



Public Places Local Law 2026

City of Cockburn

LOCAL GOVERNMENT ACT 1995

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LOCAL GOVERNMENT ACT 1995

CITY OF COCKBURN

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 Cockburn resolved on to make the following local law.

Part 1 - Preliminary

1.1 Title

This is the *City of Cockburn Public Places Local Law 2026*.

1.2 Commencement

This local law comes into operation 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Amendments and repeal

- (1) The *City of Cockburn (Local Government Act) Local Laws 2000* is amended by deleting –
 - (a) Part III – Reserves, Foreshores and Beaches;
 - (b) Part VI – Hawkers, Stallholders and Street Traders;
 - (c) Part VII – Management and Control of the Local Government Property;
 - (d) Part VIII – Signs, Hoardings, Bill Posting;
 - (e) Part IX – Streets and Public Places; and
 - (f) Part XI – Law, Order and Security.
- (2) The *City of Cockburn Jetties, Waterways and Marina Local Laws 2012*, published in the *Government Gazette* on 23 February 2012 and amended from time to time, is repealed.

1.5 Interpretation

- (1) In this local law –

Act means the *Local Government Act 1995*;

alfresco dining area means an area in which tables, chairs and other temporary structures are provided for the purpose of the supply or consumption of food or beverages to or by the public;

approved means approved by the local government;

authorised person means a person appointed by the CEO under section 9.10(2) of the Act to perform any of the functions of an authorised person under this local law;

bathing includes entry into the sea or any body of water and/or emerging therefrom and includes the use of bathing appliances;

bathing appliance means a float of any material, surf ski, surfboard, kick board, malibu board, boat or any other device used or for use in bathing or surf riding;

berth means –

- (a) to lie alongside a jetty in a vessel; or
- (b) to be connected or tied to a vessel lying alongside a jetty;

bicycle has the meaning in the *Road Traffic Code 2000*;

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 receptacle;

carriageway has the meaning in the *Road Traffic Code 2000*;

CEO means the chief executive officer of the local government;

Committee means a committee of the Council;

commencement day means the day on which this local law commences under clause 1.2;

Council means the council of the local government;

crossing, or **crossover**, means a crossing giving access from a public thoroughfare to –

- (a) private land; or
- (b) a private thoroughfare serving private land;

district means the district of the local government;

e-cigarette means a device that is designed to generate or release smoke, vapour or other aerosol (whether or not containing nicotine) by electronic means for inhalation by its user in a manner that replicates, or produces an experience similar to, the inhalation of smoke from an ignited tobacco product;

electric rideable device has the meaning in the *Road Traffic Code 2000* and is taken to include motorised scooters;

entertainment means the action of providing or being provided with amusement or enjoyment, an event, performance, or activity designed to entertain others, and is taken to include busking;

fauna has the meaning in the *Biodiversity Conservation Act 2016*;

fish has the meaning in the *Fish Resources Management Act 1994*;

fishing has the meaning in the *Fish Resources Management Act 1994*;

food business has the meaning in the *Food Act 2008*;

garden means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

intersection has the meaning in the *Road Traffic Code 2000*;

jetty has the meaning in *Jetties Act 1926* and is taken to include pontoons;

kerb means any structure, mark, marking or device to delineate or indicate the edge of a carriageway;

lawn means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

liquor has meaning in the *Liquor Control Act 1988*;

Liquor Control Act means the *Liquor Control Act 1988*;

local government means the City of Cockburn;

local government property means anything, except a thoroughfare –

- (a) which belongs to, is owned by or is under the care, control and management of the local government;
- (b) which is an otherwise unvested facility within section 3.53 of the Act; or
- (c) of which the local government is the management body under the *Land Administration Act 1997*;

local public notice has the meaning in the Act;

lot has the meaning in the *Planning and Development Act 2005*;

marina means a complex of interconnecting pens, and all jetties and walkways, together with any adjoining waterways, which are under the care, control or management of the local government;

market means a collection of stalls, standards or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction;

moor means to secure a vessel to a mooring;

mooring means a thing to which a vessel may be moored and includes an anchor, stake or mooring pile;

mooring envelope means the area of a waterway lot designated for the mooring of vessels;

mooring pile means any pile used or capable of being used to secure a vessel;

nuisance means –

- (a) an activity or condition which is harmful or annoying and which constitutes a reasonable basis for legal liability in the tort of public or private nuisance;
- (b) an unreasonable interference with the use and enjoyment of a person of their ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

occupier has the meaning in the Act, but does not include the local government;

owner has the meaning in the Act;

path has the meaning in the *Road Traffic Code 2000*;

pen means a specific area within a marina for the mooring of a vessel and does not include any adjacent jetty or walkway;

permissible verge treatment means a treatment described in clause 6.3, and includes any associated reticulation pipes, sprinklers and other equipment;

permit means a permit issued under this local law;

permit holder means a person to whom a permit is granted;

person does not include the local government;

pontoon means a floating platform or similar structure providing landing, docking or mooring facilities;

prescribed offence has the meaning in clause 11.11;

private jetty has the meaning in the *Jetties Act 1926*;

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

public jetty means a jetty which belongs to, is owned by or is under the care, control and management of the local government;

public place includes a thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include –

- (a) premises on private property from which trading is lawfully conducted under a written law; or
- (b) local government property;

receptacle has the meaning in the *City of Cockburn Waste Local Law 2020*;

registered food business has the meaning in the *Food Act 2008* and applies to a food business that is registered by the local government in accordance with the *Food Act 2008*;

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

Schedule means a schedule to this local law;

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

stall means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold and includes a vehicle;

street means a highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and path;

tobacco product has the meaning in the *Tobacco Products Control Act 2006*;

thoroughfare has the meaning in the Act;

trading means –

- (a) the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for, goods or services; or
- (b) displaying goods 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 includes the setting up of a stall or the conducting of a business at a stall;

vehicle includes –

- (a) each conveyance and each object capable of being propelled or drawn on wheels, tracks or otherwise, including an off-road vehicle and an electric rideable device; and
- (b) an animal being ridden or driven,

but excludes –

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

vessel has the meaning in the *Western Australian Marine Act 1982*;

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

waterway –

- (a) means an area of water under the care, control and management of the local government; and
- (b) includes an area of water within a marina but not a mooring envelope,
but excludes –
- (c) a lake, river or estuary.

waterway lot means any privately owned land or lot adjoining a waterway; and

wheeled recreational device has the meaning in the *Road Traffic Code 2000*.

- (2) A term that is used in this local law and is not defined has the meaning in the Act.
- (3) Where in this local law, a duty or liability is imposed on an **owner or occupier** the duty or liability is taken to be imposed jointly and severally on each of the owner or occupier.
- (4) If, under this local law in relation to any land, an act is required to be done or is prohibited, the owner or occupier of the land has, unless the contrary intention appears, the duty of causing to be done the act required to be done, or of preventing from being done the prohibited act, as the case may be.
- (5) This local law is subject to sections 3.25 and 3.27 and Schedules 3.1 and 3.2 of the Act and any powers of entry exercised by the local government under this local law is subject to Subdivision 3 of Division 3 of Part 3 of the Act.
- (6) A reference to a fee or charge is to a fee or charge determined and imposed by the local government under sections 6.16 to 6.19 of the Act.

1.6 Meaning of ‘on’

In this local law –

- (a) a reference to ‘on local government property’ or to ‘in local government property’ includes ‘on or in local government property’;
- (b) a reference to ‘on a public place’ or to ‘in a public place’ includes ‘on or in a public place’; and
- (c) a reference to ‘on a thoroughfare’ or to ‘in a throughfare’ includes ‘on or in a thoroughfare’.

1.7 Transitional

A permit, licence, consent, approval or authorisation issued in accordance with a local law that is repealed under clause 1.4 –

- (a) is taken to be a permit, approval or authorisation granted under this local law, as the case may be;

- (b) is to be valid for the period specified in the permit, licence, consent, approval or authorisation; and
- (c) may be earlier cancelled or suspended in accordance with this local law.

1.8 Application to assistance animals

This local law is subject to any written law and any law of the Commonwealth about an **assistance animal** as defined in section 9(2) of the *Disability Discrimination Act 1992* (Commonwealth).

1.9 Overriding power to hire and agree

Despite anything to the contrary in this local law, the CEO, on behalf of 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.

