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LOCAL GOVERNMENT ACT 1995

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**CITY OF BUNBURY**

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**PUBLIC PLACES AND LOCAL  
GOVERNMENT PROPERTY  
LOCAL LAW 2020**



## LOCAL GOVERNMENT ACT 1995

## CITY OF BUNBURY

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY  
LOCAL LAW 2020

Under the powers conferred by the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Bunbury resolved on 29 September 2020 to make the following local law.

## PART 1—PRELIMINARY

## 1.1 Repeal

The *City of Bunbury Local Government and Public Property Local Law* published in the *Government Gazette* on 3 December 2003 is hereby repealed.

## 1.2 Title

This local law may be cited as the *City of Bunbury Public Places and Local Government Property Local Law 2020*.

## 1.3 Commencement

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

## 1.4 Definitions

(1) In this local law, unless the context otherwise requires—

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

**applicant** means a person who applies for a licence;

**application** means an application for a licence;

**application fee** means the fee payable upon lodgement of an application for a licence and which relates to the lodgement, assessment and determination of the application but does not include the licence fee;

**authorised person** means a person authorised by the local government under section 9.10 of the Act;

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

**building** means any building which is local government property and includes a—

(a) hall or room;

(b) corridor, stairway or annexe of any hall or room; and

(c) jetty;

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

**CEO** means the chief executive officer of the local government;

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

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

**Council** means the council of the local government;

**determination** means a determination made under clause 2.1;

**district** means the district of the local government and includes any area placed under the jurisdiction of the local government pursuant to section 22 of the Health Act;

**entertain** means conduct any form of theatrical, artistic, musical, audio or visual performance and includes busk;

**entertainment licence** means a licence of the kind referred to in clause 1.7(1)(c);

**fishing** means to use any line, lure, rod, pot or other method for the purpose of catching marine life;

**Food Act** means the *Food Act 2008* and includes any regulations made under that Act;

**food business** means premises which are registered as a food business under the Food Act or which are the subject of a hotel licence, a special facility licence or a restaurant licence under the Liquor Act;

**function** means an event or activity characterised by all or any of the following—

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

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

**Health Act** means the *Health (Miscellaneous Provisions) Act 1911*;

**hire** includes offer to hire and expose for hire;

**intersection** has the meaning give 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 with a similar plant, but will include any other plant provided that it has been planted by the local government;

**licence** means a licence under this local law;

**licence fee** means the fee payable upon the issue of a licence;

**licence document** means a licence document issued under this local law;

**licensee** means a person who holds a licence;

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

**Liquor Act** means the *Liquor Control Act 1988* and includes any regulations made under that Act;

**local government** means the **City of Bunbury**;

**local government property** means anything except a street—

- (a) which belongs to 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*;

**Manager** means the person for the time being employed by the local government to control and manage a facility which is local government property and includes the person's assistant or deputy;

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

**market licence** means a licence of the kind referred to in clause 1.7(1)(b);

**nuisance** means—

- (a) any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person;
- (b) anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by other persons of any public place; or
- (c) anything a person does in or on a public place which unreasonably detracts from or interferes with the enjoyment or value of nearby land owned by another person, provided that anything done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose.

**owner or occupier** in relation to land does not include the local government;

**permissible verge treatment** means any one of the 4 treatments described in clause 6.5 (2), and includes any reticulation pipes and sprinklers;

**person** does not include the local government;

**place** means anywhere at all, and includes anywhere in or on something that is moving or can move;

**private property** means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

**proprietor—**

- (a) includes the owner, the occupier and any person having the management or control of any food business; or
- (b) the holder of a licence granted under the Liquor Act where the premises in question is the subject of a hotel licence, a limited hotel licence, special facility licence or a restaurant licence granted under that Act;

**public place** has the meaning given by clause 1.5;

**repealed local law** means the local law repealed under clause 1.1;

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

**sell** includes—

- (a) offer or attempt to sell;
- (b) display for sale;
- (c) send, forward or deliver for sale or on sale;
- (d) barter or exchange;
- (e) dispose, by lot or chance or by auction;
- (f) supply, or offer, agree or attempt to supply—
  - (i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or
  - (ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or
- (g) authorise, direct, cause or permit to be done any act referred to in this definition;

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

**sign** includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

**smoke** has the same meaning as is given to it in the *Tobacco Products Control Act 2006*;

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

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

**street tree** any tree planted or self-sown in the street or a public place, of an appropriate species and in an appropriate location, for the purposes of contributing to the streetscape;

**trading** means selling or hiring goods, wares, merchandise or services and includes the setting up of a stall and conducting business at a stall;

**trading licence** means a licence of the kind referred to in clause 1.7(1)(a);

**vehicle** includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven, but excludes—
- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath;

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

**1.5 Assistance animals**

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

**1.6 Meaning of public place**

(1) For the purpose of this local law a public place is—

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

**1.7 Meaning of food**

(1) In this local law, **food** includes—

- (a) any substance or thing of kind used, or represented as being used, for human consumption (whether it is live, raw, prepared or partly prepared);
- (b) any substance or thing of a kind used, or represented as being for use, as an ingredient or additive in a substance or thing referred to in paragraph (a);
- (c) any substance used in preparing a substance or thing referred to in paragraph (a) (other than a substance used in preparing a living thing) if it comes into direct contact with the substance or thing referred to in that paragraph, such as processing aid;

- (d) chewing gum or an ingredient or additive in chewing gum, or any substance used in preparing chewing gum; and
- (e) any substance or thing declared to be a food under a declaration in force under the Commonwealth *Food Standards Australia New Zealand Act 1991* section 3B,

whether or not the substance, thing or chewing gum is in a condition fit for human consumption.

(2) To avoid doubt, **food** may include live plants and animals.

### 1.8 Types of licences

(1) For the purposes of this local law—

- (a) a licence which authorises trading on any street or local government property is to be referred to as a trading licence;
- (b) a licence which authorises the conduct or setting up of a market on any street or local government property is to be referred to as a market licence;
- (c) a licence which authorises entertainment on any street or local government property is to be referred to as an entertainment licence.

### 1.9 Application

(1) This local law applies throughout the district.

(2) Subject to section 3.6 of the Act, this local law applies to the area bounded by the low water mark of the Indian Ocean and extending for a distance 200 metres seawards from the western boundary of the district.

## PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

### 2.1 Determinations as to use of local government property

(1) The local government may make a determination in accordance with clause 2.2—

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
- (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
- (c) as to the matters in clauses 2.7(2) and 2.8(3); and
- (d) as to any matter ancillary or necessary to give effect to a determination.

### 2.2 Procedure for making a determination

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

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

- (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
- (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
- (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

(3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—

- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
- (b) amend the proposed determination, in which case subclause (5) is to apply; or
- (c) not continue with the proposed determination.

(4) If submissions are received in accordance with subclause (2)(c) the Council is to—

- (a) consider those submissions; and
- (b) decide—
  - (i) whether or not to amend the proposed determination; or;
  - (ii) not to continue with the proposed determination.

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

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

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

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

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

### 2.3 Discretion to erect sign

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

**2.4 Determination to be complied with**

A person shall comply with a determination.

**2.5 Register of determinations**

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

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

**2.6 Amendment or revocation of a determination**

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

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

(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

**2.7 Activities which may be pursued on specified local government property**

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

- (a) bring, ride or drive an animal;
- (b) take, ride or drive a vehicle, or a particular class of vehicle;
- (c) fly or use a motorised model aeroplane or drone;
- (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
- (e) launch, beach or leave a boat;
- (f) take or use a boat, or a particular class of boat;
- (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
- (h) play or practice—
  - (i) golf or archery;
  - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
  - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (j) wear no clothing;
- (k) sell items;
- (l) set up markets or entertainment activities; and
- (m) undertake commercial fishing activities.

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

- (a) the days and times during which the activity may be pursued;
- (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
- (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
- (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
- (e) may specify that the activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of the activity.

