

**WESTERN AUSTRALIA
LOCAL GOVERNMENT ACT 1995**

**SHIRE OF PINGELLY
PUBLIC PLACES LOCAL LAW 2027**

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Pingelly resolved on _____ to make the following local law.

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PART 1 — PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of Pingelly Public Places Local Law 2027.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The following local laws are repealed—

- (a) the Shire of Pingelly Activities in Thoroughfares and Trading in Thoroughfares and Public Places Local Law, made 10 June 2003; and
- (b) the Shire of Pingelly Local Government Property Local Law, made 10 June 2003.

1.5 Transitional provisions

- (1) An application for, or the renewal of, a permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.
- (2) A permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a permit under this local law and may be dealt with accordingly.
- (3) A verge treatment which was installed prior to the commencement day, and which was a type of verge treatment permitted under, and complied with, the corresponding provisions of a repealed local law, is to be taken to be a permitted verge treatment for so long as it remains of the same type and continues to so comply.
- (4) Where a sign erected in a public place has been erected under a repealed local law, it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1 or 2.2, and clause 2.6 does not apply to such a sign.

1.6 Terms used

In this local law unless the context otherwise requires—

Act means the Local Government Act 1995;

applicant means a person who applies for a permit;

application means an application for a permit;

authorised person means a person appointed by the CEO under section 9.10 of the Act to perform any of the functions of an authorised person under this local law, and includes the CEO;

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

CEO means the Chief Executive Officer of the local government;

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

Council means the council of the local government;

crossover means a crossing giving access from a public thoroughfare to—

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

determination means a determination made under clause 2.1 or 2.2;

district means the district of the local government;

dwelling means a building, or portion of a building, used or intended to be used for human habitation as a self-contained residence, but does not include a caravan, tent or other structure not permanently fixed to the land;

entertainment means—

- (a) the action of providing or being provided with amusement or enjoyment; or
- (b) an event, performance, or activity designed to entertain others, and includes busking;

fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal, any class of animal or individual member, the eggs or larvae, or the carcass, skin, plumage or fur;

firework means a device such as a Catherine wheel, a roman candle, a rocket or the like, in which combustible materials are ignited and produce coloured smoke, flames and (sometimes) an explosion or loud noise;

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

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

function means an organised event or activity for which local government property is set aside, whether or not a fee is charged for admission;

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 given to it in the Road Traffic Code 2000;

kerb includes the edge of a carriageway;

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

licence means a permit issued under this local law;

liquor has the meaning given to it in section 3 of the Liquor Control Act 1988;

local government means the Shire of Pingelly;

local government property means anything, except a thoroughfare—

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

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

MRWA means Main Roads Western Australia;

nuisance means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which—

- (a) is injurious or dangerous to the health or safety of another person of normal susceptibility; or
- (b) has a disturbing effect on the state of reasonable physical, mental or social wellbeing of another person;

owner or occupier in relation to land, has the meaning given to it in section 1.4 of the Act, but does not include the local government;

parklet means a temporary or semi-permanent structure installed in a thoroughfare, generally within a former on-street parking bay, providing public seating, greenery or other similar amenity;

performance includes a speech, address, or spoken presentation to an audience, and busking;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

permitted performance area means an area designated under clause 2.1(2)(a), being an area in which performance is permitted without a permit;

permitted verge treatment means any one of the treatments described in clause 5.4, and includes any reticulation pipes and sprinklers;

person does not include the local government;

prohibited drug means a prohibited drug or a prohibited plant as those terms are defined in the Misuse of Drugs Act 1981;

protected flora and "threatened flora" have the meanings given to specially protected flora and threatened flora, respectively, in section 5(1) of the Biodiversity Conservation Act 2016;

public place means—

- (a) a thoroughfare;
- (b) any local government property; or
- (c) any place to which the public have access;

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

repealed local law means a local law repealed under clause 1.4;

restricted local government property means local government property which, by its nature or by a sign erected by the local government, does not have public access, and includes—

- (a) a building used as a residence and the whole of the land on which it is situated;
- (b) a non-residential building occupied under an agreement with the local government and the whole or an identified portion of the land on which it is situated;
- (c) land occupied under an agreement with the local government; and
- (d) buildings or land restricted by the local government for municipal purposes to ensure public safety, or for community interest or benefit;

Roadside Conservation Committee means the Roadside Conservation Committee appointed by the responsible Minister;

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

smoke or smoking means to—

- (a) smoke, hold or otherwise have control over an ignited tobacco product;
- (b) light a tobacco product; or
- (c) use an e-cigarette or other vaping device;

stall means a movable or temporarily fixed structure, stand, table or vehicle (including a food van or other mobile food business) in, on or from which trading is conducted;

street display means the display of goods for sale, associated with an abutting business, on a footpath or other public place;

thoroughfare has the meaning given to it in the Act;

townsite means the townsites of Pingelly constituted under section 26(2) of the Land Administration Act 1997;

trading means—

- (a) the selling or hiring of, the offering for sale or hire of, or the soliciting of orders for, goods or services in a public place;
- (b) displaying goods in a public place for the purpose of offering, inviting offers for, or soliciting orders for their sale or hire; and
- (c) going from place to place offering goods or services for sale or hire;

UAV means an unmanned aircraft, other than a balloon or kite, and includes a drone;

vehicle includes every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise, and an animal being ridden or driven, but excludes a wheelchair or similar device designed for use by a physically impaired person, and a pram, stroller or similar device;

verge means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath;

1.7 Interpretation

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

1.8 Assistance animals

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

1.9 Exemption for the local government and its agents

This local law does not apply to the local government, or to a person acting on behalf of, or under the direction of, the local government, including an employee, contractor, volunteer or event organiser, in connection with an activity conducted by or on behalf of the local government.

1.10 Assignment of numbers

An authorised person may assign a number to a lot in the district and may assign another number to the lot instead of one previously assigned.

PART 2 — DETERMINATIONS IN RESPECT OF PUBLIC PLACES

2.1 Activities which may be pursued in a specified public place

- (1) The Council may make a determination setting aside a specified public place, or a class of public place, as an area in which a person may pursue a specified activity or class of activity.
- (2) Without limiting subclause (1), a determination under that subclause may, for example, set aside an area as one in which—
 - (a) a performance or busking activity is permitted without a permit, for the purposes of clause 6.2;
 - (b) a stall may be conducted, or trading carried on, without a permit, for the purposes of clause 6.4(1)(a); or
 - (c) a class of sign, or a sign in a specified location, is permitted without a permit, for the purposes of clause 6.1(10).