Part 2 - Determinations in respect of local government property

2.1 Determinations as to use of local government property

- (1) 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) The determinations in Schedule 2 –
 - (a) are to be taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6; and
 - (c) have effect on the commencement day.

2.2 Procedure for making a determination

- (1) The CEO is to give local public notice of the local government's 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 offices of the local government; 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 Council may 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 (4) is to apply; or
 - (c) not to continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the Council –
 - (a) is to consider those submissions; and
 - (b) may decide –
 - (i) whether or not to amend the proposed determination; or
 - (ii) whether or not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, the CEO is to give local public notice –
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination, as amended, has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, the CEO 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 the Council.

2.3 Discretion to erect sign

The CEO 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 CEO 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, the CEO is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

2.7 Activities that 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) take, ride or drive a vehicle, or a particular class of vehicle;
 - (b) bring, ride or drive an animal;
 - (c) using a motorised model aeroplane, helicopter, vessel, drone or other similar remotely piloted device;
 - (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, moor or leave a vessel;
 - (f) take or use a vessel, or a particular class of vessel;
 - (g) play or practise –
 - (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;
 - (h) ride a bicycle, a skateboard, roller skates, rollerblades, a sandboard or a similar device;
 - (i) wear no clothing; or
 - (j) using ropes or other similar equipment with anchor points for the purpose of engaging in slacklining or similar activities.
- (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, equipment or things, or may extend it to all vehicles, 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 that 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) taking, riding or driving a vehicle or a particular class of vehicle;
- (b) riding or driving above a specified speed a vehicle or a particular class of vehicle;
- (c) using a motorised model aeroplane, helicopter, vessel, drone or other similar remotely piloted device;
- (d) launching, beaching, mooring or leaving a vessel or a particular class or size of vessel;
- (e) taking or using a vessel, or a particular class or size of vessel;
- (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) riding a bicycle, a skateboard, roller skates, rollerblades, a sandboard or a similar device;
- (h) using ropes or other similar equipment with anchor points for the purpose of engaging in slacklining or similar activities;
- (i) smoking in or on a building, stadium or similar structure that is local government property but not an open space such as a park or a playing field;
- (j) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property;
- (k) the traversing of sand dunes or land that, in the opinion of the local government, has environmental value warranting such protection, either absolutely or except by paths provided for that purpose; and
- (l) bathing or using bathing appliances or a particular class of bathing appliance.

- (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, equipment or things, or all vehicles, 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.

2.9 Sign under repealed local law taken to be determination

- (1) Where an approved sign erected on local government property has been erected under a local law that is repealed under clause 1.4, it is to be taken to be, and have effect as, a determination on and from the commencement day, except to the extent that the sign is inconsistent with a provision of this local law or a determination made under this Part.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

Part 3 - Behaviour on local government property

3.1 Behaviour that interferes with others

A person must not, on local government property, behave in a way that –

- (a) is likely to interfere with the enjoyment of a person who might use the property;
or
- (b) interferes with the enjoyment of a person using the property.

3.2 Behaviour detrimental to property

- (1) In this clause –

detrimental to the property, in relation to local government property, includes –

- (a) removing any thing from the local government property such as a rock, plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person;
 - (b) destroying, defacing or damaging local government property, or a building or any thing on the local government property, such as a plant, fixture, fitting, chattel, equipment or furniture provided for the use, enjoyment or safety of any person; and
 - (c) causing environmental harm or nuisance to or on the local government property.
- (2) A person must not, on local government property, behave in a way that is or might be detrimental to the property.

3.3 Taking or injuring fauna

A person must not take, injure or kill any fauna that is on or above any local government property unless the person is authorised to do so under a written law or has the prior written approval of the local government.

3.4 Removing or damaging flora

(1) In this clause –

flora means all vascular plants, seeds and other flora, whether living or dead.

(2) A person must not remove or damage any flora that is on or above any local government property unless the person is authorised to do so under a written law or has the prior written approval of the local government.

3.5 No unauthorised entry to function

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

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

(b) on payment of the fee chargeable for admission at the time.

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

3.6 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.

Part 4 - Activities on local government property

4.1 Activities requiring 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, on local government property, a structure for public amusement or for any performance, whether for gain or otherwise;

(d) teach, coach or train, for profit, a person or animal on local government property;

(e) plant any plant or sow any seeds on local government property;

(f) carry on any trading on local government property unless the trading is conducted –

(i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or

- (ii) by a person who has a permit to carry on trading on local government property under any written law;
 - (g) conduct or set up a market on local government property;
 - (h) unless an employee of the local government in the course of her or his 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;
 - (i) conduct a function, public event, or undertake any promotional activity, on local government property;
 - (j) charge any person for entry to local government property;
 - (k) light a fire on local government property except in a facility provided for that purpose;
 - (l) except in an emergency, land or touch-down an aircraft or helicopter;
 - (m) parachute, hang glide, abseil or base jump from or on to 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 of local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property;
 - (r) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property;
 - (s) conduct an entertainment event on local government property;
 - (t) use a motorised model aeroplane, helicopter, vessel, drone or other similar remotely piloted device on local government property;
 - (u) film or make a recording as part of or for commercial gain on local government property;
 - (v) deposit or store any thing on local government property; or
 - (w) keep or berth a vessel at or in a marina.
- (2) The local government may exempt a person from compliance with subclause (1).
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

4.2 Umbrellas and temporary shade structures

A person must not, on local government property, erect an umbrella or temporary shade structure, or a combination of, unless it –

- (a) is erected for protection from the sun or other elements;
- (b) is adequately secured;
- (c) has an area of 9m² or less;
- (d) has a height of 2.5m or less;
- (e) is not enclosed;
- (f) is removed by that person immediately on leaving the local government property; and
- (g) is for private use.

4.3 Consumption of food or drink may be prohibited

A person must not consume any food or drink in an area where consumption is prohibited by a sign.

4.4 Conditions of use

- (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; and
 - (b) is to be for the purpose of giving notice of the effect of a provision of this local law.
- (4) A sign erected on local government property under a local law that is repealed under clause 1.4 is taken, on and from the commencement day, to be a sign erected under this clause if the sign is not inconsistent with any provision of this local law.

Part 5 - Marine

Division 1 – Interpretation

5.1 Interpretation

In this Part –

dry docking system means any equipment used to create a dry barrier between a vessel and the water;

fishing net means a fishing net other than –

- (a) a hand scoop or hand dip net;

- (b) a prawn hand trawl net; or
- (c) a complying drop or hand thrown net;

beach or foreshore includes –

- (a) tidal and non– tidal waters in or outside but adjoining the district;
- (b) the area which adjoins the district and extends for a distance of 200 metres seawards from the low water mark at ordinary spring tides; and
- (c) any other public place or reserve adjoining the places mentioned in (a) or (b); and

waterway edge wall means a revetment wall separating the land filled part of a lot adjoining a waterway from the submerged part of that lot, together with any associated retaining wall.

Division 2 – Activities in or affecting waterways

5.2 Bathing in a waterway

- (1) Except in accordance with this clause, a person must not bathe in a waterway without having first obtained the written approval of the local government.
- (2) A person may bathe in –
 - (a) that portion of a waterway that is within 25 meters of a beach or foreshore if the beach or foreshore has not been designated or set aside by the local government, by a sign or otherwise, as a locality where swimming or bathing is prohibited; or
 - (b) an area of a waterway that has been designated or set aside by the local government, by a sign or otherwise, as a swimming or bathing area.

5.3 Fishing in waterways

- (1) Except in accordance with this clause, a person must not fish in a waterway.
- (2) A person may fish in a waterway from an area that has been designated or set aside by the local government, by a sign or otherwise, as a fishing area.

5.4 Cleaning of vessels

A person must not, in a waterway or mooring envelope, clean the hull of a vessel below the waterline.

5.5 Restrictions on anti-fouling paint

A person must not cause or enable a vessel to be within a waterway or mooring envelope if the vessel is coated with any paint containing tributyltin (TBT).

5.6 Storage of fuels

A person must not, within a waterway or on adjacent land, store fuel –

- (a) on a jetty;

- (b) on any other structure built on or over the water and that is attached to the land;
or
- (c) onboard a vessel (apart from a small amount required for an auxiliary engine),

except in a fuel storage facility approved by the local government.