**2.8 Activities which may be prohibited on specified local government property**

(1) In this clause—

**premises** means a building, stadium or similar structure, park, reserve or beach as determined by local government.

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

- (a) smoke on premises;
- (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
- (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
- (e) taking or using a boat, or a particular class of boat;

- (f) the playing or practice of—
    - (i) golf, archery, pistol shooting or rifle shooting; or
    - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
  - (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
  - (h) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (3) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (2) and, in particular—
- (a) the days and times during which the activity is prohibited;
  - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
  - (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
  - (d) that an activity is prohibited in respect of a class of persons or all persons; and
  - (e) may distinguish between different classes of the activity.

### 2.9 Sign under repealed local law taken to be determination

- (1) Where a sign erected on local government property has been erected under a repealed local law, then 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.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

## PART 3—ACTIVITIES ON LOCAL GOVERNMENT PROPERTY REQUIRING A LICENCE

### 3.1 Activities requiring a licence

- (1) A person must not without a licence—
- (a) subject to subclause (3) hire local government property;
  - (b) advertise anything by any means on local government property;
  - (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
  - (d) teach, coach or train, for profit, any person in any facility which is local government property;
  - (e) plant any plant or sow any seeds on local government property;
  - (f) carry on any trading on local government property unless the trading is conducted—
    - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
    - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
  - (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose—
    - (i) drive or ride or take any vehicle on to local government property; or
    - (ii) park or stop any vehicle on local government property;
  - (h) conduct a function on local government property;
  - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
  - (j) light a fire on local government property except in a facility provided for that purpose;
  - (k) parachute, hang glide, abseil or base jump from or on to local government property;
  - (l) erect a building or a refuelling site on local government property;
  - (m) make any excavation on or erect or remove any fence on local government property;
  - (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
  - (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
  - (p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly.
- (2) The CEO may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The CEO may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

### 3.2 Licence required to camp outside a facility

- (1) In this clause—

*facility* has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

- (2) This clause does not apply to a facility operated by the local government.
- (3) A person must not without a licence—
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
  - (b) 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.
- (4) The maximum period for which the CEO may approve an application for a licence in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

### **3.3 Licence required for possession and consumption of liquor**

- (1) A person, on local government property, must not consume any liquor or have in her or his possession or under her or his control any liquor, unless—
- (a) that is permitted under the Liquor Act; and
  - (b) a licence has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

## **PART 4—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY**

### **4.1 Behaviour which interferes with others**

- (1) A person must not in or on any local government property behave in a manner which—
- (a) is likely to interfere with the enjoyment of a person who might use the property; or
  - (b) interferes with the enjoyment of a person using the property.

### **4.2 Behaviour detrimental to property**

- (1) A person must not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1)—
- detrimental to the property** includes—
- (a) removing anything from the local government property including a rock, a plant or a seat provided for the use of any person; and
  - (b) destroying, defacing or damaging anything on the local government property, including a plant, a seat provided for the use of any person or a building.

### **4.3 Taking or injuring any fauna**

- (1) A person must not feed, take, injure, or kill or attempt to feed, take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.
- (2) In this clause—
- animal** means any living thing that is not a human being or plant; and
- fauna** means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal—
- (a) any class of animal or individual member;
  - (b) the eggs or larvae; or
  - (c) the carcass, skin, plumage or fur.

### **4.4 Intoxicated persons not to enter local government property**

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

### **4.5 No prohibited drugs**

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

### **4.6 Signs**

- (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is—
- (a) not to be inconsistent with any provision of this local law or any determination; and
  - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

### **4.7 Authorised person to be obeyed**

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

#### 4.8 Persons may be directed to leave local government property

An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

#### 4.9 Disposal of lost property

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

#### 4.10 Liability for damage to local government property

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

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property.

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

- (a) a vehicle or a boat caused the damage, the person was the person responsible, at the time the damage occurred, for the control of the vehicle or a boat; or
- (b) the damage occurred under a permit, the person is the permit holder in relation to that permit.

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

### PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

#### 5.1 Interpretation

(1) In this Part, unless the context otherwise requires—

**jetty** means any jetty, pier, wharf or landing place which is—

- (a) in or adjacent to the sea or any lake, river or estuary; and
- (b) under the care, control or management of the Council;

**mooring device** means any gear set out in a permanent manner to which a vessel or other floating structure may be secured by a chain, cable, wire or rope;

**recreational premises** means and includes any swimming pool or other facility used for recreational purposes and for the time being under the control or management of the local government and all buildings, fences, gardens, car parks, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of the recreational premises or used in connection with it; and

**vessel** means any ship or watercraft whatsoever, and without limiting the generality of the foregoing, has the same meaning as is given to the terms *ship* and *vessel* in the *Western Australian Marine Act 1982*.

#### *Division 1—General*

#### 5.2 No entry to fenced or closed local government property

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

#### 5.3 Only specified gender to use entry of toilet block or change room

(1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—

- (a) females, then a person of the male gender must not use that entry of the toilet block or change room; or
- (b) males, then a person of the female gender must not use that entry of the toilet block or change room.

#### 5.4 No unauthorised entry to function

(1) A person must not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorised, except—

- (a) through the proper entrance for that purpose; and
- (b) on payment of the fee chargeable for admission at the time.

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

#### *Division 2—Recreational Premises*

#### 5.5 Directions of manager to be observed

(1) Every person, coach and spectator at recreational premises shall at all times observe any reasonable direction given by the manager.

(2) The manager may at any time, refuse admission to or remove, or cause to be removed from the pool or recreational premises, any person who, in the opinion of the manager is—

- (a) under the age of 10 years and is unaccompanied by a responsible person over the age of 18 years;
- (b) under the age of 4 years not being supervised in a water area by a responsible person over the age of 18 years;
- (c) apparently suffering from a contagious, infectious or cutaneous disease or skin complaint; or
- (d) under or apparently under the influence of intoxicating liquor or drugs.

(3) A person shall on being requested by the manager to leave the recreational premises, shall quietly and peaceably do so immediately.

(4) The manager or attendant may temporarily suspend admission to, or remove from the recreational premises or any part thereof, all or any person or persons, if in their opinion, such action is necessary or desirable.

(5) At the discretion of the manager, the recreational premises or any part thereof may at any time be set aside for the use of certain persons to the exclusion of others.

#### **5.6 Swimming carnivals**

(1) A person, club, organisation or association shall not conduct controlled swimming or diving events, carnivals or competitions without the prior approval of the manager.

(2) A person, club, organisation or association conducting a carnival or event at the pool premises shall take reasonable steps to prevent overcrowding and ensure that no damage is done to the buildings or fencing or any other portion of the pool premises and that these local laws are observed by all competitors, officials and spectators attending the carnival or event.

#### **5.7 Responsibilities of recreational premises users**

(1) A person while in the recreational premises shall not—

- (a) smoke, consume foodstuffs or drinks in any specific area in which smoking, food consumption or drinking are prohibited;
- (b) climb up or upon any roof, fence, wall or partition on the pool or recreational premises; or
- (c) whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition, enter or use or attempt to enter or use the swimming pool, spa, pool or recreational premises;
- (d) behave in a provocative, offensive or indecent manner toward any other person.

### *Division 3—Jetties and Bridges*

#### **5.8 Use of a jetty or bridge**

(1) A person shall not land at, use, or enter a jetty or bridge except in accordance with this Division.

(2) A person shall not land at, use or enter a jetty which is—

- (a) under construction or repair; or
- (b) closed under section 6 of the *Jetties Act 1926* or any other written law;

unless that person is engaged in the construction or repair of that jetty in accordance with the written authorisation of the local government or otherwise authorised by any law.

#### **5.9 Vehicles on jetties**

(1) A person shall not—

- (a) drive or allow a vehicle to remain on a jetty (other than a boat ramp) without the prior written consent of the local government; or
- (b) ride a bicycle, or allow a bicycle to remain, on a jetty.

#### **5.10 Fishing from jetties and bridges**

(1) A person shall not—

- (a) fish from a jetty or bridge so as to obstruct or interfere with the free movement of a vessel approaching or leaving the jetty or bridge or so as to cause a nuisance on or near the jetty or bridge; or
- (b) hang or spread a fishing net from, on or over any part of a jetty or bridge.

#### **5.11 Nuisance on jetties or bridges**

(1) A person shall not—

- (a) without the prior written consent of the local government offer for sale or sell goods or services on a jetty or bridge;
- (b) by any means, on or near a jetty or bridge, tout or solicit anyone to proceed as a passenger on any vessel or vehicle;
- (c) without the prior written consent of the local government display any sign or advertisement or use any loud speaking device on a jetty or bridge;
- (d) interfere with free movement of others entering or leaving a jetty or bridge; or
- (e) dive from a jetty or bridge.

**5.12 Damage to jetties**

- (1) A person shall not tip or deposit anything onto a jetty so as to cause damage to the jetty or to pollute the surrounding area.
- (2) Where damage is caused to a jetty, whether by a vessel or a vehicle or otherwise, the local government may repair the damage and the costs of the repair shall be a debt due to the local government.
- (3) The debt is payable—
  - (a) where the damage is caused by a vessel or vehicle, by the person responsible for the control of the vessel or vehicle; or
  - (b) where the damage is not caused by a vessel or vehicle, by the person or persons who caused the damage.
- (4) The debt may be recovered by the local government in a court of competent jurisdiction.

**5.13 Cargo on jetties**

- (1) Property intended for shipment onto a vessel shall—
  - (a) not to be stored or placed on a jetty unless and until the vessel is alongside the jetty; and
  - (b) be removed from the jetty as soon as practicable; and
  - (c) not in any event exceed the permissible weight for which the jetty has been designed and constructed.
- (2) A person unloading property from a vessel onto a jetty shall cause it to be removed from the jetty as soon as practicable or upon demand by an authorised person and in any event not later than 6.00pm on the day on which it was placed on the jetty.
- (3) An authorised person may direct a person apparently in charge of property which remains on a jetty contrary to this Division to remove the property from the jetty.
- (4) A person who, without reasonable cause, fails to comply with a direction of an authorised person under subclause (3) commits an offence.
- (5) An authorised person may remove and, if he or she considers it to be appropriate, store property which has been left on a jetty contrary to this Division.
- (6) The cost of removal and of any subsequent storage of the property shall be a debt due to the local government by the owner of the property.
- (7) The local government may recover the debt in a court of competent jurisdiction.

**5.14 How a vessel is to be moored**

- (1) A person shall not—
  - (a) moor or make fast a vessel to a jetty, any part of the jetty or mooring device except to such mooring piles, ring bolts or other fastenings as are provided; or
  - (b) permit a vessel to remain alongside a jetty unless the vessel is so moored or fastened.

**5.15 Mooring time limits**

- (1) Subject to clause 5.14 and subsection (2) a person shall not moor a vessel or permit it to be moored to a jetty or to a mooring device unless he or she has—
  - (a) applied to, and obtained prior written consent of the local government in the form prescribed by the local government from time to time for that purpose; and
  - (b) firstly paid to the local government any fee set by the local government from time to time for that purpose.
- (2) The owner, or a person in control of a vessel which is moored to a jetty shall remove the vessel forthwith when so directed by an authorised person.

**5.16 Mooring for maintenance and repairs**

- (1) A person shall not moor a vessel to a jetty for the purpose of effecting repairs to the vessel unless—
  - (a) the vessel is in distress;
  - (b) the vessel is moored for no longer than would reasonably be required to effect the minimum repairs necessary to enable the vessel to be moved elsewhere; and
  - (c) if the vessel is, or is to be moored for more than 4 hours, the prior consent of an authorised person has been obtained.
- (2) A person shall not moor a vessel to a jetty for the purpose of effecting maintenance to that or any other vessel.

**5.17 Obstruction of jetties or officer**

- (1) A person shall not, without the written permission of the local government, cause, or place, or cause to be placed, on a jetty any obstruction.
- (2) A person shall not obstruct or hinder—
  - (a) any representative or employee of the local government or any other person whatsoever engaged in the construction or repair of any jetty; or
  - (b) any authorised person acting in the course of his or her duties.
- (3) A person shall not cause any obstruction on or to any public steps or landing place for passengers on or at a jetty, or impede the free passage of other persons on or along such steps or places.

**5.18 General**

- (1) A person shall not on or near any jetty—
- (a) except in a receptacle provided for that purpose, deposit any litter;
  - (b) light, place or keep a fire that might endanger the jetty;
  - (c) except for the purpose of fishing, throw or impel any stone or other missile;
  - (d) permit an animal to remain;
  - (e) be in a state of intoxication or in possession of any intoxicating substance unless such intoxicating substance is cargo or medical supply carried for lawful purpose;
  - (f) do anything which may destroy, damage or deface the jetty or any part of it;
  - (g) behave in a disorderly manner, or create or take part in any disturbance or use any foul or indecent language or commit an act of indecency;
  - (h) throw, place or deposit any offensive, noxious or dangerous substances;
  - (i) post, stick, paint or write or cause to be posted, stuck, painted or written any placard, bill, advertisement, sign or other matter.

**5.19 Launching of vessels**

- (1) A person shall not launch or permit the launching of a vessel from or over any jetty (other than a boat ramp) unless he or she has—
- (a) first applied to, and obtained the written consent of the local government in the form (if any) prescribed by the local government for any purpose; and
  - (b) first paid to the local government any fee set by the local government from time to time for the purpose.

**5.20 Reduction or waiver of fees**

The local government may, if it considers it to be in the public interest, reduce or waive the fees that would otherwise be payable in relation to an application for consent to moor a vessel or to launch a vessel under this Division.

**PART 6—ACTIVITIES IN STREETS****6.1 General prohibitions**

- (1) A person must not—
- (a) plant any plant (except grasses or a similar plant) within 6 metres of an intersection without the approval of the local government;
  - (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless—
    - (i) the person is the owner or the occupier of the lot abutting that portion of the street and the lawn or the garden or the particular plant has not been installed or planted by the local government; or
    - (ii) the person is acting under the authority of a written law;
  - (c) damage a street tree or remove a street tree or part of a street tree irrespective of whether the street tree was planted by the owner or occupier of the lot abutting the street or by the local government, unless—
    - (i) the removal of the street tree is authorised by the local government in writing; or
    - (ii) the person is acting under authority of written law;
  - (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
  - (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a street by the local government or a person acting under the authority of a written law;
  - (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a street; or
  - (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, roller-blades or similar device.

**6.2 Activities allowed with a licence**

- (1) A person must not, without a licence—
- (a) dig or otherwise create a trench through or under a kerb or footpath;
  - (b) throw, place or deposit anything on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;
  - (c) cause any obstruction to a vehicle or a person using a street as a street;
  - (d) cause any obstruction to a water channel or a water course in a street;
  - (e) throw, place or drain offensive, noxious or dangerous fluid onto a street;
  - (f) damage a street;

- (g) fell or damage any street tree;
  - (h) fell any tree onto a street;
  - (i) unless installing, or in order to maintain, a permissible verge treatment—
    - (i) lay pipes under or provide taps on any verge; or
    - (ii) place or install anything on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
  - (j) provide, erect, install or use in or on any building, structure or land abutting on a street any hoist or other thing for use over the street;
  - (k) on a street use anything or do anything so as to create a nuisance;
  - (l) place or cause to be placed on a street a bulk rubbish container;
  - (m) interfere with the soil of, or anything in a thoroughfare or take anything from a street; or
  - (n) construct more than two crossings on a lot.
- (2) The CEO may exempt a person from compliance with subclause (1) on the application of that person.

### 6.3 Temporary crossings

- (1) Where it is likely that works on a lot will involve vehicles leaving a street and entering the lot, the person responsible for the works must obtain a licence for the construction of a temporary crossing to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, where—
- (a) a crossing does not exist; or
  - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The *person responsible for the works* in subclause (1) is to be taken to be—
- (a) the builder named on the building licence issued under the *Local Government (Miscellaneous Provisions) Act 1960*, if one has been issued in relation to the works; or
  - (b) the registered proprietor of the lot, if no building licence has been issued under the *Local Government (Miscellaneous Provisions) Act 1960* in relation to the works.
- (3) If the CEO approves an application for a licence for the purpose of subclause (1), the licence is taken to be issued on the condition that until such time as the temporary crossing is removed, the licensee must keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the street.

### 6.4 Removal of redundant crossing

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the CEO.
- (2) The CEO may give written notice to the owner or occupier of a lot requiring her or him to—
- (a) remove any part of or all of a crossing which does not give access to the lot; and
  - (b) reinstate the kerb, drain, footpath, verge and any other part of the street, which may be affected by the removal, within the period of time stated in the notice, and the owner or occupier of the lot must comply with that notice.

### 6.5 Permissible verge treatments

- (1) An owner or occupier of land which abuts on a verge may on that part of the verge directly in front of her or his land may install a permissible verge treatment.
- (2) The permissible verge treatments are—
- (a) the planting and maintenance of a lawn;
  - (b) the planting and maintenance of a garden provided that—
    - (i) clear sight visibility is maintained at all times for a person using the abutting street in the vicinity of an intersection or bend in the street or using a driveway on land adjacent to the street for access to or from the street;
    - (ii) no plant is planted which is thorny or which is or may be injurious to the health of any person or which may otherwise create a hazard for any person; and
    - (iii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
  - (c) the installation of an acceptable material; or
  - (d) the installation over no more than 30 per cent of the area of the verge (excluding any approved footpath and/or vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).
- (3) In this clause *acceptable material* means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government.

### 6.6 Only permissible verge treatments to be installed

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

(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 6.7.

#### **6.7 Obligations of owner or occupier**

- (1) An owner or occupier who installs or maintains a permissible verge treatment must—
- (a) indemnify the local government against all or any damage or injury caused to any person or thing, including any thoroughfare or anything under or over the thoroughfare, arising from the installation and maintenance of the permissible verge treatment, and is to make good all damage caused;
  - (b) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;
  - (c) not place any obstruction on or around the verge treatment; and
  - (d) not disturb a footpath on the verge.

#### **6.8 Notice to owner or occupier**

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

#### **6.9 Transitional provision**

- (1) In this clause—
- former provisions* means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.
- (2) A verge treatment which—
- (a) was installed prior to the commencement day; and
  - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,

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

#### **6.10 Power to carry out public works on verge**

- (1) Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority—
- (a) is not liable to compensate any person for that disturbance;
  - (b) may backfill with sand, if necessary, any garden or lawn; and
  - (c) is not liable to replace or restore any—
    - (i) verge treatment and, in particular, any plant or other hard surface; or
    - (ii) sprinklers, pipes or other reticulation equipment.

#### **6.11 Assignment of numbers**

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

#### **6.12 Public place—Item 4(1) of Division 1, Schedule 3.1 of Act**

- (1) The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act—
- (a) a public place, as that term is defined in clause 1.4.

#### **6.13 Signs**

- (1) A local government may erect a sign in a street specifying any conditions of use which apply to that street.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

#### **6.14 Transitional**

- (1) Where a sign erected in a street has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 6.13 if—
- (a) the sign specifies a condition of use relating to the street which gives notice of the effect of a provision of this local law; and
  - (b) the condition of use specified is not inconsistent with any provision of this local law.

#### **6.15 No driving on closed street**

- (1) A person must not drive or take a vehicle on a closed street unless—
- (a) it is in accordance with any limits or exceptions specified in the order made under section 3.50 of the Act; or
  - (b) the person has first obtained a licence.

(2) In this clause—

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

#### **6.16 Notice to redirect or repair sprinkler**

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

#### **6.17 Hazardous plants**

(1) Where a plant in a garden creates or may create a hazard for any person using a street, the CEO 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.

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

#### **6.18 Notice to repair damage to street**

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

#### **6.19 Notice to remove thing unlawfully placed on street**

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

### **PART 7—OBSTRUCTING ANIMALS, FENCING, VEHICLES OR SHOPPING TROLLEYS**

#### **7.1 Leaving animal in public place**

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

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

#### **7.2 Prohibitions relating to animals**

(1) In subclause (2), **owner** in relation to an animal includes—

- (a) an owner of it;
- (b) a person in possession of it;
- (c) a person who has control of it; and
- (d) a person who ordinarily occupies the premises where the animal is permitted to stay.

(2) An owner of an animal must not—

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

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

#### **7.3 Property to be fenced**

(1) The owner or occupier of property on which livestock is kept, shall cause the property or a portion of the property to be fenced in accordance with any other local law and in a manner capable of confining the livestock to that portion where the livestock is kept.

(2) The local government may by notice require the owner of land that adjoins a public thoroughfare, or any other public place, to suitably enclose the land to prevent, to the extent practicable—

- (a) the entry of any person or livestock onto the land where, in the opinion of the local government, injury may be caused to any person or livestock from an offensive substance which is used on the land;
- (b) the escape of noise and dust from the land;
- (c) the escape of livestock from the land;
- (d) the escape of sand from the land;
- (e) the spread of dieback, other fungal diseases or pest plants from the land due to the movement of traffic across the land.

(3) Under subclause (2) the local government may require an owner to enclose land with a closed fence in respect of the escape of sand and dust from the land onto a public thoroughfare or public place.

**7.4 Livestock may be impounded**

- (1) An authorised person may impound livestock found at large or straying in contravention of clause 7.2(2)
- (2) Impounded livestock shall be placed in—
  - (a) a pound established and maintained by the local government; or
  - (b) a secured portion of private property with the consent of the property owner.
- (3) The owner of impounded livestock shall pay the transport, impounding and sustenance fees determined by the local government from time to time prior to the recovery of any impounded livestock.
- (4) Where impounded livestock is not reclaimed within the periods of time specified in the Act, and the local government has made all reasonable endeavors to contact the owner of the livestock, the local government may sell or otherwise dispose of the impounded livestock in accordance with the Act.
- (5) If a Veterinary Surgeon considers the impounded livestock is suffering from a contagious or infectious disease or otherwise from injury, neglect or maltreatment the local government may cause impounded livestock to be destroyed and its carcass disposed of and may recover the expense of doing so from the owner of the impounded livestock as a debt owed to the local government.

**7.5 Shopping trolley to be marked**

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

**7.6 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.

**7.7 Retailer to remove abandoned trolley**

- (1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the local government may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer—
  - (a) requests the local government to collect and deliver the shopping trolley to the retailer; and
  - (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

**7.8 Retailer taken to own trolley**

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

**7.9 Removal and impounding of shopping trolley**

Subject to the provisions of the Act, the local government may remove and impound any shopping trolley which is not removed in accordance with clause 7.7

**7.10 Control of Vehicles**

- (1) A person must not—
  - (a) Notwithstanding subclause (2), park a vehicle, commercial vehicle or a caravan, omnibus, cart or trailer on a verge for more than 1 hour consecutively or for more than 2 hours in a day, unless in between each period that it is parked or allowed to remain stationary on the verge it has been removed from the verge for at least 4 hours;
  - (b) on a verge repair, service or clean any vehicle;
  - (c) drive any vehicle along any footpath; or
  - (d) park a vehicle upon a permissible verge treatment unless authorised to do so by the owner or occupier of the abutting lot or under any written law.
- (2) A person must not without a permit issued by the local government, or unless authorised under any written law—
  - (a) drive any vehicle over or across a kerb or footpath except at a crossing;
  - (b) leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place;
- (3) A person contravenes subclause (2)(b) when the vehicle is left for a period exceeding 24 hours.
- (4) A vehicle involved in a contravention of subclause (2)(b) may be impounded by an authorised person, respectively, in accordance with the *Local Government (Miscellaneous Provisions) Act 1960* or the Act.

