Shire of Esperance

ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2025

Local Government Act 1995

(As amended 8 September 2026, Government Gazette No. 115)

Shire of Esperance

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Local Government Act 1995

Shire of Esperance

ACTIVITIES IN THOUROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2025

Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Esperance resolved on 25 November 2025 to make the following local law.

PART 1 PRELIMINARY

1.1 Short title

This local law may be cited as the Shire of Esperance *Activities in Thoroughfares and Public Places and Trading Local Law 2025.*

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal

The Shire of Esperance *Activities in Thoroughfares and Public Places and Trading Local Law 2016* published in the *Government Gazette* on 9 February 2017 is repealed.

1.5 Definitions

In this local law—

Act means the *Local Government Act 1995*;

applicant means a person who applies for a permit;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

built-up area has the meaning given to it in the *Road Traffic Code 2000*;

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

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

CEO means the Chief Executive Officer of the local government;

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

Council means the Council of the Shire of Esperance;

crossing means a crossing giving access from a public thoroughfare to -

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

district means the district of the local government;

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

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

kerb includes the edge of a carriageway;

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

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

local government means the Shire of Esperance;

local government property means anything except a thoroughfare –

(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;

local planning scheme means a town planning scheme of the local government made under the *Planning and Development Act 2005*;

local public notice has the meaning given to it in the Act;

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

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

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

permissible verge treatment means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

person does not include the local government;

premises for the purpose of the definition of "public place" in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

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

(a) premises on private property from which trading is lawfully conducted under a written law; and

(b) local government property;

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

Schedule means a schedule to this Local Law

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

thoroughfare has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;

townsite means the townsite of Esperance, Cascade, Condingup, Gibson, Grass Patch, Scaddan and Salmon Gums which are –

(a) constituted under section 26(2) of the *Land Administration Act 1997*; or

(b) referred to in clause 37 of Schedule 9.3 of the Act;

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 path; and

(d) a pram, a stroller or a similar device;

(e) a shopping trolley

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

written law has the same meaning given to it by section 5 of the *Interpretation Act 1984* and includes this local law.

PART 2 ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

DIVISION 1 GENERAL

2.1 General prohibitions

A person shall not -

(a) plant any plant which exceeds or which may exceed 0.75m in height on a thoroughfare so that the plant is within 6m of an intersection;

(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 thoroughfare 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) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;

(d) place on any path 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 path;

(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 thoroughfare 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 thoroughfare; or

(g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades or similar device.

2.2 Activities allowed with a permit – general

(1) A person shall not, without a permit -

(a) dig or otherwise create a trench through or under a kerb or path;

(b) subject to Division 3 of this Part, 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 thoroughfare as a thoroughfare;

(d) cause any obstruction to a water channel or a water course in a thoroughfare;

(e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;

(f) damage a thoroughfare;

(g) deposit or discharge any material including dust, sand, wastewater, waste, mud, concrete, paint, oil or chemicals (but excluding water) in or on a thoroughfare whether by hand, vehicle or otherwise;

(h) light any fire or burn anything on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;

(i) fell any tree onto a thoroughfare;

(j) 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;

(k) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;

(l) on a public place use anything or do anything so as to create a nuisance;

(m) place or cause to be placed on a thoroughfare a bulk rubbish container; or

(n) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.

(2) Clause 2.2(1) does not apply to an activity being undertaken by a person who –

(a) is an employee or contractor of the local government and is authorised or engaged to undertake that activity; or

(b) is otherwise lawfully authorised to undertake that activity.

(c) The local government may exempt a person from compliance with subclause (1) on the application of that person.

2.3 No possession and consumption of liquor on thoroughfare

(1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless –

(a) that is permitted under the *Liquor Control Act 1988* or under another written law; or

(b) the person is doing so in accordance with a permit.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

DIVISION 2 VEHICLE CROSSING

SUBDIVISION 1 TEMPORARY CROSSINGS

2.4 Permit required

(1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and path, 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 person named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or

(b) the registered proprietor of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.

(3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the thoroughfare.

SUBDIVISION 2 REDUNDANT VEHICLE CROSSINGS

2.5 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, path, verge and any other part of the thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.