5.7 Maintenance of waterway edge walls

- (1) An owner or occupier of a waterway lot must maintain any waterway edge wall within their lot in good condition so as to prevent it becoming unsightly, dilapidated or dangerous.
- (2) An owner or occupier of a waterway lot containing a waterway edge wall must maintain a depression on the dry side of their lot behind the top of the retaining wall edge for drainage purposes

Division 3 – Mooring of vessels within waterways

5.8 Application of Division

This Division applies to the mooring of a vessel in a waterway or mooring envelope.

5.9 Mooring lines

- (1) The owner of a vessel must provide, use and adequately maintain mooring lines sufficient to ensure the safe mooring of the vessel, and which must not be less than the sizes listed below –

Length of vessel	Mooring line diameter
Up to 8m	Not less than 12mm
8m to 12m	Not less than 18mm
12m to 15m	Not less than 20mm
Over 15m	Not less than 24mm

- (2) The owner of a vessel must periodically inspect the mooring lines and replace any mooring lines which are unfit for their intended purpose to ensure compliance with this clause.

5.10 Non-complying mooring lines

If in the opinion of an authorised person, a mooring line of a vessel does not comply with clause 5.9, the authorised person may issue a written direction to the owner of the vessel requiring the owner, within a time specified in the direction, to replace the mooring line.

5.11 No obstruction of waterways

A person in control of a vessel must not moor a vessel in a waterway so as to cause an obstruction.

Division 4 – Beaches and foreshore

5.12 Application of Division

This Division applies to the area which adjoins the district and extends for a distance of 200 metres seawards from low water mark at ordinary spring tides.

5.13 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 the beach;
 - (b) carry out any activities on the beach;
 - (c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of the 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 a sign;
 - (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 the beach during suspected or actual dangerous conditions or if a shark is suspected of being in the vicinity of the beach.
- (2) Subject to subclause (3), the CEO may authorise, under section 9.10(2) of the Act, one or more members of a surf life saving club to perform all or any of the functions listed in subclause (1).
- (3) Members authorised by the CEO 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 CEO may authorise members generally, or in relation to particular times, days or months.

5.14 Authority of local government employee to prevail

If the local government has authorised a person under clause 5.13(1) and a member of a surf life saving club under clause 5.13(2) in relation to the same beach, where they could perform a function referred to in clause 5.13(1) contemporaneously, the authority of an authorised person employed by the local government under clause 5.13(1) is to prevail.

5.15 Persons to comply with signs and directions

A person must –

- (a) not act in contravention of a sign erected on a beach under clause 5.13(1)(c);
- (b) not enter an area that has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless the person is a member of the club or has obtained permission to enter from the club;
- (c) comply with any direction given under clause 5.13(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.

Division 5 – Public jetties and bridges

5.16 Interpretation

In this Division –

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

5.17 Application for approval under this Division

- (1) A person who is required to obtain the approval of the local government under this Division must apply for approval in the manner required by the local government.
- (2) The local government may require an application for approval to be accompanied by a fee.
- (3) Before determining an application, the local government may require the applicant –
 - (a) within a specified period of no more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or
 - (b) to consult with persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.
- (4) The local government may refuse to consider an application that is not in accordance with subclauses (1) and (2) or where a requirement of subclause (3) has not been satisfied.
- (5) A person must not make a false or misleading statement in connection with an application in respect of an approval.

5.18 Determining an application under this Division

- (1) The local government may –
 - (a) approve the application unconditionally or subject to conditions; or
 - (b) refuse to approve the application.
- (2) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clauses 5.18(1)-(2) and any request made under clause 5.18(3).
- (3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 5.18(2) is to be refunded to the applicant.
- (4) If an application is approved, the local government is to give the applicant a written approval in the form determined by the CEO.
- (5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decisions.

5.19 When use of public jetty is prohibited

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

- (a) under construction or repair; or
- (b) closed,

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

5.20 Local government may close public jetties or regulate activities

(1) The local government may –

- (a) close or cause to be closed any public jetty or part of a public jetty; and
- (b) regulate, prohibit or restrict access to a public jetty or part of a public jetty.

(2) An authorised person may direct a person to leave a public jetty or part of the public jetty for the purposes of –

- (a) a function or public convenience at or on the public jetty;
- (b) repair, maintenance or construction of the public jetty;
- (c) public safety; or
- (d) any other operational reason.

5.21 Method of mooring vessel

A person in control of a vessel must not moor or make fast the vessel to a public jetty, or to any part of the public jetty, except to the berthing piles, ring bolts or other fastenings that are provided.

5.22 When vessel may remain moored

A person in control of a vessel must not berth, moor or make fast the vessel to a public jetty unless –

- (a) the vessel is in distress and then only to effect the minimum repairs necessary to enable the vessel 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 approval of the local government;
- (c) the loading or discharging of cargo or other goods is in progress in accordance with this Division;
- (d) where the vessel is used at that time for commercial purposes, the person has first paid to the local government the fee (if any) for the berthing or making fast; or
- (e) to facilitate a sea trial for a newly launched vessel for a period that is specified and approved by an authorised person.

5.23 Mooring of oversized vessels

A person in control of a vessel must not moor a vessel against a public jetty where the vessel exceeds –

- (a) the maximum size permitted to be moored to that jetty, as indicated by a sign erected on that jetty by the local government; or
- (b) if no maximum size is indicated on a sign on that jetty, the length of the jetty.

5.24 Authorised person may direct removal of vessel

Despite anything to the contrary in this Division, a person in control of a vessel moored to or alongside a public jetty must remove it immediately on being directed to do so by an authorised person.

5.25 Restrictions on launching

A person must not launch a vessel from or over a public jetty (other than a boat ramp) unless the person has first obtained the approval of the local government.

5.26 Loading and discharging

A person in control of a vessel must not allow the vessel to come alongside or be berthed or made fast to a public 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 approval of the local government –
 - (i) between the hours of 6.00pm to 6.00am on the next day; or
 - (ii) for longer than 2 consecutive hours.

5.27 Outgoing cargo not to be stored

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

- (a) not allow them to be stored or placed on a public jetty unless and until the vessel is berthed or fastened to or alongside the public jetty; and
- (b) load them on to the vessel as soon as practicable after the vessel is berthed or fastened to or alongside the public jetty.

5.28 Removal of incoming cargo

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

5.29 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 that remain on a public jetty contrary to a provision of this Division to remove them from the public jetty.

5.30 Handling of bulk cargo

Except with the prior approval of the local government, a person must not place or deposit bulk cargo from a vehicle, vessel or container on to a public jetty.

5.31 Limitations on fishing

A person must not –

- (a) fish from a public jetty other than a public jetty that has been designated or set aside by the local government, by a sign or otherwise, as a fishing jetty;
- (b) fish from a public jetty so as to obstruct or interfere with the free movement of a vessel approaching or leaving the public jetty or so as to unreasonably interfere with the use of the public jetty by any other person; or
- (c) hang or spread a fishing net from, on or over any part of a public jetty.

Division 6 – Private jetties and waterway lots

5.32 Maintenance of private jetties

An owner or occupier of a waterway lot on which a private jetty is constructed must maintain the jetty in good condition so as to prevent it from becoming unsightly, dilapidated or dangerous.

5.33 Mooring of vessels or dry docking systems

A person must not moor or permit the mooring of a vessel or a dry docking system between the jetty and the waterway edge wall so as to compromise the integrity of the rock revetment or waterway edge wall.

5.34 Vessels moored within mooring envelope

An owner or occupier of a waterway lot must not moor a vessel within a mooring envelope unless the vessel is fully contained within that mooring envelope.

