

LOCAL GOVERNMENT ACT 1995**CITY OF PERTH****AMENDMENT LOCAL LAW 2025**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on [date] to make the following local law.

ARRANGEMENT

PART 1 – PRELIMINARY

PART 2 – LOCAL GOVERNMENT PROPERTY LOCAL LAW

PART 3 – THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

PART 4 – HEALTH LOCAL LAW

PART 1 – PRELIMINARY**1.1 Short Title**

This local law may be cited as the *City of Perth Amendment Local Law 2025*.

1.2 Commencement

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

1.3 Principal local laws amended

This local law amends the:

- (a) *City of Perth Local Government Property Local Law 2005*, as published in the *Government Gazette* on 14 July 2005 and amended in the *Government Gazette* on 29 February 2008 and 14 November 2014.
- (b) *City of Perth Thoroughfares and Public Places Local Law 2017*, as published in the *Government Gazette* on 26 May 2017.
- (c) *City of Perth Health Local Law 2000*, as published in the *Government Gazette* on 5 June 2001 and amended in the *Government Gazette* on 29 February 2008 and 23 October 2009.

PART 2 – LOCAL GOVERNMENT PROPERTY LOCAL LAW

2.1 Arrangement deleted

Delete Arrangement.

2.2 Clause 3 ('Purpose and Intent') amended

In clauses 3(1) and 3(2), delete the words 'of the City of Perth' after 'district'.

Note: The heading to amended clause 3 is to read:

Purpose and effect

2.3 Clause 6 ('Definitions') replaced

Replace clause 6 with:

6. Terms used

In this local law unless the context otherwise requires -

Act means the *Local Government Act 1995*;

aircraft has the meaning as given in section 3 of the *Civil Aviation Act 1988*;

applicant means a person who applies for a permit under clause 19;

application means the completed form lodged by an applicant as required by this local law;

appointed place means a place appointed by the local government or the CEO where anything confiscated or impounded under the provisions of this local law, may be held in custody;

article, in respect of lost property, includes money;

attendant means an employee of the local government duly authorised to perform duties in connection with a Rest Centre or a public amenity facility;

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

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

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 that is local government property and includes a -

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

CEO means the Chief Executive Officer of the local government;

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

Council means the council of the local government;

date of publication means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

determination means a determination made under clause 9;

district means the district of the local government;

disturb has the meaning given in the *Biodiversity Conservation Act 2016*;

electric rideable device has the meaning given in the *Road Traffic Code 2000*;

electronic personal transporter has the meaning given in the *Road Traffic Code 2000*;

firework means a device like a Catherine wheel, roman candle, or rocket in which combustible materials are ignited and produce coloured flames, smoke and are sometimes accompanied by a bang;

fireworks display means a show of a number of fireworks set off over a prearranged time period, for the purpose of providing enjoyment to those persons able to view them;

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

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;

hut means a primitive dwelling, which may be constructed of various local materials;

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

local government means the City of Perth;

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

and includes a Rest Centre and a public amenity facility;

obstruct means to hinder in passing and obstruction has correlative meaning;

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;

public amenity facility means facilities or items offered by the local government for the hire or use by the general public in and on local government property;

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

Rest Centre means a rest centre provided by the local government, and includes the premises known as Citiplace Rest Centre located on part of the concourse level of Citiplace at Perth Lot 969 on Department of Land Administration Plan 17521;

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

trading means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of -

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;

- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them;

Unclaimed Property Register means the register kept by an attendant of any unclaimed belongings left in a Rest Centre;

vehicle has the meaning given in the *Road Traffic Code 2000*; and

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

2.4 Clause 8 ('City may enter into Agreement') amended

In clause 8:

- (a) replace the word 'City' with 'local government';
- (b) delete ':' after 'may'; and
- (c) add a space before '-'.

Note: The heading to amended clause 8 is to read:

8. Local government may enter into agreement

2.5 Clause 9 ('Determinations as to the use of local government property') amended

In clause 9(1), replace the word 'City' with 'local government'.

