SGSC2610-5 DRAFT LOCAL GOVERNMENT PROPERTY AND PUBLIC PLACES LOCAL LAW 2026

Meeting date:	Wednesday 14 October 2026
Responsible officer:	Manager Governance
Voting requirements:	Simple Majority Required
Decision making authority:	Committee
Attachments:	1. Draft City of Fremantle Local Government Property and Public Places Local Law 2026
Additional Information: *(viewed electronically)*	2. Additions Highlighted - Draft City of Fremantle Local Government Property and Public Places Local Law 2026 3. Current - City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law 2005 4. Current - City of Fremantle Local Government Property Local Law 2002

SUMMARY

Officers have undertaken an internal review of the *City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law 2005* and the *City of Fremantle Local Government Property Local Law 2002* and propose the two are combined to reduce duplication across provisions that govern public places, which includes thoroughfares and local government property.

This report seeks Council approval to endorse the proposed *City of Fremantle Local Government Property and Public Places Local Law 2026* (Attachment 1), which also repeals the abovementioned local laws, for the purpose of community consultation.

BACKGROUND

As part of the Local Government Reforms and commencement of provisions within the *Local Government Amendment Act 2024* following assent, the City of Fremantle is required to review any local laws that are either due or overdue for a review. This must be undertaken within a two-year period, prior to 7 December 2026, unless a review occurred within the last 8 years. If this review does not occur, the local laws that have not been reviewed within this timeframe will automatically be repealed.

At the Ordinary Meeting of Council held on 12 March 2025 (C2503-6), Council approved the below schedule which will guide the local law review.

Council:

1. **Accepts the City of Fremantle Local Law Review 2025 in accordance with section 3.16 of the *Local Government Act 1995*, and adopts the following schedule:**

City of Fremantle Local Law	Review Timeframe
Activities in Thoroughfares and Public Places and Trading Local Law 2005	To be amended and brought back to Council within 3 months.
Local Government Model By-laws (Signs, Hoardings and Billposting), No. 13	To be repealed and brought back to Council within 3 months.
Short Stay Accommodation Local Law 2008	Review to be brought back to Council within 6 months.
Cat Management Local Law 2020	Review to be brought back to Council within 12 months.
Local Government Property Local Law 2002	Review to be brought back to Council within 12 months.
Health Local Laws 1997	Review to be brought back to Council within 18 months.
Alfresco Dining Local Law (No.2) 2014	Review to be brought back to Council within 18 months.
Local Laws Relating to Dogs 1998	Review to be brought back to Council before the end of 2025.

Council approved at the Ordinary Meeting of Council held on 25 June 2025 (C2506-10) for the following local laws to remain unchanged:

- Parking Local Law 2021
- Prevention and Abatement of Sand Drift Local Law 2002

Council approved at the Ordinary Meeting of Council held on 25 March 2026 (C2603-14) for the following repeal local laws to be made, following a completed review:

- City of Fremantle Short Stay Accommodation Repeal Local Law 2025
- City of Fremantle Local Government Model-By-Laws (Signs, Hoarding and Billposting) No.13 Repeal Local Law 2025

Council approved at the Ordinary Meeting of Council held on 24 June 2026 (C2606-10) for the following amendment local law to be made, following a completed review of the City of Fremantle Local Laws relating to dogs:

- City of Fremantle Dogs Amendment Local Law 2026

Council approved at the Strategic and General Services Committee held on 12 August 2026 (SGSC2608-3 and 4) for:

- The City of Fremantle Alfresco Dining Local Law 2014 to be reviewed.
- The City of Fremantle Cat Management Local Law 2020 to be reviewed within 15 years of the local law's commencement; and present an amendment within 6 months of the completion of the State Government *Cat Act 2011* reforms.

Council approved at the Ordinary Meeting of Council held on 23 September 2026 (C2609-4) for:

- The City of Fremantle Health Local Laws 1997 to be reviewed.

Officers propose that the City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law 2005 and City of Fremantle Local Government Property Local Law 2002 are repealed and replaced with a combined local law to reduce duplication for public places provisions, and to assist readability. Given this repeal, no review under section 3.16 of the *Local Government Act 1995* would be required. This is discussed further in the Officers Comment section of this report.

FINANCIAL IMPLICATIONS

All costs associated with a local law review or adoption of a new local law are included in the adopted budget.

LEGAL IMPLICATIONS

Section 3.5 of the *Local Government Act 1995* (the Act) provides the power for local governments to make local laws to help perform their functions.

