsement on the permit signed by the CEO or an authorised person; or

(b) issuing to the transferee a permit in the form determined by the local government.

(4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

13.10 Production of permit

A permit holder must produce to an authorised person their permit immediately on being required to do so by that authorised person.

13.11 Cancellation or suspension of permit

(1) Subject to clause 14.1, a permit may be cancelled by the local government if the permit holder has not complied with -

(a) a condition of the permit; or

(b) a determination or provision of any written law which may relate to the activity regulated by the permit.

(2) If a permit is cancelled under subclause (1), the permit holder -

(a) must return the permit to the local government as soon as practicable; and

(b) is to be taken to have forfeited any fees paid in respect of the permit.

(3) The local government may cancel or suspend a permit if the local government or a utility requires access to or near the place to which a permit applies, for the purposes of carrying out works in or near the vicinity of that place.

(4) On the cancellation or suspension of a permit under subclause (3), the permit holder is, subject to subclause (5), to be taken to have forfeited any fees paid in respect of the permit.

(5) Where a permit is cancelled or suspended under subclause (3), the local government may refund (whole or part of) the permit fee to the permit holder.

13.12 Nominee of permit holder

(1) Where a permit holder by reason of illness, accident or other sufficient cause, the local government may, at the request of that permit holder, authorise another person to be a nominee of the permit holder for a specified period.

(2) The nominee will be treated as the "permit holder" for the nominated period under subclause (1).

13.13 Agreement for building

Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

Part 14 - Objections and appeals

14.1 Objection and appeal rights

When the local government makes a decision as to whether it will –

(a) grant a person a permit or consent; or

(b) renew, vary or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 32A and 33

of the Regulations apply to that decision.

Part 15 - Miscellaneous

15.1 Authorised person to be obeyed

A person on local government property or in a public place must obey any lawful direction of an authorised person and must not in any way obstruct or hinder an authorised person in the execution of their duties.

15.2 Persons may be directed to leave local government property or public place

(1) If the CEO or an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, the CEO or authorised person may –

(a) refuse to allow that person to enter local government property or public place; and

(b) if the person is on or in local government property or a public place, direct the person to leave the local government property.

(2) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property or public place quickly and peaceably.

(3) If a person fails to comply with subclause (2), the CEO or and authorised person may remove the person, or arrange for the person to be removed, from the local government property or public place.

15.3 Disposal of lost property

An article left on any local government property may be disposed of by the CEO or an authorised person–

(a) in the case of any article of property not claimed within 7 days, that is reasonably believed to be of a realisable value of more than 1% of the amount prescribed by regulation 30(3) of the Regulations but not exceeding the amount prescribed, by handing the property found to the Western Australian Police Force; or

(b) in the case of any other article of property found and not claimed within 2 weeks, that is reasonably believed to be of less value than that in subclause (a)—

(i) by donation to a not for profit body located in the district, incorporated under the *Associations Incorporations Act 2015*; or

(ii) if likely to be of no interest to a not for profit body located in the district, in any manner thought fit.

15.4 Liability for damage to local government property or public place

(1) Where a person unlawfully damages local government property or public place, the local government may by notice in writing to that person require that person within the time specified in the notice to, at the option of the local government, pay the costs of –

(a) reinstating the property or public place to the state it was in prior to the occurrence of the damage; or

(b) replacing that property.

(2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property or public place within subclause (1) where –

(a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or the boat; or

(b) the damage occurred under a permit, the person is the permit holder in relation to that permit.

(3) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

15.5 Notice to redirect or repair sprinkler

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

15.6 Hazardous flora or tree

(1) Where any flora or tree in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that flora or tree so as to remove the hazard.

(2) Subclause (1) does not apply where the flora or tree was planted by the local government.

15.7 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

15.8 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

Part 16 - Enforcement

Division 1 - Notices given under this local law

16.1 Offence to fail to comply with notice

A person who fails to comply with a notice given to them under this local law commits an offence.

16.2 Local government may undertake requirements of notice

If a person fails to comply with a notice given to them under this local law the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

Division 2 - Offences and penalties

16.3 Offences and general penalty

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding $5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding $500 for each day or part of a day during which the offence has continued.

16.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –

(a) commission of the prescribed offence is a relatively minor matter; and

(b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

16.5 Form of notices

For the purposes of this local law -

(a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

(b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

(c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

Schedule 1 - Prescribed offences

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY $
1	2.4	Failure to comply with determination	125
2	3.2(1)	Failure to obtain permit for activities on local government property	125
3	3.3(3)	Failure to obtain permit to camp outside a facility	125
4	3.4(1)	Failure to obtain a permit for liquor	125
5	3.5	Failure of permit holder to comply with responsibilities	125
6	4.1	Behaviour which interferes with others	125
7	4.2(1)	Behaviour detrimental to property	350
8	4.3(1)	Taking or injuring any fauna	500
9	4.4(1)	Removing or damaging any flora or tree	500
10	4.5	Under influence of liquor or prohibited drug	125
11	4.6	Taking or consuming prohibited drug	125
12	4.7(2)	Failure to comply with sign on local government property	125
13	5.3	Failure to comply with sign or direction on beach	125
14	5.4	Undertaking prohibited fishing activities	500
15	5.5	Unauthorised entry to fenced or closed local government property	125
16	5.7	Failure to observe and comply with special conditions of play on a golf course	125
17	5.9(1)	Smoking in a smoke free area	125
18	6.1(1)	Unauthorised entry to function on local government property	125
19	7.2	Failure to obtain consent under part 7 of the local law	125
20	7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	125
21	7.4	Mooring of boats in unauthorised manner	125
22	7.5	Unauthorised mooring of a boat to jetty	125
23	7.6	Failure to remove moored boat on direction of authorised person	125
24	7.7	Launching of boat from jetty without consent	125
25	7.8	Unauthorised loading and discharging on a jetty	125
26	7.9	Unauthorised cargo stored on a jetty	125
27	7.10	Failure to remove incoming cargo from a jetty	125
28	7.11	Failure to comply with authorised persons direction	125
29	7.12	Unauthorised handling of bulk cargo on a jetty	125
30	7.13	Tip or deposit anything on to a jetty so as to pollute the surrounding area	125
31	7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	125