2.2 Activities which may be prohibited in a specified public place

The Council may make a determination prohibiting a person from pursuing a specified activity, or class of activity, in a specified public place, or class of public place.

2.3 Effect and conditions of a determination

- (1) A determination under clause 2.1 or 2.2 is the only means by which the local government may permit an activity that would otherwise be prohibited under this local law, or prohibit an activity that would otherwise be permitted under this local law.
- (2) A determination under clause 2.1 or 2.2 may specify the extent to which and the manner in which an activity may be pursued or is prohibited and, in particular—
 - (a) the days and times during which the activity may be pursued or is prohibited;
 - (b) that an activity may be pursued, or is prohibited, in a class of public place, a specified public place or all public places;
 - (c) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things; and
 - (d) may distinguish between different classes of the activity.
- (3) The Council may make a determination as to any matter ancillary or necessary to give effect to a determination under clause 2.1 or 2.2.

2.4 Making a determination

- (1) A determination is made by resolution of the Council. The local government may advertise its intention to make the determination before it is made, and the decision is not to be delegated by the Council.
- (2) A determination has effect on and from the date it is made, or a later date specified in the determination.

2.5 Compliance with a determination

A person must comply with a determination, including any conditions specified in or under a determination.

2.6 Determinations to be recorded in a determination register

The local government is to record a determination, and any amendment or revocation of a determination made under clause 2.7, in a determination register maintained as part of a policy of the local government.

2.7 Amendment or revocation of a determination

- (1) The Council may amend or revoke a determination made under clause 2.4.
- (2) The provisions of clause 2.4 apply to an amendment of a determination as if the amendment were the making of a determination.
- (3) If the Council revokes a determination, the determination ceases to have effect on the date the Council decides to revoke it, or a later date specified in the decision.

PART 3 — BEHAVIOUR IN PUBLIC PLACES

3.1 Application

In this Part, local government property includes any structure, facility or item constructed or owned by the local government which may be situated on land not under the local government's management.

DIVISION 1 — GENERAL CONDUCT

3.2 Behaviour which interferes with others

In or on any public place, a person must not behave in a manner which—

- (a) is likely to interfere with the enjoyment of a person, including an employee, contractor or authorised person, who might use or who might be in the public place; or
- (b) interferes with the enjoyment of a person, including an employee, contractor or authorised person, using the public place.

3.3 Behaviour detrimental to property

A person must not behave in a public place in a way which is or might be detrimental to the public place, including but not limited to—

- (a) removing anything from the public place, including a rock, a plant or a seat provided for the use of any person; or
 - (b) destroying, defacing or damaging anything in the public place, including a plant, a seat provided for the use of any person, or a building or other structure.
- (2) Subclause (1) does not apply to anything lawfully done by an owner or occupier in accordance with Part 5 in relation to a permitted verge treatment.

3.4 Taking or injuring fauna or flora

- (1) A person must not, on or above any public place, unless authorised under a written law to do so—
- (a) take, injure, kill or attempt to take, injure or kill any fauna; or
 - (b) remove, prune, damage or attempt to remove, prune or damage any flora.
- (2) Subclause (1) does not apply to a person acting in accordance with the Biosecurity and Agriculture Management Act 2007 or the Shire of Pingelly Pest Plants Local Law, or to anything lawfully done by an owner or occupier in accordance with Part 5 in relation to a permitted verge treatment.

3.5 Threatening or abusive behaviour

A person must not, in a public place, engage in behaviour towards an employee, contractor, authorised person, or another person, which is threatening, abusive, intimidating, or which puts that person in fear for their safety.

3.6 Intoxicated persons and prohibited drugs

- (1) A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug, unless, in the case of liquor, the liquor is being consumed or possessed in accordance with the Liquor Control Act 1988, or under a permit issued under clause 6.9(1)(a).
- (2) A person must not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

3.7 Smoking and vaping prohibited

A person must not smoke on any local government property that is a building, within 5 metres of the entrance to such a building, within 5 metres of a gate providing pedestrian entry to local government property, or within 10 metres of a children's playground.

DIVISION 2 — ACCESS AND USE OF PUBLIC PLACES

3.8 Restricted local government property

Nothing in this local law is to be construed as—

- (a) permitting access to or activities by the public on restricted local government property without the express approval of the occupier or an authorised person, as applicable; or
- (b) limiting the right of the occupier of restricted local government property to full use of that property for their private enjoyment as permitted by law or by agreement with the local government.

3.9 No unauthorised entry to function

- (1) A person must not enter local government property on such days or during such times as 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 any fee chargeable for admission at the time.

- (2) An authorised person may exempt a person from compliance with subclause (1)(b).

3.10 Vehicles on local government property

- (1) Unless authorised by a permit or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless—
- (a) 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, contractor, or lease or licence holder (or their staff), engaged in the course of providing a service to, or maintaining, or exercising rights over, the property; or
 - (c) the vehicle is a motorised wheelchair driven by a person with a disability.
- (2) A person must not drive a vehicle on local government property at a speed exceeding 20 kilometres per hour, or as otherwise indicated by a sign, or in a manner as to cause danger to any person.
- (3) A person must not park a vehicle on local government property that is designated as a car park otherwise than in accordance with any time limit, restriction on the class of vehicle or person, or other parking requirement specified by a sign or a policy of the local government.

3.11 UAVs

- (1) A person must not use a UAV on or from local government property except in accordance with a determination or permit.
- (2) A person must not use a UAV to overfly any public place during an emergency, or where an emergency vehicle is in attendance, without the specific approval of an authorised person.

DIVISION 3 — ENFORCEMENT AND ADMINISTRATION

3.12 Refusal of entry and removal

- (1) If an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, an authorised person may—
- (a) refuse to allow that person to enter local government property;
 - (b) if the person is on local government property, direct the person to leave; and
 - (c) specify a period of up to 30 calendar days within which the person is not to re-enter the local government property.
- (2) A person who has been refused entry or directed to leave under subclause (1) must immediately leave the local government property quickly and peaceably.
- (3) If a person fails to comply with subclause (2), an authorised person may remove the person, or arrange for the person to be removed, from the local government property.
- (4) A person given a direction under subclause (1)(c) may apply in writing to the CEO for a review of that direction, and the CEO may confirm, vary or revoke it.