Section 3.12 of the Act prescribes the procedure for making local laws, which is the same procedure to amend or repeal a local law.

Section 3.16 of the Act prescribes the procedure for periodic reviews of local laws.

STRATEGIC IMPLICATIONS

This item is in keeping with the City of Fremantle's Strategic Community Plan 2024 – 2034:

Corporate - Lead and empower the organisation to deliver the vision of 'strong reputation, stronger future'

- Enable the City to maintain legislative compliance and accountability for organisational decision making.

CONSULTATION

Completed:

Consultation with internal stakeholders responsible for the administration of the relevant local law provisions was undertaken, in addition to a review of the Joint Standing Committee on Delegated Legislation (JSCDL) undertakings list to identify if other local governments were instructed to make changes on similar local laws.

The City sought legal advice in relation to the proposed "Advertising sign requirements", in the context of whether changes would be compliant with legislation in order to pass through the WA Parliament's Joint Standing Committee on Delegated Legislation (JSCDL), and whether the provision would result in the desired effect.

Future:

In accordance with the Act, after the public submission period of no less than six (6) weeks has closed, officers will provide a report to Council to consider any submissions made. Council may then determine by absolute majority whether it considers that the local law should be made as proposed and the current local laws repealed.

Where further amendments make the local law significantly different to what was initially proposed and advertised, further community consultation will occur.

OFFICER COMMENT

The *City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law 2005* and *City of Fremantle Local Government Property Local Law 2002* were reviewed by officers together due to the overlap of provisions like tree protection, allowable signage, behaviour, and obstructing or damaging public places. To improve readability and application officers propose combining the local laws into one that governs public places, which include thoroughfares and local government property.

The following Metro local governments have these types of provisions combined into one local law (not an extensive list):

- City of Cockburn
- City of South Perth
- City of Vincent
- City of Rockingham
- City of Joondalup
- City of Wanneroo
- Town of East Fremantle
- Town of Mosman Park

WALGA has the following model local laws which assist local governments to be consistent in these areas, which the City of Fremantle's current local laws are based on:

- Activities on Thoroughfares and Trading Local Law (used);
- Local Government Property Local Law (used); and
- Public Places and Local Government Property Local Law (proposed to be used).

The proposed City of Fremantle Local Government Property and Public Places Local Law 2026 is influenced by WALGA's Public Places and Local Government Property Local Law template. Officers have also included similar provisions from the City of Vincent's Local Government Property Local Law 2021 in relation to smoke-free zones.

Majority of the current two City of Fremantle local law provisions have been kept in the combined new local law, having been relocated (clause number) or slightly re-worded, with some amendments to improve application.

Completely **new** provisions within the Draft City of Fremantle Local Government Property and Public Places Local Law 2026 influenced by the the WALGA template, other local governments, and improvements proposed by officers include:

Table 1

New Provision	Subject	Comment
1.5	Definitions	New definitions to assist with the application of the local law include: - Aircraft - Animal - Aperture - Article - Attendant - Beach - Change room - Charitable organisation - Children's playground - Drone - eBikes - eRideables - Firework(s) - Fishing - Local public notice - Nuisance - Prohibited drug - Promotional activity - Sandboard - Schedule - Smoke and Smoking - Tree - Utility - Valid
1.8	Transitional	Inclusion of this clause allows permits/licences issued under the repealed local laws to remain valid.
2.7	Determination ability for launching or landing a drone	New subclause (k) provides ability for the local government to make a determination

		which allows launching or landing a drone on local government property. Drones are advancing in capability and size. The inclusion of this subclause allows the City to deal with this matter effectively if required.
3.2	Activities needing a permit (on local government property)	New subclauses for activities prohibited on local government property without a permit: - 1(c) erect any sign, except in accordance with Part 8 - 1(q) deposit or store any thing
3.5	Responsibilities of a permit holder	New subclauses which require a holder of a permit, in respect to local government property, to: - (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 - (c) prevent overcrowding - (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
5.1	Powers of authorised persons or surf life saving club members	New subclause (5) which prescribes that the authority of an authorised person prevails over the authority over a surf life saving club member authorised by the City on the beach. The City has not currently authorised the Surf Life Saving Club any powers, however this additions ensures clarity of directions given by authorised persons if ever used.
5.8–5.11	Smoke free areas	New provisions to allow the local government to determine smoke-free areas in the District. Smoking is currently only prohibited through signage, which relies on a person's proximity to the sign. This change will enable the City to implement smoke free areas across the City via a Council determination process. Appropriate definitions have also been proposed to include e-cigarettes.