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY $
32	8.1(a)	Plant any flora or tree which is not maintained at or below 0.75m in height	125
33	8.1(b)	Damage or remove any lawn, garden, flora or part of any flora on or from a thoroughfare	500
34	8.1(c)	Damage a tree or remove a tree or part of a tree on a thoroughfare	500
35	8.1(d)	Plant any flora or tree (except grass or a similar flora) on a thoroughfare so that it is within 2m of a carriageway	125
36	8.1(e)	Placing hazardous substance on footpath	125
37	8.1(f)	Damaging or interfering with signpost or structure on thoroughfare	250
38	8.1(g)	Playing games so as to cause danger or impede vehicles or persons on thoroughfare	125
39	8.1(h)	Riding of any bicycle, skateboard, rollerblades, eBike, eRideable or similar device in a mall or verandah of a shopping centre	125
40	8.2(1)(a)	Digging a trench through or under a kerb or footpath without a permit	250
41	8.2(1)(b)	Throwing or placing anything on a verge without a permit	250
42	8.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	250
43	8.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
44	8.2(1)(e)	Placing, throwing or draining offensive fluid on thoroughfare without a permit	250
45	8.2(1)(f)	Damaging a thoroughfare, kerb or footpath without a permit	250
46	8.2(1)(g)	Lighting a fire or burning any thing on a thoroughfare without a permit	350
47	8.2(1)(h)	Fell any tree onto a thoroughfare without a permit	250
48	8.2(1)(i)	Installing pipes or any thing on thoroughfare without a permit	250
49	8.2(1)(j)	Providing, erecting or installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	250
50	8.2(1)(k)	Creating a nuisance without a permit	125
51	8.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	250
52	8.2(1)(m)	Interfering with anything on a thoroughfare without a permit	250
53	8.3(1)	Consumption or possession of liquor on thoroughfare	125
54	8.4(1)	Failure to obtain permit for temporary crossing	250
55	8.5(2)	Failure to comply with notice to remove crossing and reinstate kerb, drain, footpath, verge and any other part of the thoroughfare affected	350
56	8.8(1)	Installation of verge treatment other than permissible verge treatment	250
57	8.9	Failure to maintain permissible verge treatment or placement of obstruction on verge	250
58	8.10	Failure to comply with notice to rectify default	125
59	8.16(2)	Failure to comply with sign on public place	125
60	8.18(2)	Driving or taking a vehicle on a closed thoroughfare	350
61	9.3(1)	Erect or display an advertising sign without a permit	125
62	9.4(1)	Erect or display an unauthorised advertising sign	125

ITEM	CLAUSE	DESCRIPTION	MODIFIED PENALTY $
63	9.5(1)	Erect or display an unauthorised portable advertising sign	125
64	9.6(1)	Erect or display an unauthorised election sign	125
65	9.7(1)	Erect or display an unauthorized home open sign or garage sale sign	125
66	9.8(1)	Failure to comply with notice to remove an advertising sign	125
67	9.9	Failure to mark an advertising sign	125
68	9.11	Failure to comply with direction to present certificate of public liability insurance	125
69	10.1(1)	Animal or vehicle obstructing a public place	125
70	10.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
71	10.2(2)(b)	Animal on public place with infectious disease	125
72	10.2(2)(c)	Training or racing animal on thoroughfare	125
73	10.2(3)	Horse led, ridden or driven on thoroughfare	125
74	10.5	Person leaving shopping trolley in public place other than trolley bay	125
75	10.6(2)	Failure to remove shopping trolley upon being advised of location	350
76	11.2(1)	Conducting of stall in public place without a permit	350
77	11.3(1)	Trading without a permit	350
78	11.8(1)(a)	Failure of stallholder or trader to display or carry a permit	125
79	11.8(1)(b)	Stallholder or trader not displaying valid permit	125
80	11.8(1)(c)	Failure to carry and use certified scales	125
81	11.8(2)	Stallholder or trader engaged in prohibited conduct	125
82	12.5	Planting in thoroughfare without a permit	500
83	12.7	Clearing a thoroughfare without a permit	500
84	12.9	Commercial harvesting of native flora	500
85	12.10(1)	Collecting seed from native flora on thoroughfare without a permit	500
86	13.2(1)	Failure to obtain a permit	125
87	13.6(1)	Failure to comply with conditions of permit	125
88	13.6(2)	Failure to comply with varied conditions of permit	125
89	13.10	Failure to produce permit on request of authorised person	125
90	15.1	Failure to obey lawful direction of an authorised person	125
91	15.2(2)	Failure to obey direction of authorised person to leave local government property	125
92	16.1	Failure to comply with notice given under local law	125
93	16.3(1)	Failure to comply with direction given under local law	125

Schedule 2 – Golf Course Reserve

The golf course reserve referred to in Part 5 Division 3 of this local law is described below:

"That portion of Reserve Number 6638, bordered by Montreal Street to the west, High Street to the north, Royal Fremantle Golf Club to the east, and Booyeembara Park to the south, and commonly known as the Fremantle Public Golf Course."

Dated this day of

The Common Seal of the)
City of Fremantle)
was affixed by authority of)
a resolution of the Council)
in the presence of:)

Ben Lawver, MAYOR

Glen Dougall, CHIEF EXECUTIVE OFFICER