

LOCAL GOVERNMENT ACT 1995

CITY OF SWAN

**ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND
TRADING LOCAL LAW 2026**

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Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Swan resolved on 8 July 2026 to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation and commencement

This Local

law may be cited as the *City of Swan Activities in Thoroughfares and Public Places and Trading Local Law 2026*.

This Local Law becomes effective in 14 days after the date of its publication in the *Government Gazette*.

1.2 Purpose and effect

- (1) The purpose of this Local Law is to provide for the regulation, control and management of activities on local government property throughout the district.
- (2) The effect of this Local Law is to establish the requirements with which any persons, using or on, thoroughfares or local government property, or wanting to trade on local government property within the district, must comply.

1.3 Application

- (1) General Application

This Local Law shall apply to the whole of the district of the City of Swan together with any places to which the Governor has given approval for the Local Law or any part thereof to apply as provided in section 3.6 of the *Local Government Act 1995*.

- (2) Application to Adjoining Waters and Reserves

Part 3 of these Local Laws shall apply to —

- (a) to rivers, water courses, tidal and non-tidal waters, in the district; and
- (b) to reserves,

but excluding rivers and waterways under the care, control and management of the Swan River Trust.

1.4 Repeal

Parts 3, 4, 5, 6, 7 and 9 of the *City of Swan Consolidated Local Law 2005* as published in the Government Gazette, including amendments, are repealed on the day that this Local Law comes into operation.

PART 2 – INTERPRETATION, DEFINITIONS AND LICENCING

Division 1 – Preliminary

2.1 Interpretation

- (1) A reference to the Council having the power to do something or a reference to the Council forming an opinion prior to the doing of anything shall be deemed to include a reference to any authorised person or any other person or any committee to whom or to which the Council has delegated the power of the doing of the thing, exercising such discretion or forming such opinion.
- (2) A reference to the local government having the power to do something or a reference to the local government forming an opinion prior to the doing of anything shall be deemed to include a reference to any authorised person or any other person or any committee to whom or to which the local government has delegated the power of the doing of the thing, exercising such discretion or forming such opinion.
- (3) A reference to the CEO or any other employee of the local government includes a person duly appointed to act or from time to time acting, in the position of that employee.
- (4) In these Local Laws, unless the context otherwise requires, a reference to local government property, a foreshore, a reserve or the like includes a reference to any part of, respectively, the local government property, foreshore, reserve or the like.
- (5) A reference in these Local Laws to a policy made by the local government means any policy adopted by the Council as amended from time to time.

2.2 Definitions

“Act” means the *Local Government Act 1995*;

“animal”, except in Part 8, means any animal other than a dog;

“applicant” means a person who has applied for the grant of an approval, consent, licence, permit or the like under these Local Laws;

“approval” means an approval granted by the Council or the local government by way of an issue of a licence or a booking confirmation from the local government or written approval;

“approved form” means the form determined or approved by the local government or the CEO;

“authorised person” means any person appointed in writing by the CEO as an authorised person under section 9.10 of the Act for the purpose of all or any provisions of these Local Laws or a police officer;

“boat” means any structure or vessel whether propelled manually or by the wind or power, made or used to float upon or travel on water;

“booking application” means using the local government’s approved form or the local government’s online platform to book for the use of the local government’s local government property.

“booking confirmation” means the local government’s written confirmation of an acceptable booking application;

“building” means a structure erected or placed on land, and includes a fence erected on land in the district;

“carriageway” means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayment’s, at the side or centre of the carriageway, used for the stopping or parking of vehicles and, where a road has two or more of those portions divided by a median strip, the expression means each of those portions, separately;

“CEO” means the Chief Executive Officer of the local government and includes, in the absence of the Chief Executive Officer, the acting Chief Executive Officer of the local government;

“Council” means the Council of the local government;

“crossing” means a crossing giving access from a public thoroughfare to –

(a) private land; or

(b) a private thoroughfare serving private land;

“district” means the district of the local government and any places to which the Governor has given approval for these Local Laws or any part of them to apply as provided in section 3.6 of the Act;

“disused material” means any rubbish, refuse, junk, garbage, scrap, waste or any articles of material abandoned or unwanted by the owner or the person in possession thereof;

“employee” means an employee of the local government;

“fee” means the fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act;

“Food Act” means the *Food Act 2008*;

“food business” has the meaning given to the term in the Food Act;

“horse” means a stallion, mare, gelding, Shetland pony, pony, colt, filly, or foal and includes an ass, mule, donkey and any beast of whatever description used for burden or draught or for carrying persons;

itinerant trader means temporary traders who continually travel a district until flagged by a customer, stop, undertake the trade for a period of no longer than five minutes after serving the last customer and then continue moving on and not returning to any location for at least two hours;

“licence” means a licence issued under these Local Laws;

“licensee” means a person to whom a licence is granted under these Local Laws;

“litter” has the meaning given to the term in the *Litter Act 1979*;

“livestock” means any horse, livestock, sheep, goat, swine, deer, pig or any other animal so classified by local government; includes alpacas, asses, bulls, bullocks, calves, camels, colts, cows, deer, emus, fillies, foals, geldings, goats, heifers, horses, lambs, llamas, mares, mules, ostriches, pigs, sheep, stallions, steers, swine, water buffalo or other animals of a like kind;

“local government” means the City of Swan;

“local government property” has the meaning given to it in the Act;

“Local Law” means these local laws;

“lot” has the meaning given to the term in the *Planning and Development Act 2005*;

“nuisance” includes—

- (a) any activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) any unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) any interference which causes material damage to land or other property on the land affected by the interference;

“off-road vehicles” has the meaning given to it in the *Control of Vehicles (Off-Road Areas) Act 1978*;

“occupier” has the meaning given to it in the Act;

“outdoor dining” means outdoor dining or drinking or both in a public place;

“outdoor dining area” means an area in which tables, chairs and other structures are provided for the purpose of the —

- (a) supply or consumption of food or beverages or both to the public;
- (b) preparation and supply of beverages to the public; or
- (c) safe storage of pre-packaged meals for supply to, or consumption by, the public;

“owner” has the meaning given to it in the Act;

“owner or occupier” includes any person who at the time a written notice is served under these Local Laws is in control of any place or part of any place or is authorised by the owner, lessee, licensee or any other person empowered to exercise control in relation to a place, to perform any work in relation to any place, and without limiting the generality of the foregoing and for the avoidance of doubt includes a builder or contractor carrying out work on the place or part of the place in respect of which the written notice is served;

“person” has the meaning given to that term in the *Interpretation Act 1984*;

“Police Force” means the Western Australia Police Force;

“police officer” means a person appointed under the *Police Act 1892* as an officer or constable of the Police Force, other than as the Commissioner of Police;

“Prohibition Notice” has the meaning given to it in subclause 9.1(3);

“public place” includes a place, thoroughfare or way within the district, which the public are allowed to use or access and local government property;

“registered food business” means premises which are registered by the local government under the Food Act;

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

“reserve” means Crown land for the time being reserved under section 41 of the *Land Administration Act 1997*;

“rubbish” includes stones, bricks, lime, timber, iron, steel, metal sheeting, fibro sheeting, timber panels, roofing tiles, paving bricks, plastics, guttering, piping, plastic goods or any other building materials of a similar kind broken, discarded from building;

“sand” includes any granular or particulate material consisting of small, eroded fragments of rocks finer than gravel, and dust and organic matter;

“stall” means a moveable or temporarily fixed structure, stand or table in, on or from which goods, wares, merchandise, produce or services are displayed, sold, hired or offered for sale or hire and includes a vehicle;

“street entertainment” means the conduct in a public place, of any or of theatrical, artistic, musical, audio or visual performance and includes busking;

“street market” means a collection of stalls, stands or displays erected on a street or thoroughfare for the purpose of selling goods, wares, merchandise, or services or carrying out any other transaction;