8.1	Activities in thoroughfares and public places – General prohibitions	New subclause (c) which prohibits the damage or removal of a tree or part of a tree on a thoroughfare, irrespective of who planted the tree. Currently "tree" isn't defined and separated from a "plant"/"flora" and the person that plants a "plant"/"fora" is able to remove it (on a thoroughfare only, not local government property).
8.7	Permissible verge treatments	New clause (3) which ensures consistency across the local law for allowable garden height and distance from a carriageway.
8.9	Obligation of owner or occupier (verge treatment)	Addition of subclauses (b) and (e) which require an owner or occupier who installs or maintains a permissible verge treatment to ensure it doesn't cause an obstruction or damage to users, drains, kerbs, trees, etc. This is a clarifying provision.
9.1 - 9.11	Advertising signs	The City applied a practical approach for both the owner of the signage and the authorised person enforcing the local law, while considering users of footpaths, roads, thoroughfares, etc. **Notable additions and amendments include:** • Amendment to wording to clarify which types of advertising signage require a permit, vs which don't if they comply with specific requirements (home open, garage sale, A-Frames, and election signage). • Expanded general prohibitions on advertising signs that apply to all types, and added additional provisions that apply to portable, election, and garage/home open signs. • Home open and garage sale signage not to be displayed for more than 24 hours before or after the home open or garage sale being manned. • Election signage display timeframe expanded to match WAEC guideline.

		• Ability to display portable signs on a footpath if 1.8m remains unimpeded (wheelchair access) • Reduced allowable distance from kerb from 3m to 1.5m. • Not to be displayed on a roundabout, carriageway, dividing strip, or traffic island (previously "placed in a location where it will cause an obstruction"). • Must be of stable design and not readily moved by the wind. • Portable and temporary signage cannot contain illumination, animation, movement, reflection, retroreflective or fluorescent material, as to not cause a nuisance or hinder a person's vision. • Clarity on the City's ability to impound signage (also able through 15.8).
13.4	Conditions which may be imposed on a permit	Addition of subclause (1)(b) which allows the condition of compliance with a policy adopted by the local government.
13.11	Cancellation or suspension of permit	Addition of clauses (3), (4), and (5) to assist with cancelling or suspending a permit if the City needs to access the location. For example, to complete infrastructure works.
13.12	Nominee of permit holder	New provision allowing nominees where a permit holder cannot act.
15.3	Disposal of lost property	New disposal of lost property procedure replacing the earlier simple provision, based on past Joint Standing Committee on Delegated Legislation undertaking on similar local laws. Property estimated to be worth $200 or more (1% of $20,000) needs to be handed to the Police rather than thrown out or donated by the City.

Provisions within the Draft City of Fremantle Local Government Property and Public Places Local Law 2026 carried across from the current City of Fremantle Local Laws which have **notable** amendments include:

Table 2

Amended Provision	Subject	Comment
4.4	Removing or damaging any flora or tree	The provision has been strengthened to add the definition for and wording "tree" in addition to "flora".
9.1-9.11	Advertising signs	The City applied a practical approach for both the owner of the signage and the authorised person enforcing the local law, while considering users of footpaths, roads, thoroughfares, etc. Please see table 1 for a list of notable changes.
10.6	Retailer to remove abandoned trolley	Officers propose putting the responsibility of collection on the owner of the trolley and propose to remove the following red text and include a new clause as shown in green text, as follows: (2) A retailer shall remove a shopping trolley within 24 hours of being so advised under subclause (1). ~~unless the retailer -~~ ~~(a) requests the local government to collect and deliver the shopping trolley to the retailer; and~~ ~~(b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.~~ (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). To deter retailers, the penalty for abandoned trolleys is proposed to be increased from $125 to $350, as shown in schedule 1. In addition to this, the City has a fee in the fees and charges for the recovery of trolleys that have been impounded.

Schedule 1	Increased some modified penalties	Notable changes, to penalties include: a. increased penalties for damaging or removing fauna, flora, or trees, from $125 to $500; and b. not collecting a trolley after being notified, from $125 to $350. Penalties are intended to deter offences from occurring, and the above increases are recommended to assist with matters that may require stronger enforcement. Under the *Local Government Act 1995* (the Act) Part 9, Division 2, Subdivision 2 – Infringement notices issued by authorised persons, a modified penalty that may be prescribed for an offence is not to exceed 20% of the maximum fine that could be imposed for that offence by a court ($2,000). Section 3.10 of the Act prescribes of the following: **3.10. Creating offences and prescribing penalties** (1) A local law made under this Act may provide that contravention of a provision of the local law is an offence, and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of $10 000. (2) If the offence is of a continuing nature, the local law may make the person liable to a further penalty not exceeding a fine of $500 in respect of each day or part of a day during which the offence has continued. (3) The local law may provide for the imposition of a minimum penalty for the offence. (4) The level of the penalty may be related to — (a) the circumstances or extent of the offence; (b) whether the offender has committed previous offences and, if so, the number of previous offences that the offender has committed. *[(5) deleted]* (6) A local law made under this Act may specify the method and the means by which any fines imposed are to be paid and collected, or recovered.