Division 7 – Enforcement

5.35 Notice to owner or occupier

- (1) If the local government is satisfied that an owner or occupier of land has not complied with clauses 5.7(1) or 5.33, the local government may give the owner or occupier a written notice requiring the owner or occupier, within the time specified in the notice, to take such actions as specified in the notice for the purpose of remedying the breach.
- (2) An owner or occupier of land to whom a notice is given under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

5.36 Impounding

A vessel that contravenes a provision of this Part may be removed, impounded or disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

Part 6 - Activities in thoroughfares

Division 1 – General

6.1 General prohibitions

A person must not –

- (a) plant, or allow to remain, in a thoroughfare a plant that –
 - (i) causes a hazard to any person using the thoroughfare; or
 - (ii) obstructs a line of sight for a driver or other person using the thoroughfare or a crossing on the thoroughfare;
- (b) damage a lawn or garden, or remove a plant from a lawn or garden, in a thoroughfare unless –
 - (i) the person is the owner or occupier of the lot abutting that portion of the thoroughfare, and the lawn, garden or plant 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, remove, prune, fell or poison a tree on a thoroughfare, irrespective of whether it was planted by the owner or occupier of the lot abutting the thoroughfare or by the local government, unless –
 - (i) the person has the prior written approval of the local government; or
 - (ii) the person is acting under the authority of a written law;
- (d) place or install, or allow to be placed, installed or remain, on a thoroughfare any thing (except water) that –
 - (i) obstructs the thoroughfare; or
 - (ii) results in a hazard for any person using the thoroughfare;
- (e) unless at the direction of the local government, damage, remove or interfere with any part of a thoroughfare, or any structure erected on a thoroughfare, by the local government or a person acting under the authority of a written law; or
- (f) use anything or do anything so as to create a nuisance on a thoroughfare.

6.2 Activities allowed with a permit

(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 2 of this Part, throw, place or deposit any thing on a verge or thoroughfare except for removal by the local government under a verge waste collection, and then only in accordance with the terms and conditions and during the period of time advertised or arranged in connection with that collection by the local government;

- (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;
 - (g) fell any tree onto a thoroughfare;
 - (h) light any fire or burn any thing on 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 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) place or cause to be placed on a thoroughfare a bulk rubbish container;
 - (l) interfere with the soil of, or anything in, a thoroughfare or take anything from a thoroughfare;
 - (m) conduct any trading on a thoroughfare;
 - (n) conduct or set up a market or stall on a thoroughfare;
 - (o) conduct an entertainment event on a thoroughfare;
 - (p) film or make a recording as part of or for commercial gain on a thoroughfare;
 - (q) establish or operate an alfresco dining area, otherwise than in accordance with a permit or in accordance with clause 7.3.
- (2) The local government may exempt a person from compliance with subclause (1).

Division 2 – Permissible verge treatments

6.3 Permissible verge treatments

- (1) An owner or occupier of a lot which abuts a verge may, on that part of the verge directly in front of the lot, install a permissible verge treatment.
- (2) A permissible verge treatment is –
 - (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;

- (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 1.5m along that part of the verge immediately adjacent to the kerb;
 - (iii) it does not include a wall or built structure; and
 - (iv) it is not of a thorny, poisonous or hazardous nature.
- (c) the installation over no more than 1/4 of the area of the verge (excluding any approved vehicle crossing and/or footpath) of an acceptable material and, on the balance of a verge, the installation of mulch or a permissible verge treatment in accordance with paragraph (a) or (b) of subclause (2).
- (3) In this clause **acceptable material** means any material which would create a hard surface, and which has been approved by the local government.

6.4 Only permissible verge treatments to be installed

- (1) A person must not install or maintain a verge treatment that is not a permissible verge treatment.
- (2) The owner and occupier of land 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 6.3.

6.5 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 are not obstructed by the verge treatment;
- (b) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a thoroughfare, or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
- (c) not place an obstruction on or around the verge treatment; and
- (d) ensure that the verge treatment does not damage or obstruct a drain, manhole, galley, inspection pit, channel, kerb or tree planted by the local government.

6.6 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 plant or any acceptable material or other hard surface; or
- (ii) sprinklers, pipes or other reticulation equipment.

6.7 Transitional provisions

- (1) In this clause –

former provisions means 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 former 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 former provisions.

Division 3 – Vehicle crossings

6.8 Temporary crossings

- (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 construction of a temporary crossing to protect the existing carriageway, kerb, drains, footpath, existing materials and thoroughfare trees, 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 builder named on the approved permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
- (b) the owner of the lot, if no approved permit has been issued under the *Building Act 2011* in relation to the works.

- (3) If the permit authority for the purpose of subclause (1) is the local government, the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the person to whom the permit is given 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.

6.9 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 4 – Street numbers

6.10 Assignment of numbers

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

6.11 Street number to be displayed

- (1) The owner or occupier of a property must display and maintain the current street number assigned by the local government to the property in a conspicuous place on the front of the building, letterbox, fence or gate adjacent to the thoroughfare fronting the property.
- (2) A sign painted on the kerb adjacent to a property depicting the street number is satisfactory for the purposes of subclause (1).

Division 5 – Driving on a closed thoroughfare

6.12 No driving on closed thoroughfare

- (1) 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.
- (2) In this clause –

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

Division 6 – Notices

6.13 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 a person using a thoroughfare, the local government may give a written notice to the owner or the occupier of the lot abutting 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.

6.14 Notice to remove a garden hazard

- (1) Where a plant or other thing in a garden creates, or may create, a hazard for any person using a thoroughfare, the local government may give a written notice to the owner or the occupier of the lot abutting the garden to remove, cut, move or otherwise deal with the plant or other thing so as to remove the hazard.
- (2) Subclause (1) does not apply where the plant was planted, or the other thing was placed, by the local government.

6.15 Notice to rectify breach

- (1) An authorised person may give a notice in writing to the owner or occupier of the lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Part.
- (2) An owner or occupier of the lot to whom a notice is given under subclause (1) must comply with the requirements of the notice within the time specified in the notice.

Part 7 - Activities in public places

Division 1 – Animals

7.1 Leaving animal in public place

- (1) A person must not leave an animal 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.

7.2 Prohibitions relating to animals

- (1) In subclause (2), **owner** in relation to an animal includes –
 - (a) an owner of it;
 - (b) a person in possession of it;
 - (c) a person who has control of it; and
 - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal, other than a cat, must not –
 - (a) allow the animal to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven;
 - (b) allow the animal, if it has a contagious or infectious disease, to be led, ridden or driven in a public place; or
 - (c) train or race the animal in a public place.

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

Division 2 – Alfresco dining

7.3 Alfresco dining without a permit

- (1) Without a permit, a person may establish an alfresco dining area on a public place only if –
- (a) the person is the proprietor of a registered food business; and
 - (b) the alfresco dining area is placed directly outside the registered food business and otherwise complies with the requirements of subclause (2).
- (2) A person, when operating an alfresco dining area established under subclause (1), must –
- (a) ensure that there is a relevant current public liability insurance policy, in relation to all liability arising from the use or occupation of the alfresco dining area, containing indemnity provisions noting the interests of the local government, for an amount of not less than \$10 million;
 - (b) maintain a clear pedestrian access area of 2 metres in width adjacent to the building frontage, to provide for consistent unobstructed pedestrian access;
 - (c) place the alfresco dining area directly outside of the registered food business conducting the alfresco dining;
 - (d) maintain an area which is at least 0.6 metres in width adjacent to any kerb, free of alfresco dining furniture and structures;
 - (e) ensure that the alfresco dining area is no closer at any point than 2 metres away from a truncation, crossover or street corner;
 - (f) provide for access to sufficient sanitary and ablutionary conveniences as specified in the Building Code of Australia;
 - (g) operate the alfresco dining area only during the operating hours of the food business;
 - (h) ensure that the alfresco dining area is kept in a clean and tidy condition, including by maintaining the chairs, tables and other structures or equipment in the alfresco dining area in a good, clean and serviceable condition at all times;
 - (i) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the alfresco dining area; and
 - (j) temporarily remove the alfresco dining area when requested to do so on reasonable grounds by an authorised person.
- (3) An authorised person may give a notice in writing to a person operating an alfresco dining area established under subclause (1), requiring them to make good, within the time specified in the notice, any breach of subclause (2).

7.4 No smoking areas

If an alfresco dining area is established under clause 7.3 or if a permit is granted under this local law in respect of an alfresco dining area –

- (a) the alfresco dining area is taken to be a no smoking area; and
- (b) the permit holder must take reasonable steps to prevent the smoking of tobacco products or e-cigarettes in the alfresco dining area.

7.5 Removal of an unlawful alfresco dining area

- (1) If an alfresco dining area is established or operated contrary to clause 7.3 or in contravention of the conditions of a permit –
 - (a) an authorised person may direct the proprietor or the permit holder (as the case may be) or any other person who appears to be involved in the operation of the alfresco dining area, to remove any tables, chairs, umbrellas or other structures or equipment; and
 - (b) if a direction given under paragraph (a) is not complied with, or if it is not practicable to give a direction under paragraph (a), any tables, chairs, umbrellas or other structures or equipment may be removed by an authorised person and impounded in accordance with the Act.
- (2) A person who is given a direction under subclause (1) must comply with the direction.