3.13 Signs in public places

- (1) The local government may erect a sign in a public place specifying conditions for the use of that place.
- (2) A sign under subclause (1) must not have an effect referred to in clause 2.3(1); a determination is the only means by which such an effect may be achieved.
- (3) A person must comply with a sign erected under subclause (1).

3.14 Authorised person to be obeyed

A person in a public place must obey a lawful direction of an authorised person, and must not obstruct or hinder an authorised person in the exercise of their duties.

3.15 Disposal of unclaimed property

- (1) An article left on local government property which is not claimed within 3 days may be disposed of by the local government in any manner it considers appropriate.
- (2) Subclause (1) does not apply to a vehicle, animal or other goods removed or impounded under Part 3, Division 3, Subdivision 4 of the Local Government Act 1995, which are to be dealt with in accordance with that Subdivision.

3.16 Request for identification

- (1) Where an authorised person reasonably believes that a person is committing, or has committed, a breach of this local law, the authorised person may request the person to state their name, place of residence and date of birth and, where reasonably available, to produce evidence of their identity.
- (2) A person must not, without lawful excuse—
 - (a) fail to comply with a request made under subclause (1); or
 - (b) in response to a request made under subclause (1), give information that is false or misleading in a material particular.
- (3) This clause does not confer a power of arrest, and is in addition to, and does not limit, section 9.11 of the Act.

PART 4 — MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

4.1 When entry to pool area may be refused

- (1) An authorised person may refuse admission to a pool area to a person who, in their opinion—
 - (a) is suffering from a contagious, infectious or cutaneous disease or complaint, or is in an unclean condition;
 - (b) is behaving in a manner contrary to clause 3.2; or
 - (c) is under the influence of liquor or a prohibited drug;
 - (d) is an unaccompanied child under the age of 10 years; or
 - (e) does not comply with a sign specifying an age, supervision or other requirement for the pool area.
- (2) If a person referred to in subclause (1) is in a pool area, an authorised person may direct the person to leave and, if the person refuses or fails to leave, remove the person or arrange for the person to be removed.

4.2 Compliance with signage designating use of toilet block or change room

- (1) Where a sign on a toilet block, change room or similar facility designates that the facility, or a specified entry to it, is for use by a specified purpose or user group, a person must not use that facility, or that entry, other than in accordance with the sign.
- (2) Without limiting subclause (1), a sign may designate an entry for use by families, in which case only an immediate member of that family, a guardian, or a caregiver may use that entry.
- (3) Subclause (1) does not prevent a child under the age of 8 years, or a person with a disability or special need, from being accompanied, at any entry, by a parent, guardian, caregiver or carer.

4.3 No entry to fenced, closed or after-hours property

A person must not enter or remain on local government property which has been fenced off or closed to the public, or which is outside its hours of operation as specified by a sign or determination, unless authorised to do so by an authorised person.

PART 5 — ACTIVITIES IN THOROUGHFARES

DIVISION 1 — GENERAL

5.1 General prohibitions

A person must not—

- (a) plant, or allow to remain, in a thoroughfare a plant that is or may become an obstruction to a reasonable sight line for a driver of any vehicle using the thoroughfare;
- (b) damage, destroy, or remove a tree planted or maintained by the local government in a thoroughfare, other than in accordance with clause 5.5 or with the approval of the local government;
- (c) damage a lawn or a garden, or remove any plant or part of a plant from a lawn or a garden, in a thoroughfare unless 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 the person is acting under the authority of a written law;
- (d) place, or allow to be placed or remain, on a thoroughfare anything (except water) that obstructs the thoroughfare or results in a hazard for any person using it;

- (e) unless at the direction of an authorised person, 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;
- (f) interfere with or modify a drainage system in a thoroughfare, including a drain, culvert, table drain or soakwell, without the approval of the local government;
- (g) play or participate in any game or sport so as to cause danger to any person or thing, or unreasonably impede the movement of vehicles or persons on a thoroughfare;
- (h) light any fire or burn anything on a thoroughfare, other than in a stove or fireplace provided for that purpose; or
- (i) without a permit, dig or otherwise create a trench through or under a kerb or footpath, or interfere with the soil of a thoroughfare, or take or remove sand, soil, gravel, rocks or other material from a thoroughfare, including a verge; or
- (j) interfere with any utility service, conduit, pipe, pit or other infrastructure of a service provider, including a telecommunications, electricity, gas or water infrastructure provider, located in a public place, unless authorised under a written law to do so.

5.2 No driving on closed thoroughfare

A person must not drive or take a vehicle on a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act unless it is in accordance with any limit or exception specified in the closure order, or the person has first obtained a permit.

5.3 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 verge treatment, plant, hard surface, sprinklers, pipes or other reticulation equipment.

DIVISION 2 — VERGE TREATMENTS

5.4 Permitted verge treatments

- (1) An owner or occupier of land which abuts a verge may install a permitted verge treatment on that part of the verge directly in front of the land.
- (2) A permitted verge treatment is—
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden, provided that clear sight visibility is maintained for a person using the abutting thoroughfare or a driveway near an intersection or bend, and, where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2 metres along the verge adjacent to the kerb; or
 - (c) any other verge treatment, including a hard surface, gravel, paving or synthetic material, provided it complies with the obligations in clause 5.5; or
 - (d) any treatment carried out in accordance with a policy of the local government relating to verge treatments.
- (3) The owner and occupier of a lot abutting a verge treatment are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 5.5.

5.5 Obligations of owner or occupier

An owner or occupier who installs or maintains a permitted verge treatment must—

- (a) keep the verge treatment in a good and tidy condition;
- (b) keep the verge treatment free of weeds, and not include a species of plant that is invasive or declared under the Biosecurity and Agriculture Management Act 2007;
- (c) ensure a footpath on the verge and a carriageway adjoining the verge is not obstructed by the treatment;
- (d) ensure clear sight visibility is maintained for a person using the abutting thoroughfare or a driveway near an intersection or bend;

- (e) not place any obstruction on or around the verge treatment or disturb a footpath on the verge;
- (f) ensure the verge treatment does not damage or obstruct a drain, manhole, gully, inspection pit, channel, kerb, service pit or tree planted by the local government; and
- (g) ensure any sprinklers or pipes do not protrude above the level of the verge treatment when not in use, are not used so as to cause unreasonable inconvenience to pedestrians, and do not otherwise present a hazard.