Provisions that were not carried across to the proposed local law (**removed**) include:

Table 3

Current Provision	Removal Reason
City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law	

Definition for "townsite".	Not applicable to the City of Fremantle. Was part of the WALGA thoroughfares local law template when originally adopted.
3.4 Matters to be considered in determining application for permit	Effectively managed through the proposed local law clauses 9.4 – 9.7.
City of Fremantle Local Government Property Local Law	
3.14 The maximum period for which the local government may approve an application for a permit in respect of paragraph (a), (b), (c) or (d) of subclause (30 is that provided in regulation 11(2)(a) of the Caravan Parks and Camping Ground Regulations 1997.	Undertaking by the JSCDL for similar local law required removal. Legislation has changed since original adoption, which is also a contributor.
9.3 Disposal of lost property	Completely replaced by the proposed local law Part 15.3, based on the JSCDL past undertakings.

Additional information 2 highlights the above changes but doesn't account for re-numbering or minor re-wording of provisions as there are no changes to intent.

Relationship with Council Policy

Verge and Urban Garden Council Policy and Guidelines

The City encourages and supports residents to develop and maintain verge gardens to achieve social, environmental and economic values for the community through the Verge and Urban Garden Council Policy. The local law ensures that as long as permissible verge treatment (acceptable material, lawn, or a garden) and height and distance requirements are being met, a permit is not required to plant on verges.

The Verge Garden Guidelines provide a list of acceptable materials (for a permissible verge treatment) and plants not requiring approval, materials requiring approval and unacceptable materials.

The City is responsible for planting and maintenance of street trees. To compliment verge gardens, residents can request the verge abutting their property be assessed for tree planting. A tree that grows above 0.75m in height is not permitted to be planted on a thoroughfare without a permit, as stated in the local law.

Officer's note that, although it is the responsibility of property owners and occupiers to maintain their adjacent verge, whether installed with a permissible verge treatment or natural growth of vegetation, the City only has the authority to infringe for unmaintained or non-compliant verge treatments that have been

installed. Owners and occupiers, however, can be infringed for not maintaining a firebreak in relation to natural growth of vegetation (and verge treatments).

Trees on City Owned or Managed Land Policy
As stated in the City's policy, any trees removed by the City, or removed by another party without authorisation, will be replaced by the City on the same verge or reserve in the next available planting season. The amendments to the local law provide infringement controls if a person damages or removes a tree on a thoroughfare, irrespective of whether they planted the tree or own or occupy the lot abutting the thoroughfare (verge).

The City's Property Local Law 2022 does currently provide this power to the City for local government property (for "plants"), however the proposed local law will strengthen the City's "tree" management efforts and remove interpretation differences.

Advertisements and Signs
The City's policy for advertisements and signs (Local Planning Policy 2.14) provides requirements for advertisements where they require planning approval. The scope of this policy is for private land, although the City would refer to LPP 2.14 in determining permits for non-temporary signage in public places.

Electoral Activities and Signage Council Policy
The City's policy for electoral signage has been used to allow candidates to erect and display temporary signage across the district without a permit, which would otherwise be required under the local law.

Conditions for electoral signage are best placed in the local law to allow infringements to be issued if there is non-compliance. The proposed local law will allow candidates to erect and display signage on thoroughfares without a permit, as long as conditions are met.

Temporary electoral signage on private property can be dealt with by the Western Australian Electoral Commission and isn't enforceable by the City.

Officers propose to revoke the Electoral Activities and Signage Council Policy when the proposed local law is brought back for final adoption.

Next steps

Following approval to progress, public notice will be given and submissions sought. A report will be brought back to Council to consider the submissions and whether any further changes are required. If Council approve the proposed Local Law to be made as recommended with no significant changes (by absolute majority), a final determination can be made which will result in publication of the new local law in the *Government Gazette,* notification to the Department and Minister, and further public notice.

If Council make significant changes after public submissions are considered, the amendments are required to be re-advertised for a further 6 weeks before a final determination can be made.