2.6 Clause 10 ('Procedure for making a determination') amended

- (1) Replace the word 'City' with 'local government' in clauses 10(1), 10(2)(a), 10(2)(b) and 10(2)(c).
- (2) In clause 10(2):
 - (a) delete ':' after 'that'; and
 - (b) add a space before '-'.
- (3) In clause 10(3):
 - (a) delete ':' after 'to'; and
 - (b) add a space before '-'.
- (4) In clause 10(4):
 - (a) delete ':' after 'to' and 'decide'; and
 - (b) add a space before '-'.

- (5) In clause 10(5):
 - (c) delete ':' after 'notice'; and
 - (d) add a space before '-'

2.7 Clause 11 ('Discretion to erect sign') amended

In clause 11, replace the word 'City' with 'local government'.

2.8 Clause 12 ('Determination to be complied with') amended

In clause 12, replace the word 'shall' with 'must'.

2.9 Clause 13 ('Register of determinations') amended

In clause 13(1), replace the word 'City' with 'CEO'.

2.10 Clause 15 ('Activities which may be pursued on specified local government property') amended

- (1) In clause 15(1):
 - (a) delete ':' after 'may' and add a space before '-';
 - (b) add the words ', helicopter, boat, drone, or other similar remotely piloted device' after 'aeroplane' in subclause (c);
 - (c) delete ':' after 'practice' and add a space before '-'; in subclause (h);
 - (d) replace the word '1973' with '2024 and any other written law' in subclause (h)(ii);
 - (e) replace the word 'City' with 'local government' in subclause (h)(iii);
and
 - (f) add the words ', electric rideable device' after 'bicycle' in subclause (i).
- (2) In clause 15(2), delete ':' after particular and add a space before '-';

2.11 Clause 16 ('Activities which may be prohibited on specified local government property') amended

- (1) In clause 16(1):
 - (a) delete ':' after 'property' and add a space before '-';
 - (b) delete subclause (a) and renumber the subsequent subclauses;

- (c) add the words ‘, electric rideable device’ after ‘bicycle’ in subclause (b);
 - (d) delete ‘:’ after ‘of’ and add a space before ‘-’ in subclause (f); and
 - (e) replace the word ‘City’ with ‘local government’ in subclauses (f)(ii) and (h).
- (2) In clause 16(2), delete ‘:’ after ‘particular’ and add a space before ‘-’.
- (3) Replace clause 16(3) with:
- (3) In this clause -
- premises*** means a Rest Centre, building, stadium or similar structure, which is local government property, but not an open space such as a park or a playing field.

2.12 Clause 17 (‘Signs taken to be determinations’) amended

In clause 17(1), replace the word ‘City’ with ‘local government’.

2.13 Clause 18 (‘Application of Part’) amended

In clause 18, replace the word ‘City’ with ‘local government’.

2.14 Clause 19 (‘Application of permit’) amended

In clause 19:

- (a) replace the word ‘shall’ with ‘must’ in subclauses (1);
- (b) replace subclause (2) with:
 - (2) An application for a permit under this local law must -
 - (a) be in the form determined by the local government;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.; and
- (c) replace the word ‘City’ with ‘local government’ in subclauses (3), (4) and (5).

2.15 Clause 20 ('Decision on application for permit') amended

- (1) In clause 20(1), delete ':' after 'may' and add a space before '-'.
- (2) Replace the word 'City' with 'local government' in clauses 20(1), 20(2) and 20(3).

2.16 Clause 21 ('Conditions which may be imposed on a permit') amended

- (1) In clause 21(1):
 - (a) replace the word 'City' with 'local government' in subclauses (1), (f), and (i); and
 - (b) delete ':' after 'to' and add a space before '-'.
- (2) In clause 21(2):
 - (a) delete ':' after 'issued' and add a space before '-';
 - (b) replace the word 'City' with 'local government' in subclauses (g), (j), and (k); and
 - (c) replace the word '*Licensing*' with '*Control*' in subclause (h).