Division 3 – Shopping trolleys

7.6 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.

7.7 Person not to leave trolley in unauthorised area

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

7.8 Retailer to remove abandoned trolley

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

7.9 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.

Division 4 – Fencing

7.10 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act

A public place, as that term is defined in clause 1.5, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

Part 8 - Advertising signs

8.1 Interpretation

In this Part –

advertising sign means a sign used for the purpose of an advertisement or to draw attention to a product, business, person or event, and includes a garage sale sign or home open sign, but does not include a direction sign or an election sign;

direction sign means a sign that indicates the direction of a place, activity or event, but does not include a sign of the type erected or affixed by the local government or the Commissioner of Main Roads;

garage sale sign means a portable free standing sign used to direct persons to a garage sale at a residential premises;

home open sign means a portable free standing sign used to direct persons to a home for sale that is open for inspection by the public;

election sign means a sign that advertises any aspect of a forthcoming Federal, State or local government election; and

portable direction sign means a portable freestanding direction sign.

8.2 General prohibitions

- (1) A person must not, on a thoroughfare, erect or place an advertising sign, direction sign or election sign –
- (a) on a footpath;
 - (b) over a footpath where the resulting vertical clearance between a sign and a footpath is less than 2.5m;
 - (c) on or within 2m of a carriageway;
 - (d) in any other location where, in the opinion of an authorised person, the sign is likely to obstruct a line of sight along a throughfare or cause danger to a driver or other person using the thoroughfare; or
 - (e) on any natural feature, including a rock or tree on a throughfare, or on a bridge or a structural approach to a bridge.
- (2) A person must not, without approval of the local government erect or place a sign purporting to be or resembling a sign erected or placed by the local government.

8.3 Signs requiring a permit

Subject to this Part, a person must not, without a permit –

- (a) erect or place an advertising sign, direction sign or election sign on a thoroughfare; or
- (b) post any bill or print, place or affix any advertisement on a thoroughfare.

8.4 Matters to be considered in determining a permit

In determining an application for a permit for the purposes of clause 8.3, the local government is to have regard to –

- (a) any other written law regulating the erection or placement of an signs or advertisements within the district;
- (b) the dimensions of the sign or advertisement;
- (c) whether or not the sign or advertisement may create a hazard to a person using a thoroughfare;
- (d) other signs or advertisements already approved or erected in the vicinity of the proposed location of the sign;
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant; and
- (f) any other matter it considers to be relevant.

8.5 Signs not requiring a permit

An advertising sign, direction sign or election sign does not require a permit if it is –

- (a) a sign erected on a thoroughfare by the local government or under the direction of the local government;
- (b) a sign erected by an authority lawfully empowered to do so;
- (c) a portable direction sign placed on a verge if the sign –
 - (i) does not exceed 0.5m in height or 0.5m² in area;
 - (ii) is placed or erected on the verge only on an infrequent or occasional basis; and
 - (iii) is placed or erected on a verge only during the hours of the activity or event to which it relates;
- (d) an advertisement sign for a business, placed on a verge, if –
 - (i) the sign does not exceed 0.5m in height or 0.5m² in area;
 - (ii) the sign is erected or placed only on the verge immediately adjacent to a building from which the advertised business operates;
 - (iii) the sign is removed each day at the close of trading and is not erected until the business next opens for trading; and
 - (iv) no more than one sign is erected or placed on a verge to advertise any one business;

- (e) a home open sign or garage sale sign, placed on a verge, if –
 - (i) the sign does not exceed 0.5m in height or 0.5m² in area;
 - (ii) the sign is placed or erected on the verge on the day of the garage sale or home open and is removed from the verge by no later than 7:30pm on the day of the garage sale or home open;
 - (iii) in the case of a home open sign only, the sign is placed with the name of the real estate agency and property address of the home open; and
 - (iv) no more than 3 signs are erected or placed on verges or any individual home open or garage sale;
- (f) an election sign, placed on a verge if the sign –
 - (i) complies with the requirements of item 9, clause 61, Part 7, Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*;
 - (ii) is no greater than 4m² in area;
 - (iii) the sign is placed or erected at least 30m away from an intersection;
 - (iv) the sign is placed or erected at least 100m away from any works on the throughfare;
 - (v) the sign is freestanding and not affixed to any existing sign, post, power, light pole or other similar structure; and
 - (vi) it is capable of being read on its own, and does not display only part of the message that is to be read with other signs in order to obtain the whole message.

8.6 Conditions where permit not required

An advertising sign, direction sign or election sign that does not require a permit –

- (a) must be securely installed and not readily moveable by wind;
- (b) must not be illuminated or incorporate reflected or fluorescent materials; and
- (c) must be maintained in a good condition.

8.7 Signs to be marked

An advertising sign, direction sign or election sign that is placed or erected in or on a throughfare must be clearly marked with the name of the person, organisation or business that erected or placed the advertising sign.

8.8 Deemed ownership

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

8.9 Impounding

An advertising sign, direction sign or election sign that contravenes a provision of this Part may be removed, impounded or disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

Part 9 - Permits

Division 1 – Applying for a permit

9.1 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 CEO;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the local government together with any fee imposed by the local government under sections 6.16 to 6.19 of the Act.
- (3) Before determining an application for a permit, the local government may require the applicant –
 - (a) within a specified period of no more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application; and/or
 - (b) to consult with nearby owners and/or occupiers, or other persons specified in the request, and to advise those persons that they may, within 14 days of receiving that advice, make submissions to the local government on the application.
- (4) The local government may refuse to consider an application that is not in accordance with subclause (2) or if the applicant does not comply with a request under subclause (2) within the prescribed time.
- (5) A person must not make a false or misleading statement in connection with an application in respect of a permit.

9.2 Determining an application

- (1) The local government may –
 - (a) approve an application unconditionally or subject to conditions; or
 - (b) refuse to approve an application.
- (2) A decision under subclause (1) must be made within 90 days of the applicant satisfying the requirements of clause 9.1(2) and any request made under clause 9.1(3).

- (3) If a decision under subclause (1) is not made within that period of 90 days, the application is taken to have been refused and any fee payable under clause 9.1(2)(d) is to be refunded to the applicant.
- (4) If an application is approved, the local government is to issue to the applicant a permit in the form determined by the CEO.
- (5) If an application is refused, the local government is to give written notice of that refusal to the applicant and the reasons for its decision.
- (6) Where a clause of this local law refers to conditions that may be imposed on a permit, the clause does not limit the power of the local government to impose other conditions of the permit under subclause (1)(a) or Division 2.

9.3 General restrictions on grant of permit

- (1) The local government must not grant a permit if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.
- (2) The local government must not grant a permit unless the local government is satisfied that –
 - (a) the applicant is capable of carrying on the activity in accordance with this local law and the conditions of the permit;
 - (b) the local government property or thoroughfare at which the activity is to be carried on is suitable for that purpose;
 - (c) a permit or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and
 - (d) the applicant is a fit and proper person to carry on the activity.

9.4 Relevant considerations

- (1) In determining an application for a permit, the local government is to have regard to –
 - (a) the reasons and justification provided in the application
 - (b) the desirability of the proposed activity;
 - (c) the likelihood of the activity causing a nuisance, inconvenience or annoyance to an occupier or nearby premises;
 - (d) the location of the proposed activity, including safety and health requirements, and the character and function of the location;
 - (e) any relevant local government policies;
 - (f) the Competition Principles Agreement;
 - (g) any submission received under clause 9.1(3)(b) within the time specified; and
 - (h) any other factor that the local government considers relevant in the circumstances of the particular application.

- (2) The local government may refuse to approve an application for a permit on any one or more of the following grounds –
- (a) the application is inconsistent with a local government policy or would result in an activity being carried out contrary to this local law or any other written law;
 - (b) the applicant has committed a breach of this local law or of any other written law relevant to the activity in respect of which the permit is sought;
 - (c) the applicant is not a fit and proper person to hold the permit;
 - (d) the applicant is insolvent or under administration;
 - (e) the activity may result in traffic or pedestrian safety being adversely impacted;
 - (f) the activity is not in keeping with the surrounding land uses; or
 - (g) any other ground that the local government considers relevant.