A report for Council consideration following public consultation would be bought back at the 16 December 2026 Ordinary Meeting of Council.

To mitigate ramifications of the reform review requirements if Council do not adopt a new local law in December and make significant changes that require re-advertising, officers propose reviewing the current local laws under section 3.16 of the Act simultaneously.

Officers support keeping the existing determinations made under the current Local Government Property Local Law 2002, and will recommend to reaffirm them under the new local law when Council consider adoption.

VOTING AND OTHER REQUIREMENTS

Simple Majority Required

DECISION MAKING AUTHORITY

Strategic and General Services Committee under delegation 1.1 of the City of Fremantle Delegated Authority Register.

In accordance with clause 9.7 of the Meeting Procedures Policy, Mayor Ben Lawver moved the following amended Officer's Recommendation, as provided in the additional documents:

COMMITTEE DECISION ITEM SGSC2610-5
(Officer's recommendation, as amended)

Moved: Mayor Ben Lawver **Seconded: Cr Pip Slaughter**

Council:

1. **Approves local public notice to be given of the review of the City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law 2005 (Additional Information 3) and the City of Fremantle Local Government Property Local Law 2002 (Additional Information 4), in accordance with section 3.16 of the *Local Government Act 1995,* and invite public submission for a minimum period of 6 weeks.**

2. Approve local public notice to be given, in accordance with section 3.12 of the *Local Government Act 1995*, of its intent to:

i. Repeal the City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law 2005 and the City of Fremantle Local Government Property Local Law 2002; and

ii. Make the City of Fremantle Local Government Property and Public Places Local Law 2026 (Attachment 1*, as amended*), the purpose and effect of which is as follows:

Purpose: **To provide for the regulation, control and management of activities and facilities on local government and in public places within the district.**

Effect:

A. Repeals the City of Fremantle Activities in Thoroughfares and Public Places and Trading Local Law 2005 and the City of Fremantle Local Government Property Local Law 2002; and

B. Replaces the above local laws with a new local law that establishes the requirements with which any persons using or being on local government and in a public place within the district, must comply.

3. Note that a report will be brought back to Council which considers the submissions made and any subsequent recommendations for the local laws and relevant council policies.

4. Note that determinations made under the City of Fremantle Local Government Property Local Law 2002, if repealed, will be brought back to Council for consideration under the new proposed local law.

Carried: 5/0

For:
Mayor Ben Lawver, Cr Frank Mofflin, Cr Pip Slaughter, Cr Jemima Williamson-Wong and Cr Andrew Sullivan

Against:
Nil

Reason for amendment:
Amend the proposed *City of Fremantle Local Government Property and Public Places Local Law 2026* (Attachment 1), as recommended by officers and detailed below:

Additional Information by Officers

In recent years, advances in technology have resulted in the increased availability and use of devices capable of discreetly capturing photographs, audio and video recordings, including smart glasses and other wearable technologies. These developments have generated public discussion and privacy concerns, particularly in facilities such as change rooms, parent rooms, childcare facilities and other locations where individuals may reasonably expect a greater level of privacy. Similar issues are currently being considered by a number of local governments across Australia, including the City of Vincent, which is investigating privacy safeguards for smart glasses and similar wearable recording devices at City facilities.

In response to this, officers have prepared the following amendment to the proposed Local Law for Council consideration. This amendment would enable the City to designate privacy-protected areas where photographing, filming, audio recording, video recording and live streaming may be restricted. The intent is to provide a mechanism to address privacy, confidentiality, safety and security concerns in specific locations on local government property where such restrictions are considered necessary.

Importantly, the amendment would not impose a blanket prohibition on recording activities across all local government property. Rather, restrictions could only apply within designated privacy-protected areas identified by signage and established through a Council determination. Examples may include change rooms, toilet facilities and parent rooms.

The proposed amendment adopts a technology-neutral approach by regulating recording activities rather than specific devices, helping ensure the local law remains effective as technology continues to evolve.

Further community consultation would be required if a determination for privacy-protected areas is made. Until then, this proposed addition simply enables the Council to consider making a determination in the future."

Should Council consider that this proposal warrants inclusion and community consultation, the amendment set out below may be incorporated into the draft local law for advertising and public comment.

Amendment Proposed by Officers

Amend the proposed *City of Fremantle Local Government Property and Public Places Local Law 2026*, provided in Attachment 1, as follows:

a. Amend clause 2.8(1) to include the following part l as shown in green italics:

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:

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

b. Amend clause 1.5 to include the following definition:

***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.*