5.6 Removal of verge treatment

The local government may, at its discretion, remove or require the removal of a verge treatment that does not comply with clause 5.4 or 5.5, or that the local government considers it necessary to remove for the purpose of works, maintenance, or public safety, and is not liable to compensate any person for doing so.

5.7 Roadside memorials

- (1) A person must not erect, place or maintain a memorial on a thoroughfare except with the approval of the local government and in accordance with a policy of the local government relating to roadside memorials, unless a policy of the local government specifies that approval is not required.
- (2) The local government may remove a memorial that is not approved under subclause (1), or that does not comply with a policy referred to in that subclause.

DIVISION 3 — VEHICLE CROSSOVERS

5.8 Temporary crossovers

Where building, construction, demolition or similar works on a lot will involve heavy vehicles or machinery leaving a thoroughfare and entering the lot on a temporary basis, and a crossover does not exist, or exists but is likely to be damaged by the weight or frequency of those vehicles or machinery, the person responsible for the works may, without a permit, construct a temporary crossover, provided the crossover—

- (a) protects the existing carriageway, kerb, drains and footpath;
 - (b) does not obstruct a reasonable sight line for a driver of any vehicle, or for a pedestrian, using the thoroughfare;
 - (c) is kept in good repair, and in a condition that does not create danger or obstruction to persons using the thoroughfare, for as long as it remains in place; and
 - (d) is removed, and the kerb, drain, footpath and verge affected are reinstated to the satisfaction of an authorised person, once the works are complete.
- (2) A person who wishes to construct a temporary crossover otherwise than in accordance with subclause (1) must obtain a permit under clause 6.10(1)(f).

5.9 Permanent crossovers

- (1) A person may, without a permit, construct a permanent crossover servicing a single residential dwelling, not exceeding 6 metres in width, provided the crossover—
 - (a) protects, and does not damage or obstruct, a drain, manhole, gully, inspection pit, channel, kerb, service pit or tree planted by the local government;
 - (b) does not obstruct a reasonable sight line for a driver of any vehicle, or for a pedestrian, using the thoroughfare; and
 - (c) is constructed in accordance with a specification approved by the local government.
- (2) A person who wishes to construct a permanent crossover exceeding 6 metres in width, servicing more than a single residential dwelling, or otherwise than in accordance with subclause (1), must obtain a permit under clause 6.10(1)(f).

5.10 Removal of redundant crossover

Where works on a lot will result in a crossover no longer giving access to the lot, the crossover is to be removed, and the kerb, drain, footpath and verge affected are to be reinstated, to the satisfaction of an authorised person, within the period specified in a notice given to the owner or occupier.

5.11 Crossovers in unsafe or duplicate locations

- (1) Where a crossover is in an unsafe location, or is a duplicate crossover no longer reasonably required for access to the lot, the local government may give notice to the owner or occupier to remove the crossover or make it safe.

- (2) In determining whether a crossover is in an unsafe location, the local government is to have regard to any guidelines published by Main Roads Western Australia, the usage of the thoroughfare, and alternative treatments available to make the crossover safe.

DIVISION 4 — VERGE STORAGE

5.12 Bulk waste collection

- (1) The local government may make available a bulk waste trailer, skip or container for use by residents on a rostered basis, to be delivered to and collected from a verge by the local government's employees or contractors.
- (2) A person who wishes to use the service under subclause (1) may apply to the local government to be added to the roster.
- (3) A bulk waste trailer, skip or container placed on a verge under subclause (1) does not require a permit under this local law, provided it—
- (a) remains on the verge only for the period rostered by the local government;
 - (b) does not obstruct a footpath, or a reasonable sight line for a driver of any vehicle using the thoroughfare; and
 - (c) where there is no footpath, is set back at least 2 metres from the kerb.
- (4) A person who wishes to place a bulk container, skip or bulk rubbish bin on a verge otherwise than under the local government's service under subclause (1) must obtain a permit.

DIVISION 5 — ANIMALS

5.13 Obstructing animal or vehicle in a public place

- (1) A person must not leave an animal, or a vehicle or part of a vehicle, in a public place so that it obstructs the use of that public place, unless the person has first obtained a permit or is otherwise authorised to do so under a written law.
- (2) A person does not contravene subclause (1) where—
- (a) the animal is secured or tethered for a period not exceeding 1 hour; or
 - (b) the vehicle is left for a period not exceeding 24 hours.

5.14 Prohibitions relating to animals on thoroughfares

- (1) In this clause, owner, in relation to an animal, includes a person in possession of it, a person who has control of it, and a person who ordinarily occupies the premises where the animal is kept.
- (2) An owner of an animal must not—
- (a) allow the animal to enter or remain on a thoroughfare, except for the use of the thoroughfare as a thoroughfare and while it is led, ridden or driven;
 - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
 - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse must not lead, ride or drive the horse on a thoroughfare within the townsite so as to damage a footpath or any other part of the thoroughfare.

5.15 Fencing of public place

A public place, as defined in clause 1.6, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

DIVISION 6 — FLORA ROADS

5.16 Declaration of flora road

The Council may, by determination, declare a thoroughfare, other than within the townsite, which has, in its opinion, high quality roadside vegetation, to be a flora road.

5.17 Construction works on flora roads

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the Handbook of Environmental Practice for Road Construction and Maintenance Works prepared by the Roadside Conservation Committee.

5.18 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA 'flora road' sign.

5.19 Driving only on carriageway of flora roads

- (1) A person driving or riding a vehicle on a flora road must only drive or ride the vehicle on the carriageway.
- (2) Subclause (1) does not apply where conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway, there is no carriageway, or an exemption has been obtained from the local government.