Division 2 – Conditions

9.5 Examples of conditions – generally

Examples of the conditions that the local government may impose on a permit are conditions relating to –

- (a) the payment of a fee;
- (b) compliance with a local government standard or a policy;
- (c) the commencement and duration 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 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 a public place, the payment of a deposit or bond against the damage;
- (i) the obtaining of public risk insurance, in the names of both the local government and the permit holder, for an amount and on terms reasonably required by the local government; and
- (j) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to a person or any damage to any property that may occur in connection with the use of the local government property or thoroughfare in carrying out the activity to which the permit relates.

9.6 Examples of hiring conditions

Examples of the conditions that the local government may impose on a permit to hire local government property are conditions relating to –

- (a) when fees and charges are to be paid;
- (b) payment of a bond against possible damage or cleaning expenses or both;
- (c) restrictions on the erection of material or external decorations;
- (d) rules about the use of furniture, plant and effects;
- (e) limitations on the number of persons who may attend a function in or on local government property;
- (f) the duration of the hire;
- (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Control Act;
- (i) whether or not the hire is for the exclusive use of the local government property; and
- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, 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 hire of the local government property by the hirer.

9.7 Examples of trading conditions

Examples of the conditions that the local government may impose on a permit to conduct trading, conduct or set up a market, to conduct a function, public event or undertake promotional activity, or to conduct an entertainment event, on local government property or a thoroughfare are conditions relating to –

- (a) the days and hours during which the permit holder may do the activity;
- (b) the nomination of assistants, nominees or substitutes for the permit holder;
- (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 the activity;
- (d) the goods or services in respect of which the permit holder may trade or conduct or set up a market;
- (e) the number of persons and the names of persons permitted to conduct the activity;
- (f) any prohibitions or restrictions concerning –
 - (i) the 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 dangerous implementations and materials;
- (iv) the use of signs; and
- (v) the use of any lighting apparatus or device;
- (g) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
- (h) the care, maintenance and cleansing of any structure used in connection with the activity, and the placement of any structure;
- (i) the vacating of the place of the activity when the activity is not being carried on; and
- (j) the designation of a place where the activity is wholly, or from time to time, prohibited by the local government.

9.8 Examples of advertising conditions

Examples of the conditions that the local government may impose on a permit to advertise on local government property, or to erect or place an advertising sign, direction sign or election sign on a throughfare, are conditions relating to –

- (a) the location, number, size, type, form or construction, of the advertisement or sign;
- (b) the days and hours during which the advertisement or sign might be placed, erected or displayed;
- (c) securing the sign in position in accordance with any requirements of the local government;
- (d) placing the sign so as not to obstruct or impede –
 - (i) the reasonable use of a thoroughfare;
 - (ii) the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing; or
 - (iii) access to a place by any person; and
- (e) a requirement to maintain the advertisement or sign in good condition.

9.9 Imposing conditions under a policy

- (1) In this clause –

policy means a local government policy adopted by the Council under section 2.7 of the Act containing conditions subject to which an application for a permit may be approved under clause 9.2.

- (2) Under clause 9.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

- (3) The local government must give to the permit holder a copy of the policy or, at the discretion of the local government, the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 9.2(4).
- (4) An application for a permit is not to be taken 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 deemed to be information within section 5.94(u)(i) of the Act

9.10 Compliance with and variance of conditions

- (1) Where a permit is issued subject to conditions, the permit holder must comply with each of the conditions.
- (2) The local government may, at any time, amend a condition of a permit and the amended condition takes effect –
 - (a) 14 days after written notice of it is given to the permit holder; or
 - (b) if a later date is specified in the written notice, on the later date.
- (3) A permit holder who does not comply with a condition of the permit commits an offence.

Division 3 – General

9.11 Duration of a permit

Unless otherwise specified as a condition of the permit, a permit commences on the date of issue until the earlier of –

- (a) the expiry date, if any, specified in the permit;
- (b) the date that the permit is cancelled under this Division; or
- (c) the date that the permit is surrendered under this Division.

9.12 Renewal of permit

- (1) A permit holder may apply to the local government for the renewal of the permit.
- (2) An application for renewal must –
 - (a) be in the form determined by the CEO;
 - (b) be signed by the permit holder;
 - (c) provide the information required by the form;
 - (d) be forwarded to the local government no later than 28 days before the expiry of the permit, or within a shorter period that the local government in a particular case permits; and
 - (e) be accompanied by any fee imposed by the local government under sections 6.16 to 6.19 of the Act.

- (3) The provisions of this Part that apply to an application for a permit also apply to an application for the renewal of a permit as though it were an application for a permit.

9.13 Transfer of a permit

- (1) An application for the transfer of a permit from the permit holder to another person (transfer application) must be –
- (a) made in the form determined by the CEO;
 - (b) made by the person applying to have the permit transferred to them;
 - (c) made with the written consent of the permit holder; and
 - (d) lodged with the local government together with the fee for the transfer application.
- (2) Before determining a transfer application, the local government may request the applicant, within a specified period of not more than 21 days, to provide any further or other information that the local government considers necessary for it to consider the application.
- (3) The local government may refuse to consider a transfer application that is not in accordance with subclause (1) or if the applicant does not comply with a request under subclause (2) within the specified time.
- (4) The local government may, in respect of a transfer application –
- (a) approve the transfer application subject to any conditions it considers appropriate; or
 - (b) refuse to approve the transfer application.
- (5) A decision under clause subclause (4) must be made within 90 days of the applicant satisfying the requirements of subclause (1) and any request made under subclause (2).
- (6) If a decision under subclause (4) is not made within that period of 90 days, the transfer application is taken to have been refused and any fee payable under subclause (1)(d) is to be refunded to the applicant.
- (7) If the local government approves a transfer application –
- (a) it must give the applicant a licence in the form determined by the CEO;
 - (b) the applicant becomes the licensee –
 - (i) on the date as specified on the licence; or
 - (ii) if no date is specified on the licence, on the date that the licence was given to the applicant under subclause (7)(a).
 - (c) the local government is not required to refund any part of any fee paid by the former permit holder.
- (8) If the local government refuses to approve a transfer application, it must give the applicant written notice of its decision and of the reasons for its decision.

9.14 Suspension of a permit

- (1) The local government may, by written notice given to the permit holder (**suspension notice**), suspend a permit if the local government has reasonable grounds to believe that –
 - (a) the permit holder has contravened a term or condition of the permit;
 - (b) the permit holder has contravened a provision of this local law; or
 - (c) the continued carrying on of the activity authorised by the permit constitutes or will constitute an unacceptable risk to the safety of the public.
- (2) The suspension notice must –
 - (a) state the day, or the day and time, on or at which the suspension takes effect;
 - (b) state the reasons for the local government's decision to suspend the permit; and
 - (c) where appropriate, indicate what steps need to be taken, and when those steps need to be taken, to ensure that there is compliance with the relevant provision, term or condition or that there is no longer a risk as described in subclause (1)(c).

9.15 Revocation of suspension

- (1) The local government must, by written notice given to the permit holder, revoke the suspension of a permit if the local government is satisfied that the steps specified in the suspension notice have been taken within the time specified in the suspension notice.
- (2) The local government may, by written notice given to the permit holder, revoke the suspension of the permit if the local government considers that it is appropriate to do so in the circumstances of a particular case.

9.16 Period of suspension

The suspension of a permit has effect on the day, or the day and time, specified in the suspension notice until one of the following happens –

- (a) the suspension is revoked under clause 9.15;
- (b) the permit is cancelled under clause 9.17 or expires; or
- (c) the permit is surrendered under clause 9.18.

9.17 Cancellation of permit

- (1) The local government may, by a written notice given to the permit holder (**cancellation notice**), cancel a permit if the local government has reasonable grounds to believe that –
 - (a) the permit was obtained improperly by including false or misleading information;
 - (b) the permit holder has persistently or frequently contravened a term or condition of the permit, or a provision of this local law, whether or not the permit is or has been suspended on the grounds of a contravention;

- (c) the permit has been suspended and the time specified in the suspension notice for taking the required steps has expired;
 - (d) the permit holder has not complied with a written law which relates to the activity to which the permit applies;
 - (e) the permit holder has attempted or purported to transfer or assign the permit without the approval of the local government;
 - (f) a law is amended or repealed in a manner that is inconsistent with the conditions of the permit and which renders the permit invalid, effective or contrary to law; or
 - (g) there are reasonable grounds for believing that the continued carrying on of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the permit has been suspended on the grounds of that risk.
- (2) The cancellation notice must –
- (a) state the day, or the date and time, on or at which the termination takes effect; and
 - (b) state the reasons for the local government’s decision to cancel the permit.
- (3) If a permit is cancelled, no part of the fee paid for the permit is refundable.

9.18 Surrender of permit

A permit holder may, at any time by notice in writing to the local government, surrender the permit.

Division 4 – Responsibilities of permit holders and others

9.19 Production of permit

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

9.20 Other responsibilities of permit holder

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

- (a) ensure that an authorised person has unobstructed access to the local government property or thoroughfare for the purpose of inspecting the property or enforcing a provision of this local law;
- (b) comply with a direction from an authorised person to take the action specified in the direction for the purpose of maintaining public safety;
- (c) leave the local government property or thoroughfare in a clean and tidy condition after its use;
- (d) report any damage or defacement of the local government property or thoroughfare to the local government; and

- (e) take reasonable action to prevent the consumption of any liquor on the local government property or thoroughfare unless the permit allows it and a licence has been obtained under the Liquor Control Act for that purpose.

9.21 Return or destruction of permit document if permit no longer in effect

If a permit –

- (a) has expired or has not been renewed;
- (b) has been suspended or cancelled; or
- (c) has been surrendered,

the person who was the permit holder must, as soon as practicable after the expiry, suspension, cancellation or surrender –

- (d) return the permit document to the local government; or
- (e) except where the permit has been suspended, destroy the permit document.

Part 10 - Objection and review

10.1 Objection and review rights

Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to a decision of the local government –

- (a) to refuse to grant an approval, permit or exemption;
- (b) to vary, suspend or cancel an approval, permit or exemption;
- (c) to impose or amend a condition of an approval, permit or exemption; and
- (d) to refuse to renew or transfer a permit.

Part 11 - Enforcement

Division 1 – General powers

11.1 Authorised person to be obeyed

A person on local government property or a thoroughfare –

- (a) must obey a lawful direction of an authorised person; and
- (b) must not obstruct or hinder the authorised person in the execution of their functions.

11.2 Refusal of entry

- (1) An authorised person may refuse to allow entry, or suspend admission, to any local government property to any person whom the authorised person reasonably suspects has behaved in a manner contrary to the provisions of this local law.
- (2) A refusal or suspension under subclause (1) can be for any period of up to 12 months as determined by an authorised person.

- (3) Subclause (1) does not apply to a venue where meetings of the Council or a Committee are held.

11.3 Direction to leave

An authorised person who reasonably suspects that a person has contravened a written law in respect of local government property or a public place, may direct the person to leave the local government property or public place.

11.4 Disposal of lost property

An article left on local government property or a thoroughfare that is not claimed within a period of 3 months may be disposed of by the local government in any manner it thinks fit.

Division 2 – Notices

11.5 Notice to reinstate or replace property or thoroughfare which is damaged

If a person unlawfully damages local government property or a thoroughfare, the local government may, by notice in writing to the person, require the 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 thoroughfare to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property or part of the thoroughfare.

11.7 Notice to repair damage to thoroughfare

If a portion of a thoroughfare has been damaged, the local government may, by notice in writing to the person, within the time specified in the notice, require the person to repair or replace that portion of the thoroughfare.

11.8 Notice to remove thing placed on thoroughfare

If any thing is placed on a thoroughfare contrary to this local law, the local government may give a notice in writing to –

- (a) the owner or the occupier of the lot which abuts that portion of the thoroughfare where the thing has been placed; or
- (b) such other person who may be responsible for the thing being so placed,

requiring the relevant person, within the time specified in the notice, to remove the thing.

11.9 Local government undertaking work required by a notice

- (1) This clause applies in respect of notice given under this Division or subclause 5.36(2) of this local law.
- (2) If a person fails to comply with a notice referred to in subclause (1), the local government may, subject to compliance with the requirements of Subdivision 3 of Division 3 of Part 3 of the Act, do anything that the local government considers necessary to achieve, so far as is practicable, the purpose for which the notice was given.

- (3) The local government may recover the cost of anything it does under subclause (2) as a debt due from the person who failed to comply with the notice.

Division 3 – Offences

11.10 Offences and general penalty

- (1) A person who –
- (a) fails to do anything required or directed to be done under this local law;
 - (b) fails to comply with a notice issued to the person under this local law; or
 - (c) does an act or omits to do an act contrary to this local law,
- commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction –
- (a) to a penalty not exceeding \$10,000; and
 - (b) if the offence is a continuing offence, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

Division 4 – Prescribed offences

11.11 Prescribed offences and modified penalties

- (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) In accordance with section 9.16 of the Act, an authorised person who has reason to believe that a person has committed an offence against this local law may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.
- (3) In accordance with section 9.17 of the Act, a person who does not contest an allegation that they have committed the offence against this local law may, within the time specified in an infringement notice or within such further time as may, in any particular case, be allowed by the CEO, pay the modified penalty for that offence which, in accordance with section 9.21 of the Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.
- (3) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1 –
- (a) in the case of a first offence the modified penalty will be that prescribed in column 4 of that Schedule; and
 - (b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of that Schedule.
- (4) Provisions relating to modified penalties in general are contained in Subdivision 2 of Division 2 of Part 9 of the Act.

11.12 Form of infringement notices

For the purposes of this local law –

- (a) the form of the infringement notice that may be given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (b) the form of the notice referred to in section 9.20 of the Act to withdraw an infringement notice is that of Form 3 in Schedule 1 of the Regulations.
-

Schedule 1 - Prescribed offences

Item no.	Clause no.	Description	Modified penalty	Modified penalty – subsequent offence
1.	2.4	Failure to comply with a determination	\$250	\$500
2.	3.1	Behaving in a way that interferes with others	\$250	\$500
3.	3.2	Behaving in a way that is detrimental to local government property	\$500	\$750
4.	3.3	Taking or injuring fauna on local government property	\$250	\$500
5.	3.4	Removing or damaging flora on local government property	\$250	\$500
6.	3.5	Unauthorised entry during function on local government property	\$250	\$500
7.	3.6	Unauthorised entry to fenced or closed local government property	\$250	\$500
8.	4.1	Failure to obtain a permit	\$250	\$500
9.	4.2	Unauthorised use of umbrella or temporary shade structure on local government property	\$250	\$500
10.	4.3	Consuming food or drink in prohibited area	\$250	\$500
11.	4.4(2)	Failure to comply with a sign specifying condition of use	\$250	\$500
12.	5.2	Unlawful bathing in waterway	\$250	\$500
13.	5.3	Unlawful fishing in waterway	\$250	\$500
14.	5.4	Cleaning of vessel below waterline	\$250	\$500
15.	5.5	Bringing vessel with tributyltin into waterway or mooring envelope	\$500	\$750
16.	5.6	Unlawful storage of fuel	\$250	\$500
17.	5.7(3)	Failure to maintain waterway edge wall	\$500	\$750
18.	5.7(4)	Failure to maintain depression	\$250	\$500
19.	5.9	Failure to use and maintain mooring lines sufficient for vessel	\$250	\$500
20.	5.10	Failure to comply with written direction to replace mooring lines	\$250	\$500
21.	5.11	Mooring a vessel so as to cause an obstruction	\$500	\$750
22.	5.15(a)	Contravening a direction on a sign	\$250	\$500
23.	5.15(b)	Entering temporarily closed area	\$250	\$500
24.	5.15(c)	Failure to comply with a direction	\$250	\$500
25.	5.15(d)	Unlawful interference with life saving equipment	\$250	\$500
26.	5.19	Unlawful landing, entering or use of jetty	\$250	\$500
27.	5.20(2)	Failure to comply with direction	\$250	\$500
28.	5.21	Improper mooring to public jetty	\$250	\$500
29.	5.22	Unlawful mooring to public jetty	\$250	\$500
30.	5.23	Mooring of oversized vessel to public jetty	\$250	\$500
31.	5.24	Failure to remove moored vessel from public jetty on direction of authorised person	\$250	\$500
32.	5.25	Launching of vessel without approval	\$250	\$500
33.	5.26	Unlawful loading or discharging cargo	\$250	\$500
34.	5.27	Unlawful storing of cargo on public jetty	\$250	\$500
35.	5.28	Failure to remove cargo from public jetty	\$250	\$500
36.	5.29	Failure to remove cargo on direction of authorised person	\$250	\$500

Item no.	Clause no.	Description	Modified penalty	Modified penalty – subsequent offence
37.	5.30	Depositing bulk cargo on a public jetty without consent	\$250	\$500
38.	5.31	Unlawful fishing from jetty	\$250	\$500
39.	5.32	Failure to maintain private jetty	\$500	\$750
40.	5.33	Unlawful mooring or dry docking between jetty and waterway edge wall	\$500	\$750
41.	6.1(a)(i)	Planting in a thoroughfare a plant that causes a hazard	\$250	\$500
42.	6.1(a)(ii)	Planting in a thoroughfare a plant that obstructs a line of sight	\$250	\$500
43.	6.1(b)	Unlawful damage or interference with a lawn or garden on a thoroughfare	\$250	\$500
44.	6.1(c)	Unlawful damage, removal, poisoning or other interference with tree on thoroughfare	\$250	\$500
45.	6.1(d)	Obstructing or causing a hazard on a thoroughfare	\$250	\$500
46.	6.1(e)	Unlawful damage, removal or other interference with a thoroughfare	\$250	\$500
47.	6.1(f)	Creating a nuisance on a thoroughfare	\$250	\$500
48.	6.2(1)	Failure to obtain a permit	\$250	\$500
49.	6.4(1)	Installation of verge treatment other than permissible verge treatment	\$250	\$500
50.	6.5	Failure to comply with obligations in respect of permissible verge treatment	\$250	\$500
51.	6.8(1)	Failure to obtain permit for temporary crossing	\$250	\$500
52.	6.8(2)	Failure to maintain temporary crossing	\$250	\$500
53.	6.9(1)	Failure to remove redundant crossing and reinstate area	\$250	\$500
54.	6.11(1)	Failure to display and maintain street number	\$250	\$500
55.	6.12(1)	Driving or taking a vehicle on a closed thoroughfare	\$250	\$500
56.	6.15	Failure to comply with notice to rectify breach	\$250	\$500
57.	7.1(1)	Leaving an animal in a public place so as to cause an obstruction	\$250	\$500
58.	7.2(2)(a)	Allowing animal on public place when not led, ridden or driven	\$250	\$500
59.	7.2(2)(b)	Allowing animal with contagious or infectious disease to be led, ridden or driven in public place	\$250	\$500
60.	7.2(2)(c)	Training or racing animal in a public place	\$250	\$500
61.	7.2(3)	Unlawful leading, driving or riding of horse on a thoroughfare	\$250	\$500
62.	7.3(1)	Unlawful establishment of alfresco dining area	\$500	\$750
63.	7.3(2)	Operating an alfresco dining area otherwise than in accordance with requirements	\$500	\$750
64.	7.4(b)	Failure to take reasonable steps to prevent the smoking of tobacco products or e-cigarettes in alfresco dining area	\$250	\$500i
65.	7.5(2)	Failure to comply with a direction	\$250	\$500
66.	7.6	Failure to mark name on shopping trolley	\$250	\$500
67.	7.7	Leaving a shopping trolley in an unauthorised area	\$250	\$500

Item no.	Clause no.	Description	Modified penalty	Modified penalty – subsequent offence
68.	7.8(2)	Failure to remove a shopping trolley within 24 hours	\$500	\$750
69.	8.2	Erecting or placing sign contrary to requirements	\$250	\$500
70.	8.3(a)	Erecting or placing an sign on a thoroughfare without a permit	\$250	\$500
71.	8.3(b)	Posting, placing or affixing an advertisement on a thoroughfare without a permit	\$250	\$500
72.	8.6	Failure to comply with conditions to erect sign without a permit	\$250	\$500
73.	8.7	Failure to mark name on sign	\$250	\$500
74.	9.1(5)	Providing false or misleading statement in connection with permit application	\$250	\$500
75.	9.10	Failure to comply with permit conditions	\$250	\$500
76.	9.20	Failure to comply with responsibilities of permit holder	\$250	\$500
77.	11.1(a)	Failure to comply with a direction	\$250	\$500
78.	11.1(b)	Obstruction of authorised person	\$250	\$500
79.	11.3	Failure to comply with direction to leave	\$250	\$500
80.		Each other offence not specified	\$250	\$500

Schedule 2 - Determinations

[Clause 2.1]

The following determinations are to be taken to have been made by the local government under clause 2.1.

Part 1 – Preliminary

1.1 Definition

In these determinations –

local law means the *City of Cockburn Public Places Local Law 2025* made by the local government.

1.2 Interpretation

Where a term is used but not defined in a determination and that term is defined in this local law then the term is to have the meaning given in this local law.

Part 2 – Activities that may be pursued on specified local government property

2.1 Horse exercise area

Horses may be led, ridden or exercised on Reserve 24787, known as CY O'Connor Reserve, from 4:00am to 8:00am any day of the week.

2.2 Children's playgrounds

- (1) The local government may set aside a public reserve or any portion of a public reserve as a children's playground.
- (2) The local government may limit the ages of persons who are permitted to use a children's playground and may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.
- (3) A person over the age specified on that sign, other than a person having the charge of a child or children in the playground, must not use a playground or interfere with the use by children of the playground.

Part 3 – Activities prohibited on specified local government property

3.1 Animals

Unless authorised by a written law, or by a permit or determination, a person must not tether an animal to a tree, shrub, tree guard, wall or fence or permit an animal to enter on local government property.

3.2 Vehicles

- (1) Unless authorised by a permit or determination, a person must not take a vehicle, or cause a vehicle to be taken, onto or driven on local government property unless –
 - (a) subject to subclause (3), the local government property is clearly designated as a road, access way or car park;

- (b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in –
 - (i) providing a service or making a delivery in connection with the local government property; or
 - (ii) maintaining the local government property;
 - (c) the person is driving an emergency vehicle in the course of the person's duties; or
 - (e) the vehicle is a motorised wheelchair, and the driver of the vehicle is a disabled person.
- (2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.
- (3) Other than in accordance with paragraphs (b), (c) or (e) of subclause (1), a person must not drive a vehicle on local government property that is being used for a function for which a permit has been obtained unless permitted to do so by the permit holder or an authorised person.

3.3 Motorised model aeroplanes, vessels or drones

A person must not use, launch or fly a motorised model aeroplane, helicopter, toy, ship, glider, rocket or drone that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except in accordance with a permit or determination that specifies that particular local government property.

3.4 Launching and retrieval of vessels

A person must not take a vessel onto, launch a vessel from, or retrieve a vessel on, local government property except in accordance with a permit or determination that specifies that particular local government property unless –

- (a) the person is –
 - (i) a local government employee or authorised person; or
 - (ii) a contractor engaged by the local government and who is engaged in –
 - (A) providing a service or making a delivery in connection with the local government property; or
 - (B) maintaining the local government property;
- (b) the person is in charge of a vessel engaged in rescue services or dealing with an emergency; or
- (c) the local government property is a vessel ramp that is delineated by a sign to that effect.

3.5 Golf

A person must not play or practise golf on local government property except on a reserve set aside by the local government as a golf course.

3.6 Archery, pistol or rifle shooting

A person must not play or practise archery or pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise permitted by a permit or determination.

3.7 Other projectiles

A person must not use on, or take on to, local government property, a spear gun, hand spear, gidgie or similar device unless permitted by a permit or determination.

3.8 Bicycles etc.

A person must not, on local government property, use or ride a bicycle or wheeled recreational device, skateboard, or sand board –

- (a) inside, or on the curtilage to, a building;
- (b) on a golf course, except to the extent permitted by a permit or determination;
- (c) in or on a lakebed or waterway; or
- (d) on a public jetty.

3.9 Smoking

- (1) In this clause –

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

- (2) Unless authorised by a written law, a person must not –

- (a) smoke a tobacco product or e-cigarette in, or within 5m of, an entrance, exit or aperture to premises on local government property; or
- (b) smoke a tobacco product or e-cigarette within 10m of an air intake for air conditioning equipment that is in or on premises on local government property.

3.10 Sand dunes

A person must not traverse sand dunes except along a pathway designated by a sign or fence for the purpose.

Dated this of 2026.

The Common Seal of the City of Cockburn was affixed by authority of a resolution of the Council
in the presence of –

.....
LOGAN K HOWLETT
MAYOR

.....
DANIEL SIMMS
CHIEF EXECUTIVE OFFICER