(2) The local government may give written notice to the owner or occupier of a lot requiring 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, path, verge and any other part of the thoroughfare, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

DIVISION 3 VERGE TREATMENTS

SUBDIVISION 1 PRELIMINARY

2.6 Definitions

In this Division, unless the context otherwise requires -

acceptable material means any material approved by the local government.

2.7 Application

This Division only applies to the townsite.

SUBDIVISION 2 PERMISSIBLE VERGE TREATMENTS

2.8 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 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 thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;

(ii) where there is no path, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;

(iii) it does not include a wall or built structure;

(iv) it is not thorny, poisonous or hazardous nature; and

(v) no plant (except grasses or a similar plant) is within 6m of an intersection or within 2m of a carriageway;

(c) the installation of an acceptable material; or

(d) the installation over no more than one third of the area of the verge (excluding any 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).

2.9 Only permissible verge treatments to be installed

(1) A person shall 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 2.10.

2.10 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment, or who installs or maintains verge treatment under the authority of a permit, shall -

(a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a path on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;

(b) ensure that the verge treatment does not cause a sight distance obstruction to any person using a path on the verge or a carriageway or crossing adjoining the verge or in proximity to it;

(c) not place any obstruction on or around the verge treatment; and

(d) not disturb a path on the verge;

(e) ensure that the verge treatment does not damage or obstruct a drain, manhole, gully, pit, pipe, channel, kerb, public utility service or tree planted by the local government;

(f) ensure that any sprinklers or pipes installed to irrigate a verge treatment -

(i) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and

(ii) do not otherwise present a hazard to pedestrians or other persons.

2.11 Notice to owner or occupier

The local government 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 Division.

SUBDIVISION 3 EXISTING VERGE TREATMENTS

2.12 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.

SUBDIVISION 4 PUBLIC WORKS

2.13 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority -

(a) is not liable to compensate any person for that disturbance;

(b) may backfill with sand, if necessary, any garden or lawn; and

(c) is not liable to replace or restore any –

(i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or

(ii) sprinklers, pipes or other reticulation equipment.

DIVISION 4 PROPERTY NUMBERS

SUBDIVISION 1 PRELIMINARY

2.14 Definitions

In this Division, unless the context requires otherwise -

number means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

SUBDIVISION 2 ASSIGNMENT AND MARKING OF NUMBERS

2.15 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.

DIVISION 5 FENCING

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

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 1.2; and

(b) local government property.

DIVISION 6 SIGNS ERECTED BY THE LOCAL GOVERNMENT

2.17 Signs

(1) The local government may erect a sign on a public place specifying any conditions of use which apply to that place.

(2) A person shall 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.

2.18 Transitional

Where a sign erected on a public place 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 2.17 if –

(a) the sign specifies a condition of use relating to the public place 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.

DIVISION 7 DRIVING ON A CLOSED THOROUGHFARE

2.19 No driving on closed thoroughfare

(1) A person shall not drive or take a vehicle on a closed thoroughfare unless –

(a) that 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 permit.

(2) In this clause –

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

PART 3 ADVERTISING SIGNS ON THOROUGHFARES

DIVISION 1 PRELIMINARY

3.1 Definitions

In this Part, unless the context otherwise requires -

advertising sign means a sign used for the purpose of advertisement or to draw attention to a product, business, person or event and includes a home open sign and a garage sale sign;

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

election sign means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election;

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

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

portable direction sign means a portable free standing direction sign; and

portable sign means a portable free standing advertising sign.

DIVISION 2 PERMIT

3.2 Advertising signs and portable direction signs

(1) A person shall not, without a permit, erect, place or maintain an advertising sign -

(a) on or above a thoroughfare;

(b) on a path;

(c) over any path where the resulting vertical clearance between the sign and the path is less than 2.5m;

(d) on or within 1.5m of a carriageway;

(e) in any other location where the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or

(f) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

(2) Notwithstanding subclause (1), a permit is not required in respect of a home open sign or a garage sale sign, provided that -

(a) the signs neither exceeds 500mm in height nor 0.5m^2 in area;

(b) the sign is placed or erected on a thoroughfare no more than half an hour prior to the garage sale or home open and is removed within half an hour of the close of the garage sale or home open; and

(c) there is no more than one home open sign or garage sale sign at any road intersection and no more than six separate signs which delineate no more than 2 alternative routes to the home open or garage sale.