PART 6 — ACTIVITIES REQUIRING A PERMIT

DIVISION 1 — ACTIVITIES PERMITTED WITHOUT A PERMIT

6.1 Signs permitted without a permit

- (1) A person may, without a permit, place one sign (a minor sign) at the frontage of the business or premises to which the sign relates, provided the minor sign—
 - (a) does not exceed 1,000 millimetres in height nor 0.8 square metres in area on any side, and does not have more than 2 sides (an A-frame sign);
 - (b) does not obstruct a footpath, and leaves a minimum unobstructed pedestrian path of 1,200 millimetres between the sign and the kerb, or the edge of the carriageway where there is no kerb;
 - (c) is not illuminated and does not incorporate reflective or fluorescent materials;
 - (d) is removed each day at the close of business and not re-erected until the business next opens for trading; and
 - (e) is secured so as not to be readily moved by wind, and is maintained in good condition.
- (2) This clause, and clause 6.7, do not apply to a sign affixed flush to the facade of a building, which is regulated under the local planning scheme.
- (3) A person may, without a permit, suspend a sign beneath a verandah attached to the business or premises to which the sign relates, provided the sign—
 - (a) does not exceed 0.4 square metres in area on any side;
 - (b) provides a minimum clearance of 2,500 millimetres between the underside of the sign and the footpath; and
 - (c) is maintained in good condition, and is not illuminated other than by ambient lighting.
- (4) A person who wishes to display more than one sign per building or business, or a sign that does not meet the conditions in subclause (1) or (3), must obtain a permit under clause 6.7.
- (5) A person may, without a permit, display 2 real estate signs advertising land or premises for sale, lease or valuation, on the land or premises to which the sign relates, provided the signs are removed within 7 days of the sale, lease or valuation being finalised.
- (6) A person may, without a permit, display 2 open house signs directing persons to a property open for inspection, provided each sign—
 - (a) does not exceed 0.5 square metres in area;
 - (b) is displayed only during the hours of the open inspection, and is removed at the conclusion of the inspection; and
 - (c) does not obstruct a footpath, or a reasonable sight line for a driver of any vehicle using the thoroughfare.
- (7) A person may, without a permit, display up to 4 garage sale signs directing persons to a garage sale conducted on private property, provided each sign—
 - (a) does not exceed 0.5 square metres in area;
 - (b) is displayed only on the day before, and the day or days, of the garage sale, and is removed by the end of the last such day; and
 - (c) does not obstruct a footpath, or a reasonable sight line for a driver of any vehicle using the thoroughfare.
- (8) This clause does not apply to a notice of a community, charitable or not-for-profit nature displayed on a noticeboard designated by the local government for that purpose.

- (9) A person may, without a permit, erect or place a portable direction sign to direct attention to a place, activity or event, provided each sign—
 - (a) does not exceed 500 millimetres in height nor 0.75 square metres in area;
 - (b) is displayed only during the hours of that place, activity or event, and is removed at the conclusion of those hours; and
 - (c) does not obstruct a footpath, or a reasonable sight line for a driver of any vehicle using the thoroughfare.
- (10) A person may, without a permit, display a sign of a class, or in a location, approved by a determination made under clause 2.1(2)(c), subject to any condition specified in that determination.
- (11) A club or organisation conducting activities at an oval or other sporting facility under a permit, or a written agreement with the local government, may display a sponsorship sign, whether facing outward or facing internally within the facility, without a further permit, provided the sign—
 - (a) relates to a sponsor of the club or organisation;
 - (b) is affixed to existing fencing or an existing structure, and does not involve the erection of a new freestanding structure; and
 - (c) is maintained in good condition by the club or organisation.
- (12) This clause does not apply to a sign displayed as part of a function or entertainment event for which a permit has been granted under clause 6.4(1)(d), provided the sign is displayed in accordance with any condition of that permit relating to signage.

6.2 Performance permitted without a permit

- (1) A person may perform in a public place without a permit if the performance—
 - (a) takes place within a permitted performance area;
 - (b) does not involve amplified sound, other than a battery-operated amplifier not exceeding a reasonable volume having regard to the location;
 - (c) does not obstruct pedestrian or vehicle access, or the frontage of any business;
 - (d) is not conducted for a continuous period exceeding 2 hours at the one location without moving to another location within the permitted performance area, or without the prior agreement of an authorised person; and
 - (e) does not involve the use of fire, blades, or other dangerous materials or implements,
 unless the sign designating the permitted performance area specifies a condition to the contrary, in which case that condition applies instead.
- (2) A person who wishes to perform outside a permitted performance area, or otherwise than in accordance with subclause (1), must obtain a permit under clause 6.4(1)(d).
- (3) If an authorised person reasonably believes that a performance under this clause is causing a nuisance, or is not being conducted in accordance with subclause (1), the authorised person may direct the person performing to cease, or to move to another location, and that person must comply with the direction.

DIVISION 2 — ACTIVITIES REQUIRING A PERMIT

6.3 General exemptions from permit requirements

- (1) An authorised person may, on the application of a person, exempt that person from compliance with a provision of clauses 6.4 to 6.10, other than clause 6.6(2) (release of balloons).
- (2) Clauses 6.4 to 6.10 do not apply to a person who uses or occupies local government property under a written agreement with the local government for that purpose, to the extent that the activity is authorised under that agreement.

DIVISION 3 — EVENTS, STALLS AND DISPLAYS

6.4 Events, stalls and displays needing a permit

- (1) Subject to clauses 2.1, 6.1 and 6.2, a person must not, without a permit—
 - (a) conduct a stall or carry on trading in a public place;
 - (b) conduct or set up a market in a public place;
 - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, in a public place;

- (d) conduct a function or entertainment event in a public place, other than a performance under clause 6.2;
 - (e) establish or conduct an outdoor eating facility;
 - (f) establish or conduct a street display of goods for sale on a footpath directly in front of the business to which the goods relate; or
 - (g) install or maintain a parklet in a thoroughfare.
- (2) A person is not required to obtain a permit under subclause (1)(a) to sell, or offer for sale, a newspaper only.
- (3) Subclause (1)(d) does not apply to—
- (a) a wedding, funeral, or private family occasion; or
 - (b) any other function or entertainment event that is not open to the public by general invitation and is attended by fewer than 50 people.
- (4) Subclause (1)(e) and (f) do not apply to an outdoor eating facility or a street display that—
- (a) is conducted as an extension of, and directly abuts, the business to which it relates;
 - (b) does not extend more than 2 metres from the frontage of that business;
 - (c) maintains a clear and safe pedestrian path of at least 1.5 metres along the footpath;
 - (d) does not obstruct a reasonable sight line for a driver of any vehicle, or for a pedestrian, using the thoroughfare; and
 - (e) is removed, or its furniture and goods stored, at the close of business each day.
- (5) Subclause (1)(a) does not apply to a person conducting a stall or trading within an area designated under clause 2.1(2)(b), in accordance with any conditions specified in the determination designating that area, and with clause 6.5.
- (6) This clause, and clause 6.6, 6.7, 6.8, 6.9 or 6.10 as applicable, do not apply to an activity conducted as part of a function or entertainment event for which a permit has been granted under subclause (1)(d), other than an activity referred to in clause 6.10(1)(b), (c), (d) or (e), provided the activity is conducted in accordance with clause 6.5 (where applicable) and any condition of that permit relating to the activity.

6.5 Conduct of stallholders and traders

A stallholder or trader must—

- (a) display the permit in a conspicuous place on the stall, vehicle or structure or, if there is none, carry the permit while trading;
- (b) when selling goods by weight, carry and use scales tested and certified in accordance with the National Measurement Act 1960 of the Commonwealth;
- (c) not deposit or store anything on a thoroughfare so as to obstruct pedestrians or vehicles; and
- (d) not act in an offensive manner or create a nuisance.

DIVISION 4 — DISPLAYS, SIGNAGE AND OTHER REGULATED USES

6.6 Public displays and effects requiring a permit

- (1) A person must not, without a permit—
- (a) film or make a recording, by any means or device (including a UAV), as part of or for commercial gain, in a public place;
 - (b) light or set off any fireworks, or conduct a fireworks display, in a public place; or
 - (c) erect, install, operate or use any broadcasting equipment, public address system, loudspeaker or sound amplification device in a public place.
- (2) A person must not, without a permit, release, or cause to be released, 20 or more gas-inflated balloons at or about the same time in a public place.

6.7 Signage requiring a permit

A person must not, without a permit, erect, place or display a sign on local government property or a thoroughfare, other than a minor sign under clause 6.1.

6.8 Property, vehicle and business use requiring a permit

- (1) A person must not, without a permit—
- (a) hire local government property or use it for a profit purpose;

- (b) drive, ride or take a vehicle onto, or park or stop a vehicle on, local government property otherwise than in accordance with clause 3.10; or
- (c) teach, coach or train any person, for profit, in a public place.

6.9 Liquor and camping

- (1) A person must not, without a permit—
 - (a) consume, or have in possession or control, any liquor in a public place, unless the liquor is consumed or possessed in accordance with the Liquor Control Act 1988, or the liquor is in a sealed container; or
 - (b) camp, lodge, or occupy any structure (including a tent, caravan or vehicle) at night for the purpose of sleeping in a public place, other than at a facility operated by the local government.
- (2) For the purposes of subclause (1)(b), a person occupies a tent, caravan or vehicle for the purpose of sleeping if it is used for that purpose at any time between sunset and sunrise.

6.10 Works and infrastructure requiring a permit

- (1) A person must not, without a permit—
 - (a) plant any plant or sow any seeds in a public place, other than a permitted verge treatment installed in accordance with clause 5.4;
 - (b) erect a building, refuelling site or permanent structure on local government property or within a thoroughfare;
 - (c) make an excavation on, or erect or remove a fence on, local government property;
 - (d) erect or install any structure above or below ground in a public place for the purpose of supplying water, power, sewer, communication or a similar service;
 - (e) depasture a horse, sheep, cattle, goat, camel, ass, mule, pig or other grazing animal in a public place; or
 - (f) construct a temporary or permanent crossover otherwise than in accordance with clause 5.8 or 5.9, as applicable.

DIVISION 5 — OUTDOOR EATING FACILITIES, STREET DISPLAYS AND PARKLETS

6.11 Matters considered in determining application for outdoor eating facility or street display

In addition to clause 7.2, in determining an application for a permit to conduct an outdoor eating facility or a street display, the local government may consider—

- (a) whether the facility or display is conducted as an extension of a business which abuts it, and, in the case of an outdoor eating facility, whether that business is registered under the Food Act 2008;
- (b) whether users will have access to proper and sufficient sanitary facilities;
- (c) whether the facility or display would obstruct visibility or sightlines at an intersection, or impede pedestrian access;
- (d) the type, appearance and structural integrity of the tables, chairs, furniture, shelving or other equipment to be used, and whether it may obstruct the use of the public place for the purpose for which it was designed; and
- (e) where alcohol is to be served or consumed at the facility, whether the applicant holds, or has applied for, a licence or permit required under the Liquor Control Act 1988 for that purpose.

6.12 Obligations of licence holder for outdoor eating facility or street display

The permit holder for an outdoor eating facility or a street display must—

- (a) ensure the facility or display is conducted in accordance with this local law and any applicable health or liquor licensing legislation;
- (b) keep the eating area, display, chairs, tables and other equipment in a clean, tidy and serviceable condition at all times; and
- (c) be solely responsible for the costs of removing, repairing or reinstating any part of the public place arising from the conduct of the facility or display.

6.13 Requirements for parklets

A permit must not be granted under clause 6.4(1)(g) for a parklet unless the parklet—

- (a) is set back from the edge of the carriageway by a distance the local government considers sufficient, having regard to the speed and volume of traffic;

- (b) is protected from vehicles by a barrier, bollards or other physical protection approved by the local government;
- (c) does not obstruct a reasonable sight line for a driver of a vehicle, or for a pedestrian, using the thoroughfare;
- (d) is certified by a suitably qualified person as structurally sound and safe for its intended use; and
- (e) is to be maintained by the permit holder in a safe and tidy condition for the duration of the permit.

DIVISION 6 — SHOPPING TROLLEYS

6.14 Shopping trolley to be marked

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

6.15 Person not to leave trolley in public place

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

6.16 Retailer to remove abandoned trolley

- (1) If a shopping trolley is found in a public place other than an area set aside for storage, the local government may advise the retailer whose name is marked on the trolley of its location.
- (2) A retailer must remove a shopping trolley within 24 hours of being so advised, unless the retailer requests the local government to collect and deliver it and pays any applicable fee.

6.17 Impounding of abandoned trolley

A shopping trolley that is not marked in accordance with clause 6.14, or not removed by a retailer after being advised under clause 6.16, 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.

DIVISION 7 — SIGNS

6.18 Absolute restrictions on signs requiring a permit

A permit must not be granted under clause 6.7 for a sign to be erected, placed or displayed—

- (a) on a footpath, in a manner that does not leave a minimum unobstructed pedestrian path of 1,200 millimetres between the sign and the kerb, or the edge of the carriageway where there is no kerb;
- (b) over a footpath where the resulting vertical clearance would be less than 2,500 millimetres;
- (c) on or within 3 metres of a carriageway;
- (d) on a natural feature, including a rock or tree, on a thoroughfare, or on a bridge or its structural approaches;
- (e) advertising a forthcoming Commonwealth, State or local government election; or
- (f) in any other location where the local government reasonably considers the sign is likely to obstruct a reasonable sight line along a thoroughfare or cause danger to a person using the thoroughfare.

DIVISION 8 — MOBILE FOOD BUSINESSES

6.19 Matters considered in determining application for a mobile food business

- (1) In addition to clause 7.2, in determining an application for a permit for a mobile food business (including a food van, or a mobile fish, fruit or vegetable van), the local government may consider—
 - (a) traffic and pedestrian safety impacts arising from the location and manner of operation;
 - (b) the availability of parking in the vicinity;
 - (c) the cumulative impact of mobile food businesses already operating at or near the proposed location;
 - (d) impacts on the amenity of nearby residents; and
 - (e) whether the business will operate within 400 metres of a fixed business selling substantially similar goods, while that fixed business is open for trading.
- (2) The local government may impose, as a condition of a permit for a mobile food business, a fee that reflects the business's use of local government infrastructure and public places, having regard to the rates and other charges payable in respect of premises used by a fixed business in the district.

- (3) The local government may limit the number of permits granted for mobile food businesses to operate at a specified location or time.

PART 7 — PERMITS

DIVISION 1 — APPLYING FOR A PERMIT

7.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person must apply for the permit in accordance with subclause (2).
- (2) An application for a permit must—
- (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining it.
- (4) The local government may refuse to consider an application which is not in accordance with subclause (2).

7.2 Decision on application for permit

- (1) The local government, acting reasonably and having regard to the objectives of this local law, may—
- (a) approve an application for a permit unconditionally or subject to conditions; or
 - (b) refuse to approve an application, including on any of the following grounds—
 - (i) that within the preceding 5 years the applicant has committed a breach of any provision of this local law or a condition of a previous permit;
 - (ii) that the applicant has demonstrated a pattern of non-compliance with a permit, this local law, or another written law relating to the activity for which the permit is sought, whether or not that non-compliance resulted in a conviction or modified penalty;
 - (iii) that the activity is not, in the opinion of the local government, appropriate for the local government property or thoroughfare concerned; or
 - (iv) such other grounds as the local government considers relevant.
- (2) If the local government approves an application, it is to issue the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application, it is to give written notice of the refusal, and the reasons for it, to the applicant.

DIVISION 2 — CONDITIONS

7.3 Conditions which may be imposed on a permit

Without limiting clause 7.2(1)(a), the local government may approve an application for a permit subject to conditions relating to—

- (a) the payment of a fee, and the payment of a deposit or bond against damage to a public place;
- (b) the duration and commencement of the permit;
- (c) the area of the district, or the thoroughfare or property, to which the permit applies;
- (d) the days and hours during which the permit holder may conduct the activity;
- (e) compliance with a standard or policy of the local government;
- (f) the rectification of any circumstance reasonably related to the application;
- (g) restrictions on noise, amplification, or lighting;
- (h) the preparation of a plan, or the provision of a certification, approval or accreditation, that the local government reasonably requires having regard to the nature, scale or location of the activity — for example, in relation to traffic, risk or emergency management, the structural safety of a temporary structure, the expected attendance or capacity of an event, or a commercial UAV operation;

- (i) the obtaining of public liability insurance in an amount, and on terms, reasonably required by the local government, and not less than any minimum amount specified by a policy of the local government; and
- (j) the provision of an indemnity from the permit holder in respect of any injury or damage that may occur in connection with the activity.

7.4 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, the permit holder must comply with each of those conditions.
- (2) The local government may vary the conditions of a permit by written notice to the permit holder, and the permit holder must comply with those conditions as varied.
- (3) Where a bond has been paid as a condition of a permit, the local government may apply the bond towards the cost of rectifying any damage to a public place arising from the permitted activity.

DIVISION 3 — GENERAL

7.5 Duration of permit

A permit is valid for one year from the date on which it is issued, unless otherwise stated in this local law or in the permit, or cancelled under clause 7.9.

7.6 Renewal of permit

A permit holder may apply in writing prior to expiry of a permit for its renewal, and the provisions of this Part apply to such an application as though it were an application for a permit.

7.7 Transfer of permit

- (1) An application for the transfer of a valid permit is to be made in writing, signed by the permit holder and the proposed transferee, and forwarded to the CEO together with any applicable fee.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it, or approve it subject to conditions.

7.8 Production of permit

A permit holder must produce their permit to an authorised person immediately upon being required to do so or, if the permit is not available at that time, within 24 hours at the offices of the local government.

7.9 Cancellation of permit

- (1) Subject to clause 9.1, a permit may be cancelled by the local government if the permit holder—
 - (a) has not complied with a condition of the permit or a provision of this local law relating to the activity regulated by the permit;
 - (b) has been convicted of an offence against this local law; or
 - (c) conducts the activity in a manner which the local government reasonably considers constitutes an unacceptable risk to public health, safety or amenity.
- (2) On the cancellation of a permit, the permit holder must return the permit as soon as practicable to the local government, and is to be taken to have forfeited any fees paid in respect of it.

7.10 Waiver of fee for certain activities

- (1) In this clause—

charitable organisation means an institution, association, club, society or body, whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or similar nature, and from which no member receives a pecuniary profit, except as an employee or by way of honorarium.

- (2) The local government may waive or refund a fee otherwise payable for a permit under clause 6.4(1)(a) where the stall or trading is conducted—
 - (a) on a portion of a public place adjoining the applicant's own normal place of business; or
 - (b) by a charitable organisation, provided no part of the activity is conducted for personal gain or profit by any individual involved.

7.11 General responsibilities of permit holder

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

- (a) ensure that an authorised person has unobstructed access to the property for the purpose of inspecting it or enforcing this local law;
- (b) leave the property in a clean and tidy condition after use;
- (c) report any damage to, or defacement of, the property to the local government; and
- (d) not permit the consumption of liquor on the property, unless the permit allows it and any licence required under the Liquor Control Act 1988 has been obtained.

PART 8 — NOTICES

8.1 Notice to remedy non-compliance

Where anything is required to be done, or is not permitted to be done, by this local law and is not done or is done in contravention of this local law, an authorised person may give written notice to the owner or occupier of the property concerned, or to any other person responsible, requiring the person to remedy the non-compliance within the time specified in the notice.

This clause does not limit the local government's power to give a notice under section 3.25 of the Local Government Act 1995 in respect of a matter prescribed in Schedule 3.1 to that Act, which remains available as an alternative to this clause.

8.2 Notice regarding damage

- (1) Where a person unlawfully damages a thoroughfare or local government property, the local government may give written notice to that person requiring them, within the time specified, to at the option of the local government, pay the cost of reinstating the property or thing to the state it was in prior to the damage, or replacing it.
- (2) Unless there is proof to the contrary, a person is to be taken to have damaged local government property or a thoroughfare where a vehicle caused the damage and the person was responsible for the control of the vehicle at the time, or the damage occurred under a permit and the person is the permit holder.

8.3 Offence to fail to comply with notice

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

8.4 Local government may undertake requirements of notice

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

PART 9 — OBJECTIONS AND REVIEW

9.1 Application of Division 1, Part 9 of the Act

When the local government makes a decision as to whether it will grant, renew, vary or cancel a permit or consent under this local law, the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

PART 10 — OFFENCES AND PENALTIES

10.1 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not exceeding \$10,000 and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

10.2 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

10.3 Form of infringement notices

For the purposes of this local law, the forms referred to in sections 9.13, 9.16 and 9.20 of the Act are those of Forms 1, 2 and 3 respectively in Schedule 1 of the Regulations.

10.4 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the determination register referred to in clause 2.6 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.

SCHEDULE 1 — PRESCRIBED OFFENCES

[clause 10.2]

Clause	Description	Modified Penalty
2.5	Failure to comply with a determination	\$500
3.2	Behaviour which interferes with others	\$500
3.3	Behaviour detrimental to property	\$500
3.4	Taking or injuring fauna or flora	\$500
3.5	Threatening or abusive behaviour towards staff or another person	\$1,000
3.6(1)	Under the influence of liquor or a prohibited drug	\$500
3.6(2)	Possession or use of a prohibited drug	\$500
3.7	Smoking or vaping in a prohibited area	\$300
3.9(1)	Unauthorised entry to function	\$300
3.10(1)	Unauthorised vehicle on local government property	\$300
3.10(2)	Exceeding speed limit on local government property	\$500
3.10(3)	Failure to comply with parking time limit or requirement	\$100
3.11(1)	Unauthorised use of a UAV	\$300
3.11(2)	Unauthorised overflight of a public place by a UAV during an emergency	\$1,000
3.12(2)	Failure to leave when directed	\$500
3.13(3)	Failure to comply with a sign	\$500
3.14	Failure to obey, or obstruction of, an authorised person	\$1,000
3.16(2)	Failure to identify, or giving false or misleading identification, to an authorised person	\$1,000
4.2(1)	Non-compliance with signage designating use of toilet block or change room	\$200
4.3	Unauthorised entry to fenced, closed or after-hours local government property	\$200
5.1	Contravention of a general prohibition in a thoroughfare	\$200
5.1(b)	Damaging, destroying or removing a street tree	\$1,000
5.2	Driving or taking a vehicle on a closed thoroughfare	\$500
5.5	Failure to comply with obligations for a verge treatment	\$200
5.7(1)	Unauthorised roadside memorial	\$200
5.8	Failure to comply with conditions for a temporary crossover	\$200
5.9	Failure to comply with conditions for a permanent crossover	\$200
5.12(4)	Non-compliant bulk container, skip or bin on verge without a permit	\$200

5.13(1)	Obstructing animal or vehicle in a public place	\$200
5.14(2)	Animal on a thoroughfare not led, ridden or driven, diseased, or being trained or raced	\$200
5.14(3)	Horse damaging a footpath or thoroughfare within the townsite	\$200
5.19(1)	Driving other than on the carriageway of a flora road	\$500
6.1	Non-compliant sign displayed without a permit	\$300
6.2(1)	Non-compliant performance without a permit	\$300
6.2(3)	Failure to comply with a direction relating to performance	\$1,000
6.4(1)(a)	Trading or conducting a stall without a permit	\$500
6.5	Failure of stallholder or trader to comply with conduct obligations	\$500
6.6(1)(a)	Filming or recording for commercial gain without a permit	\$500
6.6(1)(b)	Fireworks let off without a permit	\$1,000
6.6(2)	Unauthorised mass balloon release	\$500
6.7	Sign displayed without a permit	\$500
6.9(1)(a)	Unlawful consumption or possession of liquor in a public place	\$1,000
6.9(1)(b)	Camping in a public place without a permit	\$500
6.10(1)(b)	Erecting a building or permanent structure without a permit	\$500
6.10(1)(c)	Making an excavation, or erecting or removing a fence, without a permit	\$500
6.10(1)(d)	Installing infrastructure for a utility service without a permit	\$500
6.10(1)(e)	Depasturing an animal without a permit	\$300
6.12	Failure of outdoor eating facility permit holder to comply with obligations	\$500
6.14	Failure to mark shopping trolley	\$500
6.15	Leaving a shopping trolley in a public place	\$300
6.16(2)	Failure of retailer to remove abandoned trolley	\$300
7.4(1)	Failure to comply with a condition of a permit	\$500
7.8	Failure to produce permit on request	\$300
7.9(2)	Failure to return a cancelled permit	\$300
7.11	Failure of permit holder to comply with general responsibilities	\$500
8.3	Failure to comply with a notice	\$1,000

DECLARATION

Dated this _____ day of _____ 2027.

The Common Seal of the Shire of Pingelly was affixed by authority of a resolution of the Council in the presence of—

JACKIE MCBURNEY, Shire President

ANDREW DOVER, Chief Executive Officer