**PART 8—TRADING ON STREETS AND LOCAL GOVERNMENT PROPERTY***Division 1—Alfresco Dining Areas***8.1 Interpretation**

(1) In this Division unless the context otherwise requires—

**eating area** means an area in which tables, chairs and other structures are provided for the purpose of supplying food or drink to the public or the consumption of food or drink by the public;

**food business** means any land, premises or place, or any part thereof, on or in which meals are prepared for service or are served to the public for gain or reward. This term does not include any building, tent or other structure used temporarily for the preparation for service or service of meals to the public, at any fair, show, military encampment, races, or other public sports, games or amusements;

**Health Act** means the *Health Act (Miscellaneous Provisions) 1911* and includes regulations and local laws made thereunder or any subsequent legislation repealing and replacing this legislation;

**licence** means a licence issued by the local government under this Division to set up and conduct an outdoor eating area;

**licensee** means the person who is the holder of a licence;

**licence plans** means plans attached to and forming part of a licence depicting those areas of a street or public place within which an outdoor eating area may be set up and conducted;

**alfresco dining area** means an alfresco dining area in a street or public place;

**proprietor** has the same meaning assigned to it by Section 160 of the Health Act, or means the holder of a licence granted under the *Liquor Control Act 1988* where the premises in question are the subject of a Hotel licence, a licence or a Restaurant licence or Extended Trading Permit granted under that Act;

**public facility** means any structure, item or fitting whether in a street or public place that is the property of or has been provided by a Government Department, instrumentality of the Crown or the local government.

**8.2 Alfresco Dining areas located on private property**

This Division does not apply to any alfresco dining area set up or conducted in a place located on private property notwithstanding that the public are allowed to use that place.

**8.3 Constraints to set up or conduct an alfresco dining area**

(1) No person shall set up or conduct an alfresco dining area in a street or public place—

- (a) other than in a portion of a street or public place adjacent to a food business;
- (b) unless the person is the proprietor of the food business referred to in subclause (1)(a);
- (c) unless the person is the holder of a valid and current licence issued pursuant to this Division; and
- (d) otherwise than in accordance with—
  - (i) licence plans;
  - (ii) statement or declarations within the proprietor's licence application;
  - (iii) licence conditions; and
  - (iv) full observance of any requirements of the Health Act.

**8.4 Form of application**

The form of application for any licence under this Division shall be in the form determined by the local government.

**8.5 Application for licence**

(1) A proprietor shall complete an application form when applying for a licence. The form shall—

- (a) include that person's full name and address;
- (b) be accompanied by specifications and a plan showing the proposed alfresco dining area. The plan shall be at a scale of not less than 1:50 and show—
  - (i) the location and dimensions of the proposed alfresco dining area; and
  - (ii) the position of all tables, chairs and other structures proposed to be provided in the eating area and how such items are to be confined within the alfresco dining area;
- (c) be accompanied by specifications and a plan on a scale of not less than 1:200 showing the alfresco dining area and all structures thereon including any public facility, parking area or parking restriction within 30 metres of the boundaries of the alfresco dining area;
- (d) be accompanied by a coloured photograph or a detailed drawing of the tables, chairs and other structures to be set up in the alfresco dining area;
- (e) provide the local government with written particulars of arrangements made with respect to public risk and any other relevant insurance; and
- (f) provide the local government with any other information that the local government considers necessary in the circumstances of the case.

### 8.6 Determination of application

The local government or an authorised person may approve an application on such terms and conditions, if any, as it sees fit.

### 8.7 Form of licence

The form of a licence under this Division shall be in the form determined by the local government.

### 8.8 Refusal of licence

- (1) The local government or an authorised person may refuse to issue a licence if—
- the applicant has at any time failed to comply with any provision of this Division;
  - the applicant has failed to comply with any provision of the Health Act;
  - any element of the proposed alfresco dining area is contrary to any condition of approval made by resolution of the local government as an adjunct to this Division; or
  - the proposed alfresco dining area is in the opinion of the local government undesirable or unsuitable.
- (2) In the case of subclauses (1)(c) and (1)(d), the local government or an authorised person shall provide the applicant with the reasons in writing.

### 8.9 Conduct of alfresco dining area

- (1) The licensee shall—
- ensure that the alfresco dining area is conducted at all times in accordance with the provisions of this Division and the terms and conditions of the licence;
  - maintain the chairs, tables and other structures set up in the alfresco dining area in a clean and serviceable condition at all times;
  - maintain the paving of the alfresco dining area in a clean condition, free from staining and ingrained food deposits;
  - be solely responsible for all or any costs associated with restoring the street, footpath, public facility, tree or plant within or adjacent to the outdoor eating area where damage has been caused as a result of the conduct of the alfresco dining area;
  - not allow for any reason whatsoever business activities associated with the alfresco dining area to obstruct the free passage of pedestrians on any footpath or the free passage of motor vehicles on any street or any part of a footpath used for vehicle crossings, notwithstanding the provisions of this local law;
  - not allow the alfresco dining area to be situated in such a way that access from the footpath to kerbside parking is unreasonably obstructed;
  - not allow the alfresco dining area equipment to hazardously obstruct the vision of vehicle drivers or pedestrians;
  - produce a licence whenever requested to do so by an authorised person; and
    - not transfer, assign or dispose of the licence.

### 8.10 Period of licence

A licence is valid for the period between the date of issue and the following 31 August, or until its revocation.

### 8.11 Licence fees and charges

The licence fees and charges shall be paid by the licensee to the local government prior to the issuing of the licence.

### 8.12 Revocation of licence

- (1) The local government or an authorised person may revoke a licence if—
- the licensee breaches clause 8.3 or clause 8.9;
  - the licensee breaches any provision of the Health Act; or
  - the local government or a Crown agency, instrumentality or department requires access to the place to which a licence applies for the purpose of carrying out works on, over or under that place.

### 8.13 Refund of fees from revoked licence

Where a licence is revoked the local government or an authorised person shall if requested provide the licensee with written reasons for the revocation and shall refund the fee having first deducted the fee applicable to the period from the issuing of the licence to the revocation thereof.

## *Division 2—Street Trading and Trading in other Public Places*

### 8.14 Interpretation

- (1) In this Division unless the context otherwise requires—

**community association** means an institution, association, club, society or body, whether incorporated or not, the object of which is of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and the members of which are not entitled or permitted to receive any pecuniary profit from the transactions thereof;

*licence* means a licence issued by the local government under clause 8.19;

*licensee* means a person to whom a licence is granted under this Division;

*public event* includes a market, festival, fair, parade or other similar event conducted on a street or public reserve with specific approval of the local government;

*public reserve* includes park lands, squares, reserves, beaches, and other lands, included in or adjoining a district, and set apart for the use and enjoyment of the inhabitants of the district and includes parks and other lands acquired for the public purposes, and vested in or under the care, control, or management of the local government of the district;

*trading* means selling or hiring of goods, wares, merchandise or services or offering goods, wares, merchandise or services for sale in a street or other public place and includes displaying them for sale, inviting offers for sale, soliciting orders or carrying out any other transaction therein.

### 8.15 Application of Division

This Division shall not apply to the conducting of street entertainment, trading by a community association or trading at a public event.

### 8.16 Licence requirements

No person shall carry on trading in any street footpath or public reserve within the District unless that person is acting within the specifications of a current licence issued under this Division and for which all fees and charges have been paid.

### 8.17 Application for licence

(1) An application for any licence under this Division shall be in the form determined by the local government from time to time and shall include the following—

- (a) include the full name and address of the applicant;
- (b) specify the proposed number and the names and addresses of assistants to be engaged by the applicant in trading pursuant to the licence;
- (c) specify the location for which the licence is sought;
- (d) be accompanied by an accurate plan and description of any proposed stand, table, structure or vehicle which may be used for trading;
- (e) specify the proposed days and hours of trading;
- (f) specify the proposed goods, wares, merchandise or services in respect of which trading will be carried on.

### 8.18 Refusal of licence

(1) The local government or an authorised person may refuse to issue a licence if—

- (a) the applicant has committed a breach of clause 8.16, 8.21, 8.22 or 8.23 and the local government determines that the licence should be refused;
- (b) the proposed activity or place of trading is in the opinion of the local government undesirable;
- (c) the proposed stand, table, structure or vehicle for which the licence is sought is in the opinion of the local government unsuitable in any respect to the location; or
- (d) the applicant is in the opinion of the local government an unsuitable person.

### 8.19 Conditions of licence

(1) The local government or an authorised person may issue a licence and may specify conditions which relate to that licence—

- (a) defining the expiry date of the licence;
- (b) defining the specific place to which the licence applies or limiting the trading area to not less than 300 metres from an established outlet selling similar goods;
- (c) defining the number, type, form and construction as the case may be of any stand, table, structure or vehicle which may be used for trading;
- (d) defining the particulars of the goods, wares, merchandise or services in respect of which trading may be carried on;
- (e) defining the days and hours when trading may be carried on;
- (f) requiring the licensee to maintain 3rd party liability or any other necessary insurance at all times to a value determined by the local government from time to time.

### 8.20 Form of licence

(1) The form of a licence issued under this Division shall be in the form determined by the local government and shall include the following—

- (a) the full name and address of the licensee;
- (b) the dates of issue and expiration of the licence;
- (c) the number, type, form and construction as the case may be of any stand, table, structure or vehicle which may be used for trading;
- (d) the particulars of the goods, wares, merchandise or services in respect of which trading may be carried on;
- (e) the number and the full names and addresses of assistants (if any) who may be engaged at any one time in trading pursuant to the licence;

- (f) the days and hours when trading may be carried on; and
- (g) the details of the 3rd part liability insurance conditions.

#### 8.21 Constraints on licensee or assistant

- (1) A licensee or assistant specified in a licence shall not—
- (a) engage in or permit any trading in any goods, wares, merchandise or services other than those specified in the licence;
  - (b) engage in or permit any trading in a place other than that specified in the licence;
  - (c) deposit, place or store any goods, wares or merchandise on any street, footpath or other public reserve other than on the place to which the licence applies;
  - (d) cause or permit or suffer any nuisance to exist, arise or continue on or from the permitted place specified in the licence;
  - (e) create any noise or disturbance to the annoyance of nearby occupants or passers-by; or
  - (f) obstruct the free passage of pedestrians on any footpath or street.

#### 8.22 Constraints on licensee

- (1) A licensee shall not—
- (a) in trading use or employ or permit to be used or employed at any one time more than the maximum number of assistants specified in the licence; or
  - (b) transfer, assign or otherwise dispose of the licence.

#### 8.23 Obligations on a licensee or assistant

- (1) A licensee or assistant specified in a licence shall—
- (a) personally attend at the place specified in the licence at all times when trading is conducted on or from that place;
  - (b) keep the place and any stand, table, structure or vehicle specified in the licence in a clean and safe condition and in good repair;
  - (c) keep the place and any stand, table, structure or vehicle specified in the licence free from trade refuse and other refuse and rubbish;
  - (d) on demand produce the licence to any authorised person of the local government or any Police Officer;
  - (e) remove the stand, table, structure or vehicle and all of his goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects—
    - (i) at the conclusion of the permitted hours of operation specified in the licence;
    - (ii) whenever not trading on the place to which the licence applies.

#### 8.24 Period of licence

A licence is valid for the period between the date of issue and the following 31 August or until its revocation.

#### 8.25 Revocation of licence

- (1) The local government or an authorised person may revoke a licence if—
- (a) the licensee or assistant specified in a licence commits an offence against clause 8.16, 8.21, 8.22 or 8.23; or
  - (b) the local government or a Crown agency, instrumentality or department requires access to the place to which a licence applies for the purpose of carrying out works on, over or under that place.

#### 8.26 Refund of fees from revoked licence

Where a licence is revoked the local government or an authorised person shall if requested provide the licensee with written reasons for the revocation and shall refund the fee having first deducted the fee applicable to the period from the issuing of the licence to the revocation thereof.

### PART 9—RESERVES, BEACHES, FORESHORES AND BATHING

#### 9.1 Interpretation

- (1) In this Part unless the context otherwise requires—

**bathing** means the act of entering the sea, a swimming pool, or other water body, to swim or use a bathing appliance and includes the act of emerging therefrom;

**bathing appliance** means a float of any material, including, kick boards, paddle boards, body boards, or any other device used or capable of being used for the purpose of bathing;

**life-saving club** means a life-saving club affiliated with Surf Lifesaving WA Inc. or any branch;

**life-saving gear** means any gear or appliance for use in the provision of life-saving or for training of life saving club members in their duties;

**life-saving patrol** means a patrol comprising such members of a life-saving club as are appointed by that club from time to time to provide life-saving services in a defined area and the term includes an employee of the local government appointed by the local government as a beach patrol officer or inspector;

**patrol flag** means a flag or notice erected at the limits of a bathing area to indicate the extremities of that area;

**personal watercraft** means any vessel designed for the transport of 1, 2, or 3 persons that—

- (a) is propelled by means of an inboard motor powering a water jet pump; and
- (b) is designed to be steered by means of handlebars by a person sitting, standing or kneeling on the vessel and not within it;

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

**surf board** means a flotation device designed and used for riding or surfing waves, including surf skis or any other device used or capable of being used for the purpose; and

**watercraft** means any bathing appliance, canoe, boat or jet-ski.

## 9.2 Sandboarding and sand dune protection

(1) A person shall not—

- (a) use a sandboard or any other board or thing to slide down sand dunes;
- (b) take onto any sand dunes a sandboard or other thing used for sliding down sand dunes; or
- (c) traverse sand dunes except along pathways designated by signs or fences for the purpose.

## 9.3 Boat launching

(1) A person shall not launch a boat into the sea other than at a boat launching ramp designed, constructed and approved for the purpose or from the beach where this activity is permitted and designated by signs.

(2) A person shall not launch a personal watercraft into the sea other than at a boat launching ramp designed, constructed and approved for the purpose.

(3) Subclauses (1) and (2) do not apply to any member of a surf life-saving club or life-saving patrol in the course of their duties, training or in competition.

## 9.4 Surf life-saving activities

(1) The local government may appoint beach inspectors and authorise members of surf life-saving clubs to perform all or any of the following functions in the interests of maintaining safety at beaches in the district—

- (a) patrol any beach;
- (b) take onto any beach any life-saving gear including vehicles or boats that are used for life saving activities;
- (c) indicate by signs or patrol flags, any areas of a beach and the adjacent water beyond the beach, where bathing is permitted;
- (d) indicate by signs any areas of a beach and the adjacent water beyond the beach where—
  - (i) riding of surfboards or any other bathing appliance is prohibited;
  - (ii) driving of boats is prohibited;
  - (iii) fishing is prohibited; and
  - (iv) nude or topless bathing is permitted;
- (e) regulate, prohibit, restrict or set aside by signs, rope, wire, cloth or other flexible sheeting, any areas for the following activities—
  - (i) entry by any persons;
  - (ii) playing of games;
  - (iii) conduct of training or surf club carnivals; or
  - (iv) establishing a first aid or command post;
- (f) direct any person to—
  - (i) bathe within the designated permitted bathing area indicated by signs or patrol flags; or
  - (ii) leave the water adjacent a beach during any period of potential dangerous conditions or sighting of a shark.

## 9.5 Identification of life-saving patrol

(1) A member of a life-saving patrol on duty at any beach shall wear a red and yellow quartered swimming cap for the time they are on patrol.

(2) A person who is not a member of and on duty life-saving patrol shall not wear a red and yellow quartered swimming cap or give the impression they are a member of an on duty life-saving patrol.

## 9.6 Compliance with signs and directions

(1) A person attending any beach in the district shall—

- (a) comply with any sign erected on the beach;
- (b) comply with any lawful direction given by a beach inspector or authorised member of a surf life-saving club patrolling the beach; and
- (c) not enter any area set aside for any life-saving activity, training, competition or carnival.

**9.7 Fishing**

- (1) A person shall not fish in any area—
- (a) where fishing is prohibited and the prohibition is designated by signs; or
  - (b) set aside by a beach inspector or member of a life-saving patrol as a designated permitted bathing area.
- (2) A person shall not at any place whether fishing is permitted or not—
- (a) clean fish or cut bait on any seat or hand rail;
  - (b) leave or deposit fish offal on land or in the sea within 200m of any part of the beach; or
  - (c) without written approval of the local government, fish for sharks by use of set or buoyed lines or use blood, offal or any other lure for the purpose of attracting sharks within 200m of any part of a beach.

**9.8 Surfboards and boats**

A person shall not ride a surfboard or drive a personal watercraft or boat in any area set aside by a beach inspector or member of a life-saving patrol, as a designated permitted bathing area.

**9.9 Vehicle access**

Unless authorised to do so in the course of their duties, or as otherwise permitted by a sign, a person shall not take a vehicle of any kind onto any reserve, foreshore, beach or sand dune.

**PART 10—OFFENCES AND PENALTIES****10.1 Offences**

- (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) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

**10.2 Infringement and infringement withdrawal notices**

- (1) For the purpose of this local law—
- (a) the form of the infringement notice referred to in section 9.17 of the Act is form 2 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*; and
  - (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is form 3 in the First Schedule of the *Local Government (Functions and General) Regulations 1996*.

**10.3 Modified penalties**

- (1) Subject to subclauses (3) and (4), a person who does not contest an allegation that he or she has committed an offence against this local law may, within the time specified in the notice, pay the modified penalty payable for the particular offence.
- (2) The amount appearing in the final column of the table in Schedule 1 directly opposite an offence described in the Schedule is prescribed for the purposes of section 9.17 of the Act as the modified penalty for that offence.
- (3) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit, as specified in the *City of Bunbury Penalty Units Local Law 2018*, by the number of penalty units specified in this local law.
- (4) If it appears to the local government that an alleged offence cannot be adequately punished by the payment of the modified penalty then the local government may refrain from accepting the modified penalty and may in lieu take proceedings against the alleged offender in an appropriate Court.

**10.4 Prosecution for offences**

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in the Magistrates Court.

**10.5 Offence to fail to comply with notice**

Whenever the local government gives a notice under this local law requiring a person to do anything, if the person fails to comply with the notice, the person commits an offence.

**PART 11—TRANSITIONAL PROVISIONS****11.1 Application for licence or renewal of licence**

An application for a licence or the renewal of a licence made under the repealed local law that has not been finally determined immediately before the commencement day is to be dealt with and determined as if it were an application for a licence or a renewal of licence under this local law.

**11.2 Licences**

A licence under the repealed local law that is in force immediately before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

*Schedule 1*  
MODIFIED PENALTIES

Clause 10.3

Item No.	Clause	Nature of Offence	Modified Penalty Units
1	2.4	Fail to comply with any local government determination	20
2	3.1(1)	Carrying out activity without a licence	20
3	3.2(3)(a)	Camp, lodge or occupy any structure for sleeping on local government property without licence	20
4	3.3(1)	Sell, supply or consume liquor without approval of the local government	20
5	4.1(1)(a)	Behaviour likely to interfere with enjoyment of others	20
6	4.1(1)(b)	Behaviour which interferes with enjoyment of others	20
7	4.2(1)	Behaviour which is detrimental to property	25
8	4.3(1)	Feed, take, injure or kill fauna	20
9	4.4	Enter or remain on local government property under the influence of liquor or a prohibited drug	20
10	4.5	Taking, consuming or using a prohibited drug on local government property	20
11	4.7	Obstruct, hinder, or fail to comply with the direction of an authorised officer	25
12	5.2	Enter any place that has been fenced off or closed to the public	20
13	5.3(1)	Enter toilet block or change room set aside for the opposite sex	20
14	5.4(1)	Unauthorised entry to function	20
15	5.5(1)	Failure to comply with direction given by manager	25
16	5.5(3)	Failure to leave recreational premises quietly and peaceably when required to do so	20
17	5.7(1)	Failure to meet responsibilities of recreational premises users	20
18	5.8(2)(a)	Land at, use or enter a jetty which is under construction or repair	20
19	5.8(2)(b)	Land at, use or enter a jetty which is closed	20
20	5.9(1)(a)	Drive or allow a vehicle to remain on a jetty without written consent of the local government	20
21	5.9(1)(b)	Ride a bicycle, or allow a bicycle to remain on a jetty	10
22	5.10(1)(a)	Fish from a jetty or bridge so as to interfere with the free movement of a vessel	15
23	5.10(1)(b)	Hang or spread a fishing net from, on or over a jetty or bridge.	15
24	5.11(1)(a)	Without the written consent of the local government offer for sale or sell goods or services on a jetty or bridge.	15
25	5.11(1)(b)	On any jetty or bridge tout or solicit anyone to proceed as a passenger on any vessel or vehicle.	15
26	5.11(1)(c)	Without the written consent of the local government display a sign or advertisement or use any loud speaking device on a jetty or bridge.	15
27	5.11(1)(d)	Interfere with the free movement of others entering or leaving a jetty or bridge.	15
28	5.11(1)(e)	Dive from a jetty or bridge.	15
29	5.12(1)	Tip or deposit anything onto a jetty so as to cause damage to the jetty or to pollute the surrounding area	25
30	5.13(4)	Failure to comply with a direction of an authorised person	25
31	5.14(1)(a)	Failure of a person to moor or make fast a vessel to a jetty	20
32	5.15(2)	Failure to remove a vessel when directed by an authorised officer	25

Item No.	Clause	Nature of Offence	Modified Penalty Units
33	5.16(1)	Allow a vessel to be moored to a jetty for the purpose of effecting repairs to the vessel.	20
34	5.16(2)	Allow a vessel to be moored to a jetty for the purpose of effecting maintenance to the vessel.	20
35	5.17(1)	Without the written permission of the local government cause, place or caused to be placed any obstruction on a jetty	20
36	5.17(2)(a)	Obstruct or hinder a representative or employee of local government engaged in construction or repair	25
37	5.17(2)(b)	Obstruct or hinder an authorised officer	25
38	5.17(3)	Cause an obstruction on or to any public steps or landing place for passengers	20
39	5.18(1)(a)	Deposit litter on a jetty other than in a receptacle	20
40	5.18(1)(b)	Light, place or keep a fire that might endanger or cause damage to the jetty.	20
41	5.18(1)(c)	Throw or impel any stone or other missile from a jetty.	20
42	5.18(1)(d)	Permit an animal to remain on a jetty.	20
43	5.18(1)(e)	Be in a state of intoxication or in possession of any intoxicating substance.	20
44	5.18(1)(f)	Do anything which may destroy, damage or deface the jetty or any part of a jetty.	20
45	5.18(1)(g)	Behave in a disorderly manner or create or take part in any disturbance or use foul or indecent language or commit an act of indecency.	20
46	5.18(1)(h)	Throw, place or deposit any offensive, noxious or dangerous substances.	20
47	5.18(1)(i)	Post, stick, paint or write or cause to be posted, stuck, painted or written any placard, bill, advertisement, sign or other matter.	20
48	5.19(1)(a)	Without the written consent of the local government launch or permit the launching of a vessel from a jetty.	20
49	5.19(1)(b)	Failure to pay any fee to the local government for mooring or launching of a vessel from a jetty.	20
50	6.1(1)(a)	Plant any plant (except grass or similar) within 6m of an intersection without approval	20
51	6.1(1)(b)	Damage or remove any verge treatment that is on land not owned or occupied by the person	20
52	6.1(1)(c)	Damage or remove street tree or part of a tree without local government approval	40
53	6.1(1)(d)	Deposit any substance fluid, vegetable or otherwise that may create an obstruction	20
54	6.1(1)(e)	Damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected by local government on any public place	30
55	6.1(1)(f)	Play or participate in any game or sport so as to cause danger to any person or impede the movement of traffic on any thoroughfare	15
56	6.1(1)(g)	Ride any wheeled recreational device within a mall, arcade or verandah	15
57	6.2(1)(a)	Without a licence dig or otherwise create a trench through or under a carriageway, street, kerb or footpath	30
58	6.2(1)(b)	Without a licence throw, place or deposit anything on any public place except for removal by the local government under an advertised bulk rubbish collection	30
59	6.2(1)(c)	Cause any obstruction to vehicles or persons using a thoroughfare	15
60	6.2(1)(d)	Cause any obstruction to a water channel or a water course	15
61	6.2(1)(e)	Throw, place or drain offensive, noxious or dangerous fluid onto a public place	25
62	6.2(1)(f)	Damage any street	25
63	6.2(1)(g)	Fell or damage any street tree	40

Item No.	Clause	Nature of Offence	Modified Penalty Units
64	6.2(1)(h)	Fell any tree onto a street	20
65	6.2(1)(i)(i)	Lay pipes under or provide taps on any verge	20
66	6.2(1)(i)(ii)	Place or install anything on any part of a thoroughfare	30
67	6.2(1)(j)	Provide, erect, install or use in or on any building, structure or land abutting on any thoroughfare any hoist or other thing for use above the level of the thoroughfare	30
68	6.2(1)(k)	Use anything to create a nuisance in a public place	30
69	6.2(1)(l)	Place or cause to be placed a bulk rubbish container on any thoroughfare	30
70	6.2(1)(m)	Interfere with soil or take anything from a street	20
71	6.2(1)(n)	Without a licence constructing more than two crossings	30
72	6.3(1)	Without a licence construct temporary crossing	30
73	6.6(1)	Installing verge treatment not permitted	30
74	6.15(1)	Without a licence drive or take a vehicle on a closed street	30
75	7.1(1)	Leave animal in a public place so that obstructs use of any part of the public place	20
76	7.2(2)(a)	Allow animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare.	30
77	7.2(2)(b)	Allow animal which has a contagious or infectious disease to be led, ridden or driven in a public place	30
78	7.2(2)(c)	Train or race livestock on a thoroughfare	20
79	7.3(1)	Failure of the owner or occupier of land where livestock is kept to be fenced	40
80	7.5	Retailers name not marked on trolley	15
81	7.6	Leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys	15
82	7.7(2)	Failure of owner to remove shopping trolley within 24 hours of being advised by local government	20
83	7.10(1)(a)	Park a commercial vehicle or caravan, omnibus or trailer on a verge for more than 1 hour consecutively or for more than 2 hours in a day	15
84	7.10(1)(b)	On a verge repair, service or clean any vehicle	15
85	7.10(1)(c)	Drive any vehicle along any footpath	15
86	7.10(1)(d)	Park a vehicle upon a permissible verge treatment unless authorised to do so by the owner or occupier of the abutting lot, or under any written law	15
87	7.10(2)(a)	Drive a vehicle over or across a kerb or footpath except at a crossing	15
88	7.10(2)(b)	Leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place	20
89	8.3(1)(a)	Set up or conduct an alfresco dining area in a street or public place other than in a portion of a street or public place adjacent to a food business	20
90	8.3(1)(b)	Not being a proprietor of the food business set up or conduct an alfresco dining area in a street or public place.	20
91	8.3(1)(c)	Set up or conduct an alfresco dining area without a valid and current licence	20
92	8.3(1)(d)	Failure to operate in accordance of conditions	20
93	8.9(1)(a)	Failure of licensee to ensure that the alfresco dining area is conducted at all times in accordance with the provisions of the terms and conditions of the licence	20
94	8.9(1)(b)	Failure of licensee to maintain the chairs, tables and other structures set up in the alfresco dining area in a clean and serviceable condition at all times	20
95	8.9(1)(c)	Failure of licensee to maintain the paving of the alfresco dining area in a clean condition, free from staining and ingrained food deposits	20

Item No.	Clause	Nature of Offence	Modified Penalty Units
96	8.9(1)(d)	Failure of licensee to restore the street, footpath, public facility, tree or plant within or adjacent to the alfresco dining area where damage has been caused as a result of the conduct of alfresco dining area	20
97	8.9(1)(e)	Allow business activities associated with the alfresco dining area to obstruct the free passage of pedestrians on any footpath or the free passage of motor vehicles on any street or any part of a footpath used for vehicle crossings	20
98	8.9(1)(f)	Allow the alfresco dining area to be situated in such a way that access from the footpath to kerbside parking is unreasonably obstructed	20
99	8.9(1)(g)	Allow the alfresco dining area equipment to hazardously obstruct the vision of vehicle drivers or pedestrians	20
100	8.9(1)(h)	Failure to produce a licence whenever requested to do so by an authorised person	20
101	8.9(1)(i)	Transfer, assign or dispose of a licence	20
102	8.16	Failure to comply with specifications of a current licence	20
103	8.21(1)(a)	Engaging in or permitting any trading in any goods, wares, merchandise or services other than those specified in the licence	20
104	8.21(1)(b)	Engaging in or permitting any trading in a place other than that specified in the licence	20
105	8.21(1)(c)	Depositing, placing or storing any goods, wares or merchandise on any street, footpath or other public reserve other than on the place to which the licence applies	20
106	8.21(1)(d)	Causing or permitting or suffering any nuisance to exist, arise or continue on or from the permitted place specified in the licence	20
107	8.21(1)(e)	Creating any noise or disturbance to the annoyance of nearby occupants or passers-by	20
108	8.21(1)(f)	Obstructing the free passage of pedestrians on any footpath or street	20
109	8.22(1)(a)	Employing or permitting to be used or employed at any one time more than the maximum number of assistants specified in the licence	20
110	8.22(1)(b)	Transferring, assigning or otherwise disposing of the licence	20
111	8.23(1)(a)	Failure to personally attend at the place specified in the licence at all times when trading is conducted on or from that place	20
112	8.23(1)(b)	Failure to keep the place and any stand, table, structure or vehicle specified in the licence in a clean and safe condition and in good repair	20
113	8.23(1)(c)	Failure to keep the place and any stand, table, structure or vehicle specified in the licence free from trade refuse and other refuse and rubbish	20
114	8.23(1)(d)	Failure to produce the licence on demand of any authorised person of the local government or any Police Officer	20
115	8.23(1)(e)	Failure to remove the stand, table, structure or vehicle and all of his goods, wares, merchandise and signs from the place to which the licence applies and leave that place clean and vacant in all respects	20
116	9.2(1)(a)	Use a sandboard or any other board or thing to slide down sand dunes	20
117	9.2(1)(b)	Take onto any sand dunes a sandboard or other thing used for sliding down sand dunes	20
118	9.2(1)(c)	Traverse sand dunes except along pathways designated by signs or fences for the purpose	20
119	9.3(1)	Launch a boat into sea from area not approved or not permitted by signs	30
120	9.3(2)	Launch personal watercraft into sea other than from a boat launching ramp	30
121	9.6(1)	Fail to comply with a sign erected on a beach	20

<b>Item No.</b>	<b>Clause</b>	<b>Nature of Offence</b>	<b>Modified Penalty Units</b>
122	9.7(1)(a)	Fish in an area where fishing is prohibited and designated by signs	20
123	9.7(1)(b)	Fish in an area set aside as designated permitted bathing area	20
124	9.7(2)(a)	Clean fish or cut bait on any seat or hand rail	20
125	9.7(2)(b)	Leave or deposit fish offal on land or in sea within 200m of any beach	20
126	9.7(2)(c)	Fish for sharks within 200m of a beach without written approval	20
127	9.8	Ride a surfboard, drive a personal watercraft or boat in a designated permitted bathing area	20
128	9.9	Take a vehicle of any kind onto any reserve, beach or sand dune	35

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Dated 29 September 2020.

The Common Seal of the City of Bunbury was affixed by authority of a resolution of the Council in the presence of—

GARY BRENNAN, Mayor.  
MAL OSBORNE, Chief Executive Officer.

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