2.17 Clause 22 ('Compliance with and variation of conditions') amended

In clause 22:

- (a) replace the word 'shall' with 'must' in subclauses (1) and (2); and
- (b) replace the word 'City' with 'local government' in subclause (2).

2.18 Clause 23 ('Agreement for building') amended

In clause 23, replace the word 'City' with 'local government'.

2.19 Clause 24 ('Duration of permit') amended

In clause 24, delete ':' after 'is' and add a space before '-'.

2.20 Clause 25 ('Renewal of permit') amended

- (1) In clause 25(1), replace the word 'City' with 'local government'.
- (2) In clause 25(2):
 - (a) replace the word 'shall' with 'must'; and

- (b) replace the words '*mutatis mutandis*' with 'as though it was a new application for a permit'.

2.21 Clause 26 ('Transfer of permit') amended

- (1) In clause 26(1):
 - (a) delete ':' after 'to' and add a space before '-'; and
 - (b) replace the word 'City' with 'local government' in subclause (c).
- (2) Replace the word 'City' with 'local government' in clauses 26(2), 26(3) and 26(4).

2.22 Clause 28 ('Cancellation of permit') amended

- (1) In clause 28(1):
 - (a) replace the word 'City' with 'local government'; and
 - (b) delete ':' after 'with a' and add a space before '-'.
- (2) In clause 28(2)(a):
 - (a) replace the word 'shall' with 'must'; and
 - (b) replace the word 'City' with 'local government'.

2.23 Clause 29 ('Activities needing a permit') amended

- (1) In clause 29(1):
 - (a) delete ':' after 'permit' and add a space before '-';
 - (b) replace the words 'shall' with 'must'; and
 - (c) replace subclause (f) with:
 - (f) unless an employee of the local government in the course of their functions 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;
 - (d) replace subclause (m) with:

(m) disturb, cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, fruit, seed, grass or plant of any kind, whether dead or alive;

(e) delete the word 'or' after 'publicly;' in subclause (s);

(f) replace 'property.' with 'property; or' in subclause (t); and

(g) add a new subclause (u) as follows:

(u) ride a bicycle, electric rideable device or a wheeled recreational device on local government property.

(2) In clauses 29(2) and 29(3), replace the word 'City' with 'local government'.

2.24 Clause 30 ('Permit required to camp outside facility') amended

(1) Replace clause 30(1) with:

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

(2) In clauses 30(2) and 30(4), replace the word 'City' with 'local government'.

(3) In clause 30(3):

(a) replace the word 'shall' with 'must'; and

(b) delete ':' after 'permit and add a space before '-'.

2.25 Clause 31 ('Permit required for possession and consumption of liquor') amended

In clause 31(1):

(a) replace the word 'shall' with 'must';

(b) delete ':' after 'unless' and add a space before '-'; and

(c) replace the word '*Licensing*' with '*Control*'.

2.26 Clause 32 ('Responsibilities of permit holder') amended

In clause 32:

(a) replace the word 'shall' with 'must';

(b) delete ':' after 'relates' and add a space before '-';

(c) replace the word 'City' with 'local government' in subclause (c); and

- (d) replace the word '*Licensing*' with '*Control*' in subclause (d).

2.27 Clause 33 ('Behaviour which interferes with others') amended

In clause 33:

- (a) replace the word 'shall' with 'must'; and
- (b) delete ':' after 'which' and add a space before '-'.

2.28 Clause 34 ('Behaviour detrimental to property') amended

- (1) In clause 34(1), replace the word 'shall' with 'must'.
- (2) In clause 34(2), delete ':' after 'includes' and add a space before '-'.

2.29 Clause 35 ('Taking or injuring any fauna') replaced

Replace clause 35 with:

35. Taking or injuring any fauna

- (1) A person must not, take, injure, disturb, feed, kill or attempt to take, injure, disturb, feed 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.

2.30 Clause 36 ('Taking or damaging any flora') amended

- (1) In clause 36(1), replace the word 'shall' with 'must'.
- (2) In clause 36(2):
- (a) delete ':' after 'clause' and add a space before '-'; and

- (b) replace “flora” with **‘flora’**.

2.31 Clause 37 (‘Intoxicated persons not to enter local government property’) amended

In clause 37, replace the word ‘shall’ with ‘must’.

2.32 Clause 38 (‘No prohibited drugs’) amended

In clause 38:

- (a) replace the word ‘shall’ with ‘must’; and
- (b) delete the words ‘as defined in the *Criminal Code Act Compilation Act 1913*’.

2.33 New clause 39 (‘No smoking’) added

- (1) After clause 38, add a new clause 39 as follows:

39. No smoking

- (1) A person must not smoke on local government property.

- (2) In this clause –

smoke includes vaping (such as the use of electronic cigarettes or other personal vaporisers for delivery of nicotine or any other substance).

- (2) Renumber clauses 39, 40, 41 and 42.

2.34 Clause 39 (‘Signs’) amended

- (1) In clause 39(1), replace the word ‘City’ with ‘local government’.
- (2) In clause 39(2), replace the word ‘shall’ with ‘must’.
- (3) In clause 39(3), delete ‘:’ after ‘(1) is’ and add a space before ‘-’.

2.35 Clause 40 (‘When entry must be refused’) replaced

Replace clause 40 with:

41. When entry must be refused

An attendant or an authorised person must refuse admission to, may direct to leave or must remove or cause to be removed from a Rest Centre or a public amenity facility any person who -

- (a) in the opinion of the attendant or authorised person is -
 - (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years; or
 - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
 - (iii) under the influence of liquor or a prohibited drug; or
 - (iv) behaving in a threatening or abusive manner towards attendants or local government employees;
- (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

2.36 Clause 41 ('Consumption of food or drink may be prohibited') amended

In clause 41, replace the word 'shall' with 'must'.

2.37 Clause 42 ('No entry to fenced or closed local government property') amended

In clause 42, replace the word 'City' with 'local government'.

2.38 Clause 43 ('Only specified gender to use entry of toilet block or change room') deleted

Delete clause 43.

2.39 Clauses 44 and 45 ('Hire of lockers') amended

- (1) Replace the word 'shall' with 'must' in clauses 44(2), 44(3), 44(4) and 44(5).
- (2) Replace clause 45 with:
 - 45 A person must not store in any locker, any firearm or offensive weapon or any article or substance that has been unlawfully acquired or which is in contravention of a written law.

2.40 New heading ('Contents of lockers') added

Add new heading before clause 45 as follows:

45. Contents of lockers

2.41 New heading ('Inspection of lockers') added

Add new heading before clause 46 as follows:

46. Inspection of lockers

2.42 Clause 47 ('Unclaimed Property in Locker') amended

In clause 47:

- (a) replace the words 'shall be deemed' with 'are to be treated' in subclause (1);
- (b) replace the word 'shall' with 'must' in subclauses (2) and (4);
- (c) delete ':' after 'information' and add a space before '-' in subclause (3);
- (d) replace the word 'City' with 'local government' in subclause (4); and
- (e) replace the word 'will' with 'must' in subclause (6).

Note: The heading to amended clause 47 is to read:

47. Unclaimed property in locker

2.43 Clause 48 ('Use of Shower and Bath Facilities') amended

In clause 48:

- (a) delete ':' after 'conditions' and add a space before '-'; and
- (b) replace the word 'shall' with 'must' in subclauses (a), (b) and (c).

Note: The heading to amended clause 48 is to read:

48. Use of shower and bath facilities

2.44 Clause 49 ('No unauthorised entry to function') amended

(1) In clause 49(1):

- (a) replace the word 'shall' with 'must'; and
- (b) replace 'except;' with 'except and –“.

(2) In clause 49(2), replace the word 'City' with 'local government'.

2.45 Clause 51 ('Application for consent and application fee') amended

- (1) Replace the word 'City' with 'local government' in clauses 51(1), 51(2), 51(3), 51(4) and 51(5).
- (2) Replace the word 'shall' with 'must' in clause 51