3.3 Matters to be considered in determining application for permit

In determining an application for a permit for the purpose of clause 3.2(1), the local government is to have regard to -

(a) any other written law regulating the erection or placement of signs within the district;

(b) the dimensions of the sign;

(c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;

(d) whether or not the sign will create a hazard to persons using a thoroughfare;

(e) the amount of the public liability insurance cover, if any, to be obtained by the applicant; and

(f) any other matter it considers relevant.

3.4 Exemption

(1) The local government may exempt the holder of a valid stallholder's permit, trader's permit, facility permit, or other event authorisation issued by the local government, from all or part of the prohibitions in clause 3.2 in relation to an advertisement that directly relates to the goods or services which are the subject of the permit or authorisation.

(2) Signs erected by the local government or an authority empowered to do so under a written law are exempted from the requirement to obtain a permit.

3.5 Impounding of advertising signs

Any sign which contravenes clause 3.2 may be removed, impounded or disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

DIVISION 3—CONDITIONS ON PERMIT

3.6 Conditions on portable sign

(1) If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions –

(a) the portable sign shall -

(i) not exceed 1.2m in height;

(ii) not exceed an area of $1m^2$ on any side;

(iii) relate only to the business activity described on the permit;

(iv) contain letters not less than 200mm in height;

(v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;

(vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
(vii) be secured in position in accordance with any requirements of the local government;
(viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
(ix) be maintained in good condition;
and

(b) no more than one portable sign shall be erected in relation to the one building or business.

(2) The permit holder of a permit for the erection or placement of a portable sign shall comply with each of the conditions in subclause (1).

3.7 Conditions on election sign

(1) If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign –
(a) being erected at least 30m from any intersection;
(b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure;
(c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
(d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
(e) being maintained in good condition;
(f) not being erected until the election to which it relates has been officially announced;
(g) being removed within 24 hours of the close of polls on voting day;
(h) not being placed within 100m of any works on the thoroughfare;
(i) being securely installed;
(j) not being an illuminated sign;
(k) not incorporating reflective or fluorescent materials; and
(l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

(2) The permit holder of a permit for the erection or placement of an election sign shall comply with each of the conditions in subclause (1).

3.8 Signs in Road Reserves and Open Space Reserves Under the Care and Control of the Local Government

(1) The local government may grant a permit for the erection of an advertisement sign on a road or open space reserve under its care and control.

(2) In assessing a request for approval of an advertisement sign the local government shall have due regard to the preservation of public safety and the visual amenity of the locality.

(3) The local government may impose such conditions or enter into any contract or agreement with the owner or licensee of the advertisement sign as it sees fit to ensure the proper control and maintenance of any such sign. In addition to any other conditions the local government may require the owner or licensee to provide public liability insurance and an indemnity in respect to the placement of an advertisement sign in a road or open space reserve.

(4) The local government may grant a license for a directional sign that refers to a place of business provided that—

(a) the sign has a maximum depth of 200mm and a maximum length of 1200mm;

(b) the business referred to has been approved by the local government; and

(c) the applicant shall pay to the local government in addition to any license fee the costs associated with the provision, installation and maintenance of the sign.

3.9 Revocation of Permit

Where anything purporting to be done pursuant to a permit issued under this local law is not done in conformity with this local law or where the licensee is guilty of an offence under this local law, the Council may, without derogating from any penalty to which that person may be liable, by notice in writing, revoke the permit.

3.10 Removal of Signs from Public Property

(1) The local government may remove to an appointed place any sign, advertisement, or other advertising device, placed or erected on any thoroughfare or public place unless placed or erected in accordance with the provisions of this local law.

(2) Where a sign, hoarding advertisement, or other advertising device is removed to an appointed place in accordance with sub clause (1) and where it is possible to identify the name of the owner of the sign or advertising device, a notice shall be served on the owner advising -

(a) the location of the appointed place to where the sign has been removed; and

(b) that the sign may be collected during such hours and on payment of such fees and charges as may be specified in the notice.

(3) If after the expiration of 7 days from the day the sign was removed, the local government, after taking reasonable efforts to locate the offender, has been unable to issue a notice to the alleged offender (under clause 3.10(2), the local government is deemed to have issued that notice).

(4) The local government may dispose of impounded signs that have not been collected within 2 months of notice having being given.

3.11 Limit on Liability

(1) A person, owner, or licensee is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government -

(a) to carry out all or part of the works and do all things necessary that the owner, or licensee was required to do to comply with this local law; or

(b) in respect of a sign removed and dealt with under the provisions of these clauses or against any person who purchases a sign sold by the local government;

except in the case of negligence or breach of statutory duty by the Council.

3.12 Public Liability Insurance and Indemnity

(1) Where, as a condition of a sign licence or permit, the owner, licensee or permit holder is required to provide a public liability insurance policy, indemnifying the local government against all actions, suits, claims, damages, losses and expenses made against or incurred by the local government arising from any activity, action or thing performed or erected in accordance with the licence and keep that insurance policy current for the duration of the licence, the owner or licensee shall:

(a) enter into an agreement with the local government to provide the required public liability insurance protection;

(b) take out a public liability insurance policy in the name of the owner or licensee and the local government, for a minimum value of $20,000,000.00 or such other amount as considered appropriate to the risk involved;

(c) include a clause in the policy which prevents the policy from being cancelled without the written consent of the local government;

(d) include a clause in the public liability insurance policy which requires the owner or licensee and the insurance company, to advise the local government if the policy lapses, is cancelled or is no longer in operation;

(e) on the request of an authorised person, provide for inspection, a certificate of currency for the required insurance policy.

(2) In the event an owner or licensee refuses or cannot provide a current certificate of insurance within 2 working days as requested in accordance with sub clause (1) then the licence is deemed to be revoked and the sign is to be removed immediately.

(3) An owner or licensee who fails to remove a sign in compliance with sub clause (2) commits an offence.

PART 4 OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

DIVISION 1 ANIMALS AND VEHICLES

4.1 Leaving animals or vehicles in a public place or on local government property

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

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

(3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours unless;

(a) Place or allow to be placed or remain on a thoroughfare or verge any thing (except water) that –

(i) Obstructs the thoroughfare or verge; or

(ii) results in a hazard for any person the thoroughfare or verge

(4) A person shall not leave any thing (except water) in contravention of subclause (3)

4.2 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 shall not –

(a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare 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 on a thoroughfare.

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

4.3 Impounding of vehicle or animal

Any animal or vehicle left in contravention of clause 4.1 may be removed, impounded or disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and Regulation 29 of the Regulations.

DIVISION 2 SHOPPING TROLLEYS

4.4 Definitions

In this Division –

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

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

4.5 Shopping trolley to be marked

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

4.6 Person not to leave trolley in public place

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

4.7 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 shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer -

(a) requests the local government to collect and deliver the shopping trolley to the retailer; and

(b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

4.8 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.

4.9 Impounding of abandoned trolley

Any shopping trolley that is—

(a) left on a thoroughfare or public place that is not marked in accordance with clause 4.5; or

(b) not removed by a retailer after having been so advised under clause 4.7(1), may be removed, impounded or disposed of in accordance with Subdivision 4 of Division 3 of Part 3 of the Act and regulation 29 of the Regulations.

PART 5 ROADSIDE CONSERVATION

DIVISION 1 PRELIMINARY

5.1 Definitions

In this Part -

MRWA means Main Roads Western Australia;

specially protected flora has the meaning given to it in section 5 of the *Biodiversity Conservation Act 2016;*

threatened flora has the meaning given to it in section 5 of the *Biodiversity Conservation Act 2016*;

Roadside Conservation Committee is comprised of members representing relevant agencies and the community. The Committee reports to the Minister for Environment (who appoints its members), and is chaired by a nominee from Parks and Wildlife.

special environmental area means an area designated as such under clause 5.7.

5.2 Application

This Part does not apply to the town-site.

DIVISION 2 FLORA ROADS

5.3 Declaration of flora road

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

5.4 Construction works on flora roads

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

5.5 Signposting of flora roads

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

5.6 Driving only on carriageway of flora roads

(1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.

(2) Subclause (1) does not apply where -

(a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;

(b) there is no carriageway;

(c) there is a requirement for emergency access; or

(d) an exemption from the application of subclause (1) has been obtained from the local government.

DIVISION 3 SPECIAL ENVIRONMENTAL AREAS

5.7 Designation of special environmental areas

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which -

(a) has specially protected flora or threatened flora; or

(b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

5.8 Marking of special environmental areas

The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

DIVISION 4 PLANTING IN THOROUGHFARES

5.9 Permit to plant

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

5.10 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 5.9, the local government is to have regard to -

(a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and

(b) the diversity of species and the prevalence of the species which are to be planted or sown.

DIVISION 5 CLEARANCE OF VEGETATION

5.11 Permit to clear

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

5.12 Application for permit

In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

DIVISION 6 FIRE MANAGEMENT

5.13 Permit to burn thoroughfare

A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

5.14 Application for permit

In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 shall –

(a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and

(b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

5.15 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 5.13 only if the burning of the particular part of the thoroughfare will -

(a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or

(b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

5.16 Prohibitions on burning

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government -

(a) for burning between 31 August and 1 May of the following year where the intensity of the burn could damage native flora and fauna; or

(b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.

DIVISION 7 FIREBREAKS

5.17 Permit for firebreaks on thoroughfares

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

5.18 When application for permit cannot be approved

(1) The local government is not to approve an application for a permit for the purpose of clause 5.17 where the thoroughfare is less than 20m wide.

(2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

DIVISION 8 COMMERCIAL WILDFLOWER HARVESTING ON THOROUGHFARES

5.19 General prohibition on commercial wildflower harvesting

Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.

5.20 Permit for revegetation projects

(1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.

(2) The local government may approve an application for a permit under subclause (1) only where-

(a) the seed is required for a revegetation project in any part of the district; and

(b) the thoroughfare, or the relevant part of it, is not a special environmental area.

(3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions -

(a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and

(b) any license or approval which may be required under any other written law is to be obtained by the applicant.

PART 6 TRADING IN THOROUGHFARES AND PUBLIC PLACES

DIVISION 1 STALLHOLDERS AND TRADERS

SUBDIVISION 1 PRELIMINARY

6.1 Definitions

In this Division, unless the context otherwise requires -

Competition Principles Agreement means the Competition Principles Agreement executed by the Treasurers of each State and Territory of the Commonwealth of Australia on 29 November 2024;

public place includes -

(a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and

(b) local government property;

but does not include premises on private property from which trading is lawfully conducted under a written law;

stall means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

stallholder means a person in charge of a stall;

stallholder's permit means a permit issued to a stallholder;

trader means a person who carries on trading;

trader's permit means a permit issued to a trader; and

trading includes –

(a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;

(b) displaying goods in any public place for the purpose of –

(i) offering them for sale or hire;

(ii) inviting offers for their sale or hire;

(iii) soliciting orders for them; or

(iv) carrying out any other transaction in relation to them; and

(c) the going from place to place, whether or not public places, and –

(i) offering goods or services for sale or hire; or

(ii) inviting offers or soliciting orders for the sale or the hire of goods or services.

[Clause 6.1 was amended by Government Gazette No. 115 of 2026]

SUBDIVISION 2 PERMITS

6.2 Stallholder's permit

(1) A person shall not conduct a stall on a public place unless that person is –

(a) the holder of a valid stallholder's permit; or

(b) an assistant specified in a valid stallholder's permit.

(2) Every application for a stallholder's permit shall –

(a) state the full name and address of the applicant;

(b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;

(c) specify the proposed location of the stall;

(d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;

(e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and

(f) be accompanied by an accurate plan and description of the proposed stall.

6.3 Trader's permit

(1) A person shall not carry on trading unless that person is –

(a) the holder of a valid trader's permit; or

(b) an assistant specified in a valid trader's permit.

(2) Every application for a trader's permit shall –

(a) state the full name and address of the applicant;

(b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;

(c) specify the location or locations in which the applicant proposes to trade;

(d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;

(e) specify the proposed goods or services which will be traded; and

(f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

6.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper only is not required to obtain a permit.

6.5 Relevant considerations in determining application for permit

(1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to –

(a) any relevant policies of the local government;

(b) the desirability of the proposed activity;

(c) the location of the proposed activity;

(d) the principles set out in the Competition Principles Agreement; and

(e) such other matters as the local government may consider to be relevant in the circumstances of the case.

(2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds –

(a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought;

(b) that the applicant is not a desirable or suitable person to hold a permit; or

(c) that –

(i) the applicant is an undischarged bankrupt or is in liquidation;

(ii) the applicant has entered into any composition or arrangement with creditors; or

(iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property.

(d) Such other grounds as the local government may consider relevant in the circumstances.

6.6 Conditions of permit

(1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include –

(a) the place, the part of the district, or the thoroughfare to which the permit applies;

(b) the days and hours during which a permit holder may conduct a stall or trade;

(c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;

(d) the goods or services in respect of which a permit holder may conduct a stall or trade;

(e) the number of persons and the names of persons permitted to conduct a stall or trade;

(f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;

(g) whether and under what terms the permit is transferable;

(h) any prohibitions or restrictions concerning the -

(i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;

(ii) the use of amplifiers, sound equipment and sound instruments;

(iii) the use of signs; and

(iv) the use of any lighting apparatus or device;

(i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;

(j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;

(k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;

(l) the acquisition by the stallholder or trader of public risk insurance;

(m) the period for which the permit is valid;

(n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government; and

(o) any other conditions as the local government may apply.

(2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorize another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

6.7 Exemptions from requirement to pay fee or to obtain a permit

(1) In this clause –

charitable organisation means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or 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; and

commercial participant means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

(2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on –

(a) on a portion of a public place adjoining the normal place of business of the applicant; or

(b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.

(3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

(4) Notwithstanding any other provisions of this local law, a requirement to obtain a permit under this local law does not apply to-

(a) a special event or trading authorised by the local government under written law or agreement; or

(b) a person trading in a street market authorised by the local government.

SUBDIVISION 3 CONDUCT OF STALLHOLDERS AND TRADERS

6.8 Conduct of stallholders and traders

(1) A stallholder while conducting a stall or a trader while trading shall –

(a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;

(b) not display a permit unless it is a valid permit; and

(c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *National Measurements Act 1960* (Cth).

(2) A stallholder or trader shall not –

(a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;

(b) act in an offensive manner;

(c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or

(d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles reasonably close to the place of trading.

DIVISION 2 STREET ENTERTAINERS

SUBDIVISION 1 PRELIMINARY

6.9 Definitions

In this Division, unless the context otherwise requires –

perform includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

permit means a permit issued for the purpose of clause 6.10;

permitted area means the area or areas, specified in a permit, in which the permit holder may perform;

permitted time means the time or times, specified in a permit, during which the permit holder may perform.

SUBDIVISION 2 PERMITS

6.10 Permit required to perform

A person shall not perform in a public place without a permit.

6.11 Variation of permitted area and permitted time

(1) The local government may by notice in writing to a permit holder vary –

(a) the permitted area;

(b) the permitted time; or

both the permitted area and the permitted time, shown on a permit.

(2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

6.12 Duration of permit

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

6.13 Cancellation of permit

The CEO may cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorised person, the performance otherwise constitutes a nuisance.

6.14 Obligations of permit holder

A permit holder shall not in a public place –

(a) perform wearing dirty, torn or ragged clothing;

(b) act in an offensive manner; or

(c) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier -

(i) other than in the permitted area; and

(ii) unless the musical instrument or device is specified in the permit.

DIVISION 3 OUTDOOR EATING FACILITIES ON PUBLIC PLACES

6.15 Definitions

In this Division -

Facility means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

permit holder means the person to whom a permit has been issued for the purpose of clause 6.16; and

public place has the meaning given to it in clause 6.1.

6.16 Permit required to conduct Facility

A person shall not establish or conduct a Facility without a permit.

6.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not-

(a) the Facility is conducted in conjunction with and as an extension of a food business which abut on the Facility, and whether the applicant is the person conducting such food business;

(b) any abutting food business is registered in accordance with the Food Act 2008 and whether the food business is a use permitted under the local planning scheme;

(c) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;

(d) the Facility would -

(i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or

(ii) impede pedestrian access; and

(e) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

6.18 Obligations of permit holder

(1) The permit holder for a Facility shall –

(a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law;

(b) ensure that the eating area is kept in a clean and tidy condition at all times;

(c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times; and

(d) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility.

(2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.

(3) In subclause (2), “work” includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

6.19 Duration of permit

A permit is valid for a period of 3 years after the date on which it is issued unless it is sooner cancelled under this local law.

6.20 Removal of Facility unlawfully conducted

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorised person and impounded in accordance with the Act.

6.21 Use of Facility by public

(1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.

(2) A person shall leave a Facility when requested to do so by the permit holder.

6.22 Temporary removal of Facility may be requested

(1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorised person or a member of the Police Service or an emergency service.

(2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

PART 7 PERMITS

DIVISION 1 APPLYING FOR A PERMIT

7.1 Application for permit

(1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law shall -

(a) be in the form determined by the local government;

(b) be signed by the applicant;

(c) provide the information required by the form; and

(d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

(4) The local government may require an applicant to give local public notice of the application for a permit.

(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

7.2 Decision on application for permit

(1) The local government may –

(a) approve an application for a permit unconditionally or subject to any conditions; or

(b) refuse to approve an application for a permit.

(2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.

(3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

(4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).

(5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

DIVISION 2 CONDITIONS

7.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to -

(a) the payment of a fee;

(b) the duration and commencement of the permit;

(c) the commencement of the permit being contingent on the happening of an event;

(d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;

(e) the approval of another application for a permit which may be required by the local government under any written law;

(f) the area of the district to which the permit applies;

(g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;

(h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government;

(i) the provision of an indemnity from the permit holder indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place by the permit holder; and

(j) any other matter it considers relevant.

7.4 Imposing conditions under a policy

(1) In this clause –

policy means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 7.2(1)(a).

(2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 7.2(2).

(4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

7.5 Compliance with and variation of conditions

(1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

DIVISION 3 GENERAL

7.6 Duration of permit

A permit is valid for one year from the date on which it is issued, unless it is –

(a) otherwise stated in this local law or in the permit; or

(b) cancelled under clause 7.10.

7.7 Renewal of permit

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of –

(a) this Part; and

(b) any other provision of this local law relevant to the permit which is to be renewed,

shall apply to an application for the renewal of a permit.

7.8 Transfer of permit

(1) An application for the transfer of a valid permit is to –

(a) be made in writing;

(b) be signed by the permit holder and the proposed transferee of the permit;

(c) provide such information as the local government may require to enable the application to be determined; and

(d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by –

(a) an endorsement on the permit signed by the CEO; or

(b) issuing to the transferee a permit in the form determined by the local government.

(4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

7.9 Production of permit

A permit holder is to produce to an authorised person her or his permit immediately upon being required to do so by that authorised person.

7.10 Cancellation of permit

(1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a -

(a) condition of the permit; or

(b) provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder –

(a) shall return the permit as soon as practicable to the local government; and

(b) is to be taken to have forfeited any fees paid in respect of the permit.

PART 8 OBJECTIONS AND APPEALS

8.1 Application of Part 9 Division 1 of Act

When the local government makes a decision -

(a) under clause 7.2(1); or

(b) as to whether it will renew, vary, or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

PART 9 MISCELLANEOUS NOTICES

9.1 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 thoroughfare, the local government 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.

9.2 Hazardous plants

(1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.

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

9.3 Notice to repair damage to thoroughfare

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

9.4 Notice to remove thing unlawfully placed on thoroughfare

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

PART 10 ENFORCEMENT

DIVISION 1 NOTICES GIVEN UNDER THIS LOCAL LAW

10.1 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.

10.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

DIVISION 2 OFFENCES AND PENALTIES

SUBDIVISION 1 GENERAL

10.3 Offences

(1) Any 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) 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.

SUBDIVISION 2 INFRINGEMENT NOTICES AND MODIFIED PENALTIES

10.4 Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that –

(a) commission of the prescribed offence is a relatively minor matter; and

(b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

10.5 Forms

Unless otherwise specified, for the purposes of this local law -

(a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;

(b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and

(c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

SCHEDULE 1 PRESCRIBED OFFENCES

[clause 10.4]

Clause	Description	Modified Penalty $
2.1(a)	Plant of 0.75m in height on thoroughfare within 6m of intersection	350
2.1(b)	Damaging lawn or garden	150
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	150
2.1(d)	Placing hazardous substance on path	150
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	200
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	200
2.2(1)(a)	Digging a trench through a kerb or path without a permit	200
2.2(1)(b)	Throwing or placing anything on a verge without a permit	200
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	200
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	350
2.2(1)(f)	Damage a thoroughfare	150
2.2(1)(g)	Allow material to be blown, conveyed, deposited in or on a thoroughfares	150
2.2(1)(h)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(i)	Felling tree onto thoroughfare without a permit	350
2.2(1)(j)	Installing pipes or stone on thoroughfare without a permit	150
2.2(1)(k)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(l)	Creating a nuisance on a thoroughfare without a permit	200
2.2(1)(m)	Placing a bulk rubbish container on a thoroughfare without a permit	150
2.2(1)(n)	Interfering with anything on a thoroughfare without a permit	150
2.3(1)	Consumption or possession of liquor on thoroughfare	150
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350

2.9(1)	Installation of verge treatment other than permissible verge treatment	250
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	200
2.11	Failure to comply with notice to rectify default	200
2.17(2)	Failure to comply with sign on public place	150
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	200
3.6(2)	Noncompliance with conditions for a portable sign	100
3.7(2)	Noncompliance with conditions for an election sign	100
3.12(2)	Failure to remove a sign when ordered	100
4.1(1)	Animal or vehicle obstructing a public place or local government property	200
4.1(4)	Place or allow to be placed or remain on a thoroughfare or verge and thing (except water)	150
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	200
4.2(2)(b)	Animal on public place with infectious disease	200
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	200
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	150
4.6	Person leaving shopping trolley in public place other than trolley bay	150
4.7(2)	Failure to remove shopping trolley upon being advised of location	150
5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250
5.9	Planting in thoroughfare without a permit	250
5.11	Failure to obtain permit to clear a thoroughfare	750
5.13	Burning of thoroughfare without a permit	750
5.17	Construction of firebreak on thoroughfare without a permit	750
5.19	Commercial harvesting of native flora on thoroughfare	750
5.20(1)	Collecting seed from native flora on thoroughfare without a permit	350
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	200
6.8(1)(b)	Stallholder or trader not displaying valid permit	200
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	150
6.8(2)	Stallholder or trader engaged in prohibited conduct	150
6.10	Performing in a public place without a permit	150
6.11(2)	Failure of performer to move onto another area when directed	150
6.14	Failure of performer to comply with obligations	150

6.16	Establishment or conduct of outdoor eating facility without a permit	500
6.18	Failure of permit holder of outdoor eating facility to comply with obligations	150
6.21(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	100
6.21(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	100
7.5	Failure to comply with a condition of a permit	200
7.9	Failure to produce permit on request of authorised person	150
10.1	Failure to comply with notice given under local law	200

[Schedule 1 was amended by Government Gazette No. 115 of 2026]

Dated 8 day of December 2025.

The Common Seal of the Shire of Esperance was hereunto affixed by the authority of a resolution of the Council in the presence of -

_____	_____
Ronald Chambers	Shane Burge
SHIRE PRESIDENT	**CHIEF EXECUTIVE OFFICER**