“street trading” includes:

- (a) selling, hiring or gifting goods, wares, merchandise or services or the soliciting of orders for goods or services, in a street or other public place;
- (b) displaying goods in any public place for the purpose of:
 - (i) offering them for sale or hire;
 - (ii) inviting offers for sale or hire;
 - (iii) soliciting orders for them; or
 - (iv) carrying out any other transaction in relation to them; and
- (c) going from place to place, and –
 - (i) offering goods or services for sale or hire;
 - (ii) inviting offers or soliciting orders for the sale or hire of goods or services; or
 - (iii) carrying out any other transaction in relation to goods or services,
- (d) the setting up of a stall and conducting business at a stall;

“Suspension Notice” has the meaning give to in subclause 4.13(2);

“thoroughfare” has the meaning given to the term in the Act;

“verge” means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include a footpath or a bicycle path;

“vehicle” means a vehicle as defined in the *Road Traffic (Administration) Act 2008* and includes a shopping trolley but excludes:

- (a) a wheelchair or any other device designed for use by a physically disabled person on a footpath; and

- (b) a pram, a stroller or a similar device and whether currently licensed or not;

“written confirmation” means any form of written acknowledgement including by emails.

Division 2 – Licences

2.3 Approval obtained by way of an application for a licence

- (1) Where an approval is required under this Local Law, approval must be obtained by way of an application for a licence in the approved form. An application may not be accepted or processed until such time as all sections of the application form have been completed. The local government may also request the applicant to provide additional information as is deemed necessary to properly assess any application for a licence.
- (2) The local government may:
 - (a) grant a licence unconditionally;
 - (b) grant a licence with conditions as it thinks fit; or
 - (c) refuse to grant a licence.
- (3) The local government may impose a fee on any person for the grant of the licence.
- (4) Subject to Part 6 Division 5 of the Act, the local government may impose a fee on an applicant for the assessment and determination of any application for a licence under this Local Law.
- (5) If the local government has issued a licence and any provisions of these Local Laws or any of the conditions of the licence have not been fulfilled or complied with, the local government may issue a written notice to a person to comply or satisfy the condition(s) within a reasonable time, failing which, the local government may revoke or cancel the licence.
- (6) When the local government makes a decision to —
 - (a) grant or refuse a licence under these Local Laws; or
 - (b) renew, vary, revoke or cancel a licence under these Local Laws,the provisions of Division 1 of Part 9 of the Act and Regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.
- (7) A granted licence may not be transferred to another person.
- (8) Unless stated otherwise within these Local Laws or as a condition imposed on any licence, the period of a licence shall be for a maximum of five years.

- (9) An application for a licence under these Local Laws is deemed to be refused if a determination in respect of that application has not been made by the local government within 60 days of the receipt of a completed application by the local government, or within such further time as is agreed in writing between the applicant and the local government.
- (10) Despite an application for a licence being deemed refused, the local government may issue a determination in respect of the application at any time after the expiry of the period specified in subclause 2.3 (9) and that determination is as valid and effective from the date of the determination as if it had been made before the period expired.

2.4 Licence

(1) Refusal of a licence

The local government may refuse to issue a licence to an applicant, where —

- (a) the applicant does not comply with any licence application requirements under clause 2.3;
- (b) the proposed activity or place of activity is considered by the local government to be undesirable; or
- (c) the proposed structure, stall, stand, table or vehicle forming part of the activity is considered by the local government to be unsuitable in any respect to the activity or location for which the licence is sought.

(2) Issue of a licence

- (a) Where a licence is issued it shall be issued in the form used by the local government for that purpose. A licence may include plans and other supporting documentation as required by these Local Laws.
- (b) If a licence imposes a condition that the person effects public liability insurance, then the licence shall not be valid until such time as the person provides a copy of the certificate of currency of insurance to the local government.

(3) Renewal

Prior to the expiry of a licence, the licensee may apply for the renewal of a licence without having to resubmit details required at the time of the initial application providing that there is no substantial change to the operation of the activity and any associated facilities.

(4) Licence fees

- (a) All licence fees and charges applicable under these Local Laws shall be as determined by the local government in accordance with section 6.16 of the Act.
- (b) A licence shall not become valid until all fees relating to the issue of that licence have been paid to the local government.

(5) Conditions of a licence

Where a licence has been issued by the local government the licensee must ensure that no conditions of that licence or any provision of these Local Laws are breached.

(6) Cancellation of licence

- (a) The local government may cancel a licence if—
 - (i) the licensee breaches any condition of the licence;
 - (ii) the licensee is convicted of an offence against these Local Laws;
 - (iii) the licensee fails to maintain the required public liability insurance cover indemnifying the local government against damages; or
 - (iv) the licensee fails to abide by a written notice served in accordance with any provisions of these Local Laws, requiring works to be undertaken or changes to the arrangements or operation of the activity, subject of the licence.
- (b) In the event of a licence being cancelled by reason of any default on the part of the applicant or any other person associated with the licence or if the applicant withdraws the application from the local government, the whole or any part of the fee or deposit as may be determined by the local government shall be forfeited and any deposit or such portion of any deposit that is not forfeited under this clause 2.4(6) shall be repaid by the local government to the applicant.

(7) Suspension of licensee rights and privileges

- (a) The rights and privileges granted to a licensee on the issue of a licence terminate where the public liability insurance required as a condition of that licence lapses, is cancelled or is no longer current.
- (b) The rights and privileges granted to a licensee on the issue of a licence may be suspended by the local government for the purpose and duration for any works proposed or done in or adjacent to the area subject of a licence by or on behalf of a Government authority, instrumentality of the Crown or the local government without payment or compensation or damage by the local government and without refund of whole or part of any licence fee paid.

(8) Licence required

Where a licence is required under this Local Law to undertake any activity or to do or have anything then that activity or thing is not authorised until a valid licence has been issued by the local government.

(9) Exclusive rights

The issue of a licence does not confer exclusive possession or use of any portion of a public place.

(10) Public liability insurance and indemnity

- (a) Where, as a condition of a licence, a licensee is required to provide public liability insurance indemnifying the local government against all actions, suit, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the licence the licensee shall—
 - (i) take out a public liability insurance policy in the name of the licensee and the local government for a minimum of \$20 million dollars or such other amount as considered appropriate by the local government to the risk involved;
 - (ii) advise the local government if the policy lapses, is cancelled or is no longer in operation; and
 - (iii) upon request by the local government, provide a copy of the certificate of currency of insurance and any renewals to the local government.
- (b) Where, as a condition of a licence, a licensee is required to provide a public liability insurance in accordance with subclause 2.4(10)(a) and that insurance policy is terminated for whatever reason then the licence shall also be terminated.

2.5 Exemption for a licence

- (1) The local government may provide an exemption for the requirement to apply for a licence under clause 2.3:
 - (a) provided the person notifies the local government in writing prior to any activity being conducted that requires approval under these Local Laws;
 - (b) provided the person receives an exemption notice in writing from the local government prior to any activity commencing; and
 - (c) the local government may impose, waive, vary or amend any requirements under clauses 2.3 and 2.4.
- (2) The local government may cancel an exemption granted under subclause 2.5(1) at any time if:
 - (a) the person breaches any provisions of these Local Laws;
 - (b) the person fails to abide by a written notice served in accordance with any provisions of these Local Laws, requiring works to be undertaken or changes to the arrangements or operation of the activity; or
 - (c) the local government deems it necessary to cancel the exemption.

PART 3 – RESERVES AND FORESHORES

Division 1 – Preliminary

3.1 Purpose and intent

The purpose and intent of this Part 3 is to ensure that any passive activities undertaken on reserves or foreshores, by residents or visitors to the local government, may be undertaken peacefully and enjoyably. Activities on reserves or foreshores that are formally organised or promoted by individuals, organisations or clubs and that are proposed to be held as regular or frequent events or for profit will have their interests respected and preserved under this Part.

3.2 Definitions

In this Part —

“building” has the same meaning given to the term in clause 2.2 but without limiting the generality of the term for the purpose of this Part, includes any permanent or temporary structure including tents, marquees and stalls;

“foreshore” includes all the land contiguous to the reserves and parks in or under the care, control or management of the local government which lies between the low water mark and the high-water mark of the Swan River;

“function” includes a public event, a carnival, show, exhibition, gymkhana, sporting event or a matter of contest between opposing teams or persons in any organised game;

“irrigation equipment” means any pipe, pipework, fittings, pumps, water bore, sprinklers, controllers, enclosures or covers or any other attachment or associated facility installed for the purpose of irrigating land with water whether in operation or not;

“owner” means the person who is the lawful owner or a person entitled to possession of the particular vehicle, property or chattel;

“reserve” means any public reserve or park which is local government property but excluding a thoroughfare;

“specified areas” means an area of land set aside by local government for a particular purpose and designated by a sign or signs.

3.3 Interpretation

The definitions used in this Part 3 —

- (1) shall have the meanings given to them in clause 3.2 which shall prevail over any other definition; and
- (2) otherwise shall be interpreted in accordance with clause 2.1.

Division 2 – Prohibitions and Activities Requiring Approval

3.4 Prohibited activities

A person shall not, on any reserve or foreshore —

- (1) throw, shoot or release any stone, arrow or other missile or object, including playing or practicing golf, archery, pistol or rifle shooting, unless the reserve has been designated or provided specifically for that purpose or where it is permitted in the course of a function being lawfully held or ordinarily permitted or approved;
- (2) climb upon or over under or through any wall, building, tree guard fence or gate designed or installed for the purposes of prohibiting or restricting the entry of persons or vehicles;
- (3) enter by any means any place that has been fenced off or otherwise closed to the public;
- (4) alter, break, cut, damage deface, destroy, disfigure or mutilate any equipment, building, landscaping, irrigation equipment, tree or other plants, portion of turf, or structure of any kind;
- (5) operate, do or say anything that causes a nuisance to another person in or near the locality;
- (6) destroy, damage, harass, injure, cause harm to, catch, snare or take any domestic animal or poultry, or any other mammal, monotreme, bird or reptile, excluding recreational fishing from the foreshore;
- (7) unnecessarily interfere with the conduct of any function being conducted on the reserve or foreshore whether authorised by the local government or not;
- (8) fly or operate, whether remote controlled or not, any mechanically operated model vehicle, model boat or model aeroplane (including drones) in such a manner as to endanger any person or property or be a nuisance to any other person;
- (9) enter, any lavatory, changing facilities or building or portion of a building other than in accordance with the local government's signs; or
- (10) launching of personal watercraft or boat other than in accordance with the local government's signs.

3.5 Activities requiring approval

A person shall not, on any reserve or foreshore, without first obtaining an approval or exemption from the local government:

- (1) hire, expose for hire, invite any offer to take on hire any vehicle, boat or other vessel or thing (whether of the like kind as the foregoing or not),
- (2) organise, hold, conduct or address a public gathering or meeting of persons or take part in a procession or demonstration or carry a placard or notice;
- (3) use or install any power lines, water pipe, irrigation system or drainage system;

- (4) erect a tent or any other temporary cover for the purpose of entertainment or the display of any merchandise;
- (5) make, install, place or display any sign, signboard, hoarding, placard, hand bill, notice, advertisement or document other than electoral signage whatsoever;
- (6) subject to provisions of the *Bush Fires Act 1954*, light a fire other than in a fireplace or barbecue facility provided for that purpose or light a portable gas fire;
- (7) plant or sow seeds, shrubs, trees or any plant of any kind or description;
- (8) cut, or remove any soil, turf, sand or vegetation;
- (9) bring on or allow to be brought on any disused material;
- (10) drive or ride any vehicle, caravan, motor bike or other motorised vehicle (including off-road vehicles) and whether operated or not (other than a wheelchair or other device designed to assist the movement of persons with a disability);
- (11) land by way of aircraft, parachute, hang glider or parasail;
- (12) participate in the activity of archery;
- (13) allow any livestock to enter or remain upon;
- (14) advertise anything;
- (15) park or stop any vehicle for the predominant or sole purpose of advertising anything; or
- (16) camp on, lodge at or occupy any structure for the purpose of sleeping on local government property; erect any tent, camp, hut, or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight; and which is dismantled during those hours on the same day or camp open or occupy any vehicle at night for the purpose of sleeping in a public place.

3.6 Activities subject to signs

A person shall not, on any reserve or foreshore where a sign is displayed that prohibits such activities —

- (1) ride, skate on or push a skateboard, scooter, roller blades, or roller skates or such similar thing;
- (2) ride a bicycle;
- (3) lead, train, race, exercise or work any animal;
- (4) enter water from a foreshore or any structure;
- (5) rideable powered recreational vehicles such as e-scooters; or
- (6) fishing.

3.7 Conduct of functions

- (1) No person shall hold a function on any reserve or foreshore for themselves or for or on behalf of any organised sporting club or group, or any association, or any business or company, unless the person doing so has first obtained an approval or an exemption from the local government.
- (2) A licence issued under clause 2.4(2) to hold a function on a reserve or foreshore may specify —
 - (a) the person to whom the licence is granted;
 - (b) the purpose for which the licence is granted;
 - (c) the dates and times during which the function may be held;
 - (d) the charge, if any, which has been authorised by the local government for admission to the function;
 - (e) the area or part of the foreshore or reserve where the function may be held;
 - (f) conditions pertinent to the conduct of the function; and
 - (g) that further licences or permits may be required under the *Liquor Licensing Act 1988* for the supply or consumption of liquor on a reserve or foreshore.
- (3) A person to whom a licence has been granted shall prevent persons under the influence of alcohol or drugs or other persons acting in a riotous or disorderly manner from attending at or remaining at a function.
- (4) Any person to whom a licence has been granted must comply with all the terms and conditions of the licence and must ensure that all persons attending the function not breach any terms and conditions of the licence.
- (5) If the local government is satisfied that the person to whom a licence has been granted has committed or permitted or authorised the commission of a breach of any of the terms or conditions of the licence or has committed a breach of any of these Local Laws, it may by notice in writing to such person, cancel the licence.

PART 4 – LOCAL GOVERNMENT PROPERTY, PUBLIC SWIMMING POOLS AND RECREATION FACILITIES

Division 1 – Hiring of local government property

4.1 Occupation or use of local government property requires approval

No person shall occupy or use any local government property without approval from the local government through a booking application.

4.2 Booking applications

(1) Form of application

- (a) Any person wishing to hire local government property from the local government shall submit a booking application with the local government for approval and shall specify —
 - (i) the name and place of abode of the applicant who seeks to hire local government property; and
 - (ii) the purpose for which the local government property furniture or other property is required.
- (b) The local government may require a deposit, bond or bank guarantee to be paid to the local government with any hire.

(2) Determination of application

The local government may approve a booking application under subclause 4.2 (1) subject to conditions including those set out in clause 4.2 and 4.6 or may refuse the booking application.

(3) Booking confirmation

If the local government approves a booking application, the local government will issue a booking confirmation which may specify –

- (a) the person to whom the hire is granted;
- (b) the purpose for which the hire is granted;
- (c) the dates and times during which the hire applies;
- (d) the fee, if any, which has been authorised by the local government for admission to the hire;
- (e) the area or part of the local government property where the hire may be held;
- (f) a deposit, bond or bank guarantee to be provided;
- (g) conditions pertinent to the conduct of the hire; and
- (h) that further licences or permits may be required under the *Liquor Licensing Act 1988* for the supply or consumption of liquor on local government property.

4.3 Period of hire

Local government property shall be hired for the period stipulated in the booking confirmation.

4.4 Cancellation of hire

- (a) In the event of the booking approval for the hire being cancelled by reason of any default on the part of the applicant or any other person associated with the hire or if the applicant withdraws the booking application from the local government, the whole or any part of the fee or deposit, bond or bank guarantee as may be determined by the local government shall be forfeited and any deposit or such portion of any deposit, bond or bank guarantee that is not forfeited under this Part 4 shall be repaid by the local government to the applicant.
- (b) The local government may cancel a hire at any time as it deems necessary.

4.5 Recovery of costs of cleaning

- (1) The local government may recover the cost of cleaning or making good any damage to any local government property from an applicant or from a person who caused or contributed to the damage or the need for cleaning.
- (2) The cost of cleaning or making good the damage may be deducted from any deposit, bond or bank guarantee provided by the applicant and the whole amount or excess over the amount of the deposit, bond or bank guarantee may be recovered by the local government as a debt due and owing to the local government in a Court of competent jurisdiction.

4.6 Obligations of hirer

The hirer of any local government property must —

- (1) comply with all conditions imposed by the local government in the booking confirmation;
- (2) maintain and keep such local government property in good order;
- (3) be responsible for complying with the provisions of this Part 4 Division 1;
- (4) be responsible for any damage done to the local government property;
- (5) pay such costs as shall be assessed by the local government for property damaged during the term of the hire or not accounted for at the expiration of the term of the hire, and such costs shall be paid for at the current replacement cost or the actual cost of whichever is the lesser amount, which shall be deducted from any bond, deposit or bank guarantee imposed as a condition of the booking confirmation;
- (6) allow the CEO or any authorised person seeking to enforce these Local Laws or any other written law or otherwise acting in accordance with any written law and any police officer free access to the local government property;
- (7) if intending as part of the use of the local government property to allow the consumption of alcohol on the local government property, in addition to the booking application required by this Part 4 Division 1, and any other licence, permit or approval required under any written law, obtain a permit from the local government as required under the *Liquor Control Act 1988*; and

- (8) if intending as part of the use of the local government property to allow the sale of alcohol on the local government property, in addition to the booking application required by this Part 4 Division 1, obtain any approval required under the *Liquor Control Act 1988*.

4.7 Failure to allow access

If the hirer fails to allow access to the local government property in accordance with subclause 4.6(6), the local government may forbid and prevent the use or continued use of the local government property in addition to any other action the local government may take for the breach of this Part 4 Division 1, and the local government shall not be held responsible to the hirer for any loss or damage incurred as a consequence.

4.8 Other remedies

In addition to any action taken against the hirer under this Part 4 Division 1, a hirer in breach of the provisions of this Part 4 may be required by the local government to forfeit any fee, deposit, bond or bank guarantee or any portion thereof paid by the hirer.

Division 2 – Entry to local government property

4.9 Terms and conditions of entry

The local government may determine the conditions of entry into any local government property, and which conditions shall be displayed or accessible at a location that is reasonably visible to any person entering that local government property.

4.10 Breach of conditions of entry

No person shall breach a condition of entry as determined by the local government in accordance with clause 4.9.

4.11 Removal of persons from local government property

A person who has breached any condition of entry as determined by the local government in accordance with clause 4.10 may be required to immediately leave the local government property.

4.12 Entry to local government property

- (1) Any local government property shall be open for the admission to the public during such hours and periods as the local government may from time to time determine.
- (2) The local government property or any part of them may at any time, at the discretion of the local government, be set aside for the use of certain persons to the exclusion of others.

- (3) The local government may from time to time and for such periods as it determines, close any local government property to the public temporary or permanently.

4.13 Refusal of admission and removal from local government property

- (1) The local government may refuse a person admission to any local government property at any time.
- (2) The local government may temporarily suspend admittance to any person by written notice (**Suspension Notice**) or remove from the local government property or any part of the local government property any person if that action is necessary or desirable in the interest of the comfort, safety and convenience of the users generally of the local government property and the local government's employees and the preservation of the local government property or its contents.
- (3) The local government may refuse admission to or remove or cause to be removed from the local government property a person who, in the opinion of the local government —
 - (a) is a child under the age of 12 years unaccompanied by a responsible person who must be at least 16 years of age;
 - (b) has contravened or failed to comply with any conditions of entry or any of the provisions of these Local Laws;
 - (c) is by their past or present behaviour within or about the local government property,
 - (i) unreasonably interfering with the lawful use or enjoyment of the property by another person; or
 - (ii) obstructing, disrupting, or otherwise interfering with the operations or functions of the local government in relation to the property;
 - (d) is under or apparently under the influence of alcohol or drugs; or
 - (e) is apparently suffering from an infectious, contagious or offensive disease or skin complaint or wounds or bleeding.
- (4) Any person referred to in subclause 4.13 (3), when requested by the local government to leave the local government property, shall immediately do so quietly and peaceably.

4.14 Persons to comply with directions

Every person using any local government property shall comply all reasonable directions by the local government with regard to such use.

4.15 Standard of dress

If a person appears in public at any local government property and in the opinion of the local government is indecently or insufficiently dressed, the local government may

direct that person to decently or sufficiently dress immediately, and the person shall immediately comply with such direction.

PART 5 – BRIDGES, JETTIES AND WEIRS

Division 1 – Preliminary

5.1 Definitions

In this Part 5 unless the context otherwise requires —

“bridge” means any bridge within the district;

“jetty” means any jetty, pier, wharf, quay, grid, slip, landing place, stage, platform (other than a platform that is a vessel for the purposes of the Western Australian Marine Act 1982) or similar structure, whether fixed or floating, erected or placed, wholly or in part, in, on or over any waters; and any ramp which is or which may be used for the purpose of launching or landing a vessel;

“weir” means a barrier or wall constructed across a watercourse for the purpose of raising the level of the water upstream of the weir.

Division 2 – Prohibition

5.2 Prohibition

- (1) No person shall do any activity for which a sign prohibits such activity from any bridge or weir or from any thoroughfare, approaches, buttresses or trestles or other part of the bridge or weir, nor place or use any fishing nets or other fishing gear upon or under the same.
- (2) No person shall fish with a rod, line, net or otherwise from a jetty so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or any other person using that jetty.
- (3) No person shall climb on or about the structure of any bridge, jetty or weir or any part of them or walk upon or use any part of them except for the carriageway or footpath.
- (4) No person shall wilfully or negligently damage, deface, destroy, remove, interfere or tamper with any part of a bridge, jetty or weir.
- (5) No person shall unnecessarily enter into the water from any bridge or weir, nor from the carriageway or any part of a bridge or weir.
- (6) No person shall —
 - (a) obstruct any other person on; or
 - (b) place anything on a bridge, jetty or weir so as to cause an obstruction.

- (7) A person being the cause of an obstruction shall remove themselves from a bridge, jetty or weir when requested to do so by an authorised person.
- (8) A person who fails to remove any thing that is the cause of an obstruction from a bridge, jetty or weir when requested to do so by an authorised person commits an offence.

PART 6 – VERGES AND CROSSINGS

Division 1 – Preliminary

6.1 Definitions

In this Part 6, unless the context otherwise requires —

“Standard Crossing” means within —

- (1) a **Residential Zone**, (other than Guildford), a crossing that —
 - (a) is constructed of either brick paving or concrete;
 - (b) commences on a straight or if not straight a smooth alignment at the edge of the carriageway pavement and extending to the boundary of the public thoroughfare;
 - (c) is located in a position approved by an authorised person; and
 - (d) where a single crossing is installed is of a width not greater than three metres and not less than 2.7 metres; or
 - (e) where there are two combined crossings serving adjoining and separately owned properties the combined width is not greater than eight metres and not less than six metres; and
 - (f) in all cases has a finished surface that is flush with the carriageway pavement and any abutting footpaths within the thoroughfare;
- (2) a **Rural Zone**, a crossing that—
 - (a) is constructed of either brick paving or concrete or asphalt where the crossing is serving land containing a residence or where a rural industry operates; or
 - (b) is constructed of either asphalt or compacted gravel or stabilised limestone with or without a bituminous sealed surface for serving land that does not contain a residence and is used for rural pursuit or any other purpose;
 - (c) commences on a straight or if not straight a smooth alignment at the edge of the carriageway pavement and extending to the boundary of the public thoroughfare;
 - (d) is located in a position approved by an authorised person;

- (e) where a single crossing is installed is of a width not greater than three metres and not less than 2.7 metres; or
 - (f) where there are two combined crossings serving adjoining and separately owned properties the combined width is not greater than eight metres and not less than six metres;
 - (g) in all cases has a finished surface that is flush with the carriageway pavement and any abutting footpaths within the thoroughfare; and
 - (h) may include a concrete culvert with headwalls to provide uninterrupted stormwater drainage of the thoroughfare. Marker posts are required for any crossover incorporating a culvert;
- (3) an **Industrial or Commercial Zone**, (other than Guildford), a crossing that —
- (a) is constructed of either brick paving, concrete or asphalt;
 - (b) commences on a straight or if not straight a smooth alignment at the edge of the carriageway pavement and extending to the boundary of the public thoroughfare;
 - (c) is located in a position approved by an authorised person;
 - (d) where a single crossing is proposed it is of a width not greater than five metres and not less than 3.5 metres; and
 - (e) in all cases has a finished surface that is flush with the carriageway pavement and any abutting footpaths within the thoroughfare;
- (4) **Guildford**, a crossing that —
- (a) is constructed of either brick paving or red/brown coloured concrete or red/brown coloured asphalt;
 - (b) commences on a straight or if not straight a smooth alignment at the edge of the carriageway pavement and extending to the boundary of the public thoroughfare;
 - (c) is located in a position approved by an authorised person;
 - (d) where a single crossing is installed is of a width not greater than three metres and not less than 2.7 metres; or
 - (e) where two combined crossings serving adjoining and separately owned properties are installed the combined width shall be not greater than eight metres and not less than six metres; and
 - (f) in all cases shall have a finished surface that is flush with the carriageway pavement and any abutting footpaths within the thoroughfare;
- (5) all other zones, a crossing that —
- (a) is constructed of either brick paving or concrete or asphalt;

- (b) commences on a straight or if not straight a smooth alignment at the edge of the carriageway pavement and extending to the boundary of the public thoroughfare;
- (c) is located in a position approved by an authorised person;
- (d) where a single crossing is installed is of a width not greater than three metres and not less than 2.7 metres; or
- (e) where two combined crossings serving adjoining and separately owned properties are installed the combined width is not greater than eight metres and not less than six metres; and
- (f) in all cases has a finished surface that is flush with the carriageway pavement and any abutting footpaths within the thoroughfare;

“permissible verge treatment” includes any treatment determined under clause 6.3 and includes any reticulation pipes and sprinklers.

Division 2 – Crossings

6.2 Construction of crossings

- (1) A person is responsible for the construction of a crossing from their land to the boundary of the public thoroughfare.
- (2) No person shall construct a crossing other than a standard crossing without an approval.

Division 3 – Verge Treatments

6.3 Varieties of permissible verge treatments

The owner or occupier of land abutting a thoroughfare in a residential, commercial or industrial zone may establish a permissible verge treatment on the verge abutting their land by the installation of any one or a combination of any of the following landscaping works —

- (a) growing lawn grass or other ornamental grasses;
- (b) application of mulch;
- (c) planting of groundcovers and low shrubs to a maximum height of 0.5 metres; and
- (d) may also include reticulation.

6.4 Requirement for approval to install a verge

A person who wishes to install or construct any verge treatment within a residential, commercial or industrial zone other than a permissible verge treatment must first obtain approval from the local government.

6.5 Rural Zone verge

No person shall install or construct any verge treatment within a Rural Zone that includes the removal of plants installed by the local government or existing native vegetation without approval from the local government.

6.6 Hazardous plants

Where landscaping that has thorns, spear like leaves or plants that are known to be toxic, and can cause a hazard or injury for any person using the thoroughfare, or where landscaping impedes on sightlines and public access, the local government may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.

6.7 Verge notice

An authorised person may give a written notice to an owner or occupier related to the verge abutting their property:

- (a) who has a non-permissible verge treatment requiring that owner or occupier to make good or to remove all or any part of a verge treatment which does not comply with this Part 6 Division 3 within a time specified; or
- (b) who has an unapproved item or material placed requiring that owner or occupier to make good or to remove all or any item or material which does not comply with this Part 6 Division 3 within a time specified.

PART 7 – ADVERTISING SIGNS IN THOROUGHFARES

Division 1 – Preliminary

7.1 Application

This Part 7 applies to the erection, placing and display of portable advertising signs within thoroughfares and local government property and property number signs.

7.2 Definitions

In this Part 7 unless the context otherwise requires —

“advertising flag” means any sign made usually of cloth or plastic in the shape and construction of a flag which is flown from a masthead, fixed either to or in front of a building or flown in any manner whatsoever but not including bunting;

“banner” means any temporary sign in the form of a sign made of a light weight, non-rigid material, such as cloth, canvas or similar fabric;

“bunting” means two or more small flags, streamers, wind vanes, strips of material, made of plastic or cloth or other light weight non-rigid material, whether triangular or any other shape or the like, connected, in a uniform or regular manner at one end, to a main supporting line;

“portable sign” means any sign not permanently attached to the ground or to a building or a structure and includes, without limiting the generality of the foregoing, an A-frame or sandwich board sign consisting of two sign boards attached to each other at the top by hinges or other means;

“property number sign” means a sign displayed to indicate the street number of a property or where a street number has not been determined, a lot number, but in either case shall be a number as assigned by the local government;

“sign” means anything which in words, numbers or pictorially or by any combination of those means or by any other means presents a visual message or is calculated to attract or is capable of attracting attention to a business, enterprise or use of land, and includes any structure, surface or other thing whatsoever erected, placed or prepared for the purpose of providing a place on or from which a visual message can be presented and includes an advertising flag, banner, bunting and a portable sign;

“sign licence” means a licence issued under clause 7.3.

Division 2 – Signage

7.3 Signage on local government property

(1) No person shall —

- (a) erect place install or display a sign on any part of a thoroughfare or on local government property; or
- (b) suffer or permit a sign which the person owns or controls to be erected placed installed or displayed on a part of a thoroughfare or on local government property;

without approval from the local government.

(2) The local government will have due regard to the following when considering approval —

- (a) the physical character or appearance of the sign;
- (b) the position of the sign on the thoroughfare or on local government property;
- (c) amenity; and
- (d) safety.

7.4 Signs on vehicles

No person shall park any vehicle including a trailer within a thoroughfare or on local government property for the purpose of advertising anything.

Division 4 – Property Number Signs

7.5 Property number signs

- (1) The owner of a lot must display and maintain a property number sign upon a conspicuous place on the front of their property, building or on the fence or gate adjoining a thoroughfare or on a notice on the lot where a dwelling or any other buildings exists on the lot.
- (2) These signs should have due regard to size and position so the property is visible and identifiable.

PART 8 – TRADING

Division 1 – Preliminary

8.1 Application

A person who wishes to conduct street trading, outdoor dining, a street market and street entertainment in any public place within the district must first obtain approval from the local government.

Division 2 –Outdoor Dining

8.2 Approval required

- (1) A person shall not set up or conduct an outdoor dining area in a street or public place —
 - (a) other than in a portion of a street or public place adjoining a registered food business;
 - (b) unless the person is the proprietor of the registered food business referred to in subclause 8.2 (1)(a);
 - (c) unless the person has obtained approval from the local government; and
 - (d) otherwise than in accordance with the granted licence and any terms and conditions of, the granted licence.
- (2) The provisions of this Part 8 Division 2 do not apply to -
 - (a) an outdoor dining area located on private property; or

- (b) functions that have obtained approval from the local government.
- (3) The local government may, in accordance with clause 2.5, exempt the requirement for a person or class of persons to obtain a licence.

8.3 Licence restrictions

- (1) An outdoor dining licence may only be issued to the proprietor of a registered food business, for use of the street or public place immediately adjacent to the registered food business.
- (2) The issue of a licence does not confer exclusive possession or use of that portion of the street or public place that is the subject of the licence.
- (3) An outdoor dining licence may only be issued in areas where-
 - (a) the positioning of tables and chairs for the outdoor dining area in not in conflict with existing street furniture approved by the local government; and
 - (b) there is sufficient space in the existing footpath to accommodate tables and chairs and other furniture and fittings required for the outdoor dining area, so as not to impede pedestrian flow.

8.4 Licence application

- (1) An application for an outdoor dining licence shall be made in accordance with clause 2.3 and additionally shall be accompanied by —
 - (a) a plan and specification of the proposed outdoor dining area showing:
 - (i) the location and dimensions of the proposed outdoor dining area and the means by which the outdoor dining area is to be separated from the balance of the street or public place;
 - (ii) the position of all tables, chairs and other structures proposed to be provided in the outdoor dining area and which of such items, if any, are to be retained within the o outdoor dining area at all times.
 - (b) a colour photograph or photographs of the tables, chairs and other structures to be set up in the outdoor dining area;
 - (c) a certificate of currency in respect of public liability insurance.

8.5 Outdoor dining licence

An outdoor dining licence shall —

- (a) be issued in accordance with clause 2.4;
- (b) include an endorsed copy of the plan or plans detailing the location and dimensions of the outdoor dining area;
- (c) include the days and hours of operation of the outdoor dining area; and

- (d) detail any other terms and conditions imposed on the licence.

8.6 Responsibilities of licensee

A licensee shall —

- (1) ensure that the outdoor dining area and its surroundings are kept in a clean and tidy condition at all times including any rubbish and litter ensuing from the outdoor dining area;
- (2) ensure a minimum width of 2 metres is kept clear for pedestrian access;
- (3) maintain the chairs, tables and other structures set up on the outdoor dining area in good and serviceable condition at all times;
- (4) display the licence in a conspicuous place in the adjoining food business and whenever requested by an authorised person to do so, shall produce the licence to the authorised person;
- (5) ensure that the outdoor dining area is conducted at all times in accordance with the granted licence and the provisions of this local law;
- (6) ensure that the operation of the outdoor dining area does not extend beyond the specified portion of the street or public place detailed in the plans approved as part of the licence;
- (7) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of the street or public place arising from the conduct of the outdoor dining area and the local government may recover such costs from the licensee as a liquidated debt due and owing in a Court of competent jurisdiction.

Division 3 – Street Markets

8.7 Approval required

A person shall not set up or conduct a street market in a thoroughfare—

- (a) unless the person has obtained approval from the local government and is the holder of a valid and current street market licence; and
- (b) otherwise than in accordance with a plan or other documents approved as part of a licence and any terms and conditions set out in, or applying in respect of, the licence.

8.8 Licence application

An application for a street market licence shall be made in accordance with clause 2.3 and shall include —

- (1) a plan or plans to a scale of 1:100 showing —
 - (a) the location and dimensions of the proposed area to be used for the street markets;

- (b) the dimensions of the thoroughfare including the footpath and the location and nature of any street furniture, trees, utilities, parking or service bays in the area; and
 - (c) the position and dimensions of all proposed market stalls;
- (2) a management plan outlining the operation of the street markets including —
 - (a) the proposed days and times of operation;
 - (b) the proposed type and form of any advertising devices to be used;
 - (c) details of how the operational responsibilities of the licensee will be met.

8.9 Street market licence

A street market licence shall —

- (a) be issued in accordance with clause 2.4;
- (b) include an endorsed copy of the plan or plans detailing the location where any furniture displays and other equipment may be placed for the operation of the street markets;
- (c) include the days and hours of operation of the street markets; and
- (d) detail any terms and conditions imposed on the licence.

8.10 Responsibilities of licensee

- (1) The licensee shall, prior to commencing operation of the street markets, obtain relevant approvals and make arrangements as follows —
 - (a) where required, obtain approval from the local government and the Police Force for the closure of public street to vehicular traffic, in the location and during the hours of operation of the street markers;
 - (b) lodge a copy of the approved plans of the street market with the Department of Fire and Emergency Services or other appropriate fire management authority;
 - (c) ensure adequate refuse collection arrangement have been made to the satisfaction of the local government; and
 - (d) obtain approval from the local government in relation to public entertainment aspects of the street markets.
- (2) The licensee shall, during the operation of the street markets, including setting up and dismantling times —
 - (a) not permit the street market to extend beyond the specified portion of the street detailed in the plans approved and endorsed as part of the licence
 - (b) maintain pedestrian access through and beyond the street markets area;
 - (c) ensure access to adjacent building access and egress points;

- (d) ensure access to existing or approved outdoor dining areas associated with adjacent building entries;
 - (e) ensure adequate access for emergency vehicles throughout the licence area;
 - (f) stabilise all structures and furniture provided and used in the operation of the markets at all times and remove such structures and furniture when not in use;
 - (g) maintain noise levels from any associated music, announcements and the like, in accordance with any licence condition, so as not to cause a nuisance;
 - (h) maintain the area of the markets clean and free from rubbish; and
 - (i) ensure that the street market is conducted at all times in accordance with the granted licence and the provisions of these Local Laws.
- (3) The licensee shall at the conclusion of each street market, ensure that all structures and equipment used in the operation of the street markets, are removed and the area returned to the condition it was before the commencement of the street markets, and to the satisfaction of the local government.

Division 4 – Street Trading

8.11 Approval required

- (1) Subject to subclause 8.11(2) a person shall not set up or conduct trading in a thoroughfare or public place unless —
 - (a) the person has obtained approval from the local government and is the holder of a valid and current street trading licence or is an assistant specified in the licence; and
 - (b) otherwise than in accordance with a plan or other documents approved as part of a licence and any terms and conditions set out in, or applying in respect of, the licence.
- (2) Subclause 8.11(1) does not apply to trading in relation to a function that has received approval from the local government.

8.12 Licence application

An application for a street trading licence shall be made in accordance with clause 2.3 and shall include —

- (1) the names of all persons to be employed in the street trading activity at any one time;
- (2) plans of the proposed location, and days and hours of operation;

- (3) details of proposed goods, wares, merchandise or services for which trading will be carried on;
- (4) details of any proposed stall, stand, table, structure or vehicle to be used for trading; and
- (5) name and address of the person responsible for complying with any conditions imposed by the licence, where the applicant is a corporation.

8.13 Street trading licence

A street trading licence shall —

- (a) be issued in accordance with clause 2.4; and
- (b) show any terms and conditions imposed on the licence.

8.14 Responsibilities of licensee

(1) The licensee shall —

- (a) not permit any trading activity to extend beyond the specified portion of the public place detailed in the plans approved as part of the licence;
- (b) ensure that the licensed area is attended either by the licensee or any assistant at all times when trading is being undertaken;
- (c) keep any stall, stand, table, structure or vehicle specified in the licence in a clean, safe condition and in good repair;
- (d) ensure a minimum width of 2 metres is kept clear for pedestrian access on any footpath;
- (e) keep the location specified in the licence free from refuse and rubbish;
- (f) have the licence available at all operation times and produce the licence to any Authorised Person or any police authorised person when requested; and
- (g) remove any stall, merchandise and signs from the location to which the licence applies and leave the location clean and vacant —
 - (i) at the conclusion of the permitted hours of operation specified in the licence; and
 - (ii) whenever the trading is not taking place on the location to which the licence applies.

(2) The licensee shall not —

- (a) engage in or permit any trading in any goods, wares, merchandise or services other than those specified in the licence;
- (b) cause, permit or suffer any nuisance to exist, arise or continue on or from the location to which the licence applies;

- (c) place or store or permit to remain any goods, wares, merchandise on any street or public place other than on the location to which the licence applies;
- (d) obstruct the free passage of pedestrians on any footpath or pedestrian accessway;
- (e) erect, place or display or permit to be erected any advertisement, placard, poster, streamer, sign or signboard on or about the location specified in the licence other than price tickets or labels on the permitted place not exceeding a total of one square metre in area per licence;
- (f) erect and maintain any signs in accordance with subclause 8.14(2)(e) so as to obscure any other signage on or adjacent to the licensed area;
- (g) cry out, shout about or permit any other person to cry out or shout about any goods, wares, merchandise or services in any street or public place;
- (h) use or permit to be used any loud hailer, microphone, amplifier or other apparatus for making or transmitting sound on or from the permitted place specified in the licence, unless approved by the local government;
- (i) use or permit to be used any record, tape, radio, bell, musical instrument or other instrument or device capable of being heard beyond the boundaries of the permitted place specified in the licence unless approved by the local government;
- (j) use or permit to be used any flashing or intermittent lighting apparatus or device on or from the permitted place specified in the licence; or
- (k) use or permit to be used any apparatus or device including any flap or shelf whereby the dimension of the stall area is increased beyond that specified in the licence.

8.15 Exemptions from requirement to obtain approval

The provisions of Part 8 Division 4 do not apply to -

- (a) a street trading area located on private property;
- (b) functions such a street festival, carnival or other occasional activity, which require approval under another written law;
- (c) street trading that occurs in an area designated by the local government for that purpose;
- (d) newspaper sellers and street collectors for charity or community groups that do not involve the use of a structure, signage or other equipment;
- (e) personal fitness trainers operating in public places such as parks, under separate approval from the local government's leisure services;
- (f) placement of merchandise for sale on the constructed footpath pavement of James Street, Guildford between Market and Meadow Streets, provided that a minimum 2 metre access way free of any obstructions be maintained immediately adjacent to the shopfronts in this locality; or

- (g) itinerant traders that do not trade on any part of a road controlled by Main Roads Western Australia.

Division 5 – Street Entertainment

8.16 Approval required

A person shall not set up or conduct street entertainment in a thoroughfare or public place unless —

- (a) the person has obtained approval from the local government and is the holder of a valid and current street entertainment licence; and
- (b) it is in accordance with all documents approved as part of a licence and any terms and conditions set out in, or applying in respect of, the licence.

8.17 Licence restrictions

A licensee does not confer exclusive possession or use of that portion of the street or thoroughfare.

8.18 Licence application

An application for a street entertainment licence shall be in accordance with clause 2.3 and shall include —

- (a) the nature of the proposed street entertainment;
- (b) a list of any musical instrument or amplifier proposed to be used;
- (c) a list of people performing in the proposed street entertainment; and
- (d) date(s) and time(s) of the street entertainment.

8.19 Street entertainment licence

A street entertainment licence shall —

- (a) be issued in accordance with clause 2.4;
- (b) include the days and permitted times for the street entertainment; and
- (c) show any other terms and conditions on the licence.

8.20 Responsibilities of licensee

- (1) The licensee shall ensure that the street entertainment —
 - (a) does not extend beyond the specified portion of the street or public place approved in the licence;

- (b) does not prevent or impede pedestrian flow or access to and along footpaths, entry or exit to shops and other buildings;
 - (c) does not prevent or impede vehicular flow or access to and along any street, entry or exit to any service delivery area;
 - (d) does not cause a nuisance to any other street entertainment or activity approved by the local government;
 - (e) does not include, involve or permit —
 - (i) anything that is offensive or obscene;
 - (ii) the use of fire;
 - (iii) any weapon or object with sharp edges including knives and swords;
 - (iv) any machinery that emits a loud noise in its operation or is not suitable in the location;
 - (v) any other activity, object or matter whatsoever that endanger the safety of the public or the performer; or
 - (vi) cruelty to an animal;
 - (f) does not include any amplification unless specifically approved and endorsed on the licence and in any event will not be permitted at any location between Monday to Saturday, 10.00pm to 7.00am, and between 10.00pm Saturday and 9.00am Sunday; and
 - (g) complies at all times with the *Environmental Protection (Noise) Regulations 1997*.
- (2) The licensee shall —
- (a) only use the allocated space and location to perform during the days and times specified in the licence;
 - (b) produce the licence when requested to do so by an authorised person; and
 - (c) comply at all times with a direction of an authorised person.
- (3) A licensee shall not —
- (a) reserve or attempt to reserve a location or leave equipment at a location used for performances unless immediately before, during and immediately after a performance;
 - (b) sell any goods or services without a licence for that purpose;
 - (c) erect or display or permit to be erected or displayed at or near the performance location any sign except —
 - (i) a sign no larger than one square metre, displaying the name of the street entertainment; or

- (ii) standard business cards.
- (4) A licensee whose licence permits pavement or visual art —
 - (a) shall only use chalk on paved areas;
 - (b) shall not use spray paint, crayons, textures or other indelible materials; and
 - (c) shall return the location, including the pavement surface, to its former condition.

8.21 Exemptions from requirement to obtain approval

The provisions of Part 8 Division 5 do not apply to-

- (a) a street entertainment activity located on private property;
- (b) functions such as a street festival, carnival or other occasional activity, which require approval under another written law; or
- (c) street entertainment that occurs in an area designated by the local government for that purpose.

Division 6 – Bonds

8.22 Security for restoration and reinstatement

- (1) For the purpose of ensuring that an outdoor dining or street market area is properly restored or reinstated on the expiry of a licence, the local government may require that the licensee as a condition of a licence, provide the local government with a bond or bank guarantee acceptable to the local government, for an amount as determined by the local government.
- (2) The local government may in its absolute discretion without notice draw down on a bond or make demand under a bank guarantee where a breach of the licence occurs to make good any local government property affected by the breach.

8.23 Use of security by the local government

- (1) If a licensee fails to carry out or complete the reinstatement works required by the licence conditions or by a written notice issued by the local government, either —
 - (a) within the time specified in those conditions;
 - (b) where no such time has been specified, a reasonable period of time from the expiration of the licence; or
 - (c) within 14 days or such other time as specified in the written notice issued by the local government to the licensee,

then the local government may carry out or cause to be carried out the required reinstatement work or so much of that work as remains undone.

- (2) The licensee shall pay to the local government on demand all administrative, legal and other costs, including cost of labour and materials, estimated or incurred by the local government, to reinstate the site or which the local government may be required to pay, failing which, the local government may recover such costs from the licensee as a debt due and owing to the local government in a Court of competent jurisdiction.
- (3) The local government may apply the amount of any bond or bank guarantee provided by the licensee under subclause 8.22(1) to meet costs under this clause 8.23.
- (4) The liability of a licensee to pay the local government's costs under this clause 8.23 is not limited to the amount, if any, secured under subclause 8.22(1).

Division 7 – Miscellaneous

8.24 Notice requiring works to be done to remedy breach

- (1) Where the local government requires works to be done —
 - (a) to rectify a breach of any condition of a licence; or
 - (b) to change the arrangement or operation of an outdoor dining to maintain public safety, facilitate public works to the footpath or street or protect the amenity of an adjacent local government property,the local government may give notice in writing to the licensee —
 - (i) advising details of the breach of the Local Law or works required;
 - (ii) requiring the licensee to remedy the breach or do the works required within the time specified in the written notice; and
 - (iii) advising that where the licensee fails to comply with the requirements of the written notice within the time specified, the local government may do the required works.
- (2) Where the licensee fails to comply with the requirements of the notice, the local government may by its employees, agents or contractors carry out all works and do all things necessary to comply with the requirements of the written notice.
- (3) The local government may recover the expenses incurred in carrying out the works in accordance with subclause 8.24(2) —
 - (a) by applying the amount of any bond or bank guarantee provided by the licensee under subclause 8.22(1); or
 - (b) from the licensee in a Court of competent jurisdiction as a debt due and owing to the local government.

8.25 Notice to inform licensee of planned or emergency works

- (1) The local government may give 14 days' notice of any planned works to be undertaken by the local government or any other authority that will require closure or part closure of access to an outdoor dining area, street trading or street market location licensed in accordance with this Local Law.
- (2) Where the local government or any other authority is to carry out emergency works in an outdoor dining area, street trading or street market location, there shall be no specified time for the giving of notice of the works to the licensee, other than that which is considered reasonable under the circumstances.
- (3) The licensee shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to any works, actions or activity whatsoever referred to in subclauses 8.25(1) and 8.25(2) and all rights and privileges by the licence shall be suspended in accordance with subclause 2.4(7).

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PART 9 – ENFORCEMENT OF LOCAL LAW

Division 1 – Preliminary

9.1 General powers of authorised persons

- (1) A person on local government property shall obey any lawful direction of an authorised person relating to the use of the property by the person.
- (2) If an authorised person or police officer suspects on reasonable grounds that a person on local government property has contravened a provision of any written law, the authorised person may direct that person to leave the local government property and the person shall do so immediately.
- (3) Where an authorised person suspects, on reasonable grounds, that a person on local government property has contravened a provision of any written law, the authorised person may issue to that person a written notice prohibiting that person from entering upon and or remaining upon, any local government property for a period specified in that notice, commencing on the date and time stated in the notice (**Prohibition Notice**).
- (4) A Prohibition Notice issued under subclause 9.1(3) may be served—
 - (a) by an authorised person or
 - (b) by a police officer.

Division 2 – Personal details and Notices

9.2 Personal details

An authorised person or a police officer who finds a person committing or who on reasonable grounds suspects of having committed a breach of any provisions of these Local Laws, may demand from the person that person's full name, current address, telephone number and date of birth and that person must give his or her full name, current address, telephone and date of birth to the authorised person or police officer.

9.3 Notice may be served

The Chief Executive Officer or an authorised person may serve a notice in accordance with section 9.16 of the Act on any person who commits an offence under these Local Laws.

9.4 Failure to comply with notice

A person who —

- (a) fails to comply with a notice issued under these Local Laws; or
- (b) fails to comply with any conditions specified in a notice issued under these Local Laws commits an offence.

9.5 Cost of carrying out works

- (1) Where the local government undertakes or causes to be undertaken any work as required by any person, owner or occupier under these Local Laws, it may give to the owner or occupier of the land written notice of the amount expended by the local government in carrying out that work.
- (2) The amount specified in the notice must be paid to the local government within 28 days of the notice being given to the owner or occupier.
- (3) If the amount specified is not paid to the local government within 28 days from the giving of the notice, the local government may recover it as well as the costs of proceedings and interest on the amount, in a Court of competent jurisdiction as a debt due and owing to the local government.

Division 3 – Miscellaneous

9.6 Cancellation of a notice

Where a notice is given to a person or the owner or occupier of any land under these Local Laws and the owner or occupier satisfies the local government within 14 days from the date of the giving of the notice that —

- (a) it was not responsible for the conduct in respect of which the notice was given or the activity in respect of which conditions were imposed as the case may be;

- (b) it took all reasonable precautions to prevent the conduct or all reasonable steps to comply with or cause the conditions to be complied with, as the case may be; and
- (c) where another person was responsible for the conduct, it identifies the person responsible for the conduct sufficiently to enable a notice to be issued to that person,

the local government may cancel a notice at its discretion.

Division 4 – Penalty, Prescribed Offences and Modified Penalties

9.7 Penalty

The maximum penalty in respect of —

- (a) an offence under these Local Laws where they have been made under the Act is \$5,000 and where the offence is of a continuing nature the maximum daily penalty is \$500; and
- (b) an offence under these Local Laws where they have been made under an Act other than the Act, is the maximum penalty and the maximum daily penalty under that Act which can be specified for a breach of Local Laws made under that Act.

9.8 Prescribed offences and modified penalties

- (1) An offence against a clause specified in Schedule 9.1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified in Schedule 9.1.
- (3) Where a modified penalty for a prescribed offence is not specified in Schedule 9.1, the modified penalty shall be \$100.00.

9.9 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations.
- (2) The form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations.
- (3) The form of the infringement withdrawal notice given under section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

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SCHEDULE 9.1

Local Government Act 1995
(clause 9.8)

City of Swan
CITY OF SWAN ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND
TRADING LOCAL LAW 2026

An authorised person or police officer who has reason to believe that a person has committed a prescribed 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.

PRESCRIBED OFFENCES AND MODIFIED PENALTIES

Item	Local Law	Nature of Offence	Modified Penalty (\$)
1.	2.3(a) and 2.5	Failing to obtain approval or an exemption	500
2.	2.4(5)	Failing to comply with licence conditions	500
3.	2.4(8)	Failing to obtain a licence	500
4.	3.4	Prohibited activities relating to reserves and foreshores	250
5.	3.5	Failing to obtain approval relating to reserves and foreshores	500
6.	3.6	Failing to comply with signs	250
7.	3.7(1)	Failing to obtain approval or an exemption to conduct a function	500
8.	3.7(4)	Failing to comply with terms and conditions of a licence	250
9.	4.6	Failing to comply with a condition of hire	250
10.	4.10	Failing to comply with a condition of entry	250
11.	4.11	Failing to leave local government property when required	250
12.	4.13(2)	Failing to comply with a Suspension Notice or leave local government property	1000
13.	4.13(4)	Failing to leave local government property when required	250
14.	4.14	Failing to comply with directions	250
15.	4.15	Failing to comply with standard of dress direction	250
16.	5.2	Prohibited activities relating to bridges, jetties and weirs	250
17.	6.2	Failing to construct a crossing other than a standard crossing without a licence.	500

18.	6.3	Failing to establish verge treatment other than a permissible verge treatment	500
19.	6.4	Failing to obtain approval to install a verge	500
20.	6.5	Failing to obtain approval to install a verge in rural zone that involves removal of plants or native vegetation	500
21.	6.6	Failing to remove, cut, move or otherwise deal with hazardous plants	250
22.	6.7	Failing to comply with a verge notice	500
23.	7.3(1)	Failing to obtain approval for signage on thoroughfare or on local government property	500
24.	7.4	Signs on vehicles within a thoroughfare or on local government property	500
25.	7.5(1)	Failing to display a property number sign	500
26.	8.1(1)(c)	Failing to obtain approval for outdoor dining	500
27.	8.6	Responsibilities relating to outdoor dining	250
28.	8.7	Failing to obtain approval for street markets	500
29.	8.10	Responsibilities relating to street markets	250
30.	8.11	Failing to obtain approval for street trading	500
31.	8.14	Responsibilities relating to street trading	250
32.	8.16	Failing to obtain approval for street entertainment	500
33.	8.20	Responsibilities relating to street entertainment	500
34.	8.24(1)	Failing to comply with notice requiring works to be done to remedy breach	500
35.	9.1(1)	Failing to obey direction	250
36.	9.1(2)	Failing to leave local government property when directed	250
37.	9.2	Failing to comply with a Prohibition Notice	1000
38.	9.2	Failing to give personal details	500
39.	9.4	Failing to comply with a notice	500

PART 10 – OBJECTIONS AND APPEALS

10.1 Rights of objection and appeal

- (1) When the local government makes a decision in relation to the granting, renewal, variation, cancellation or suspension of a licence under these Local Laws, the objection and review provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.
- (2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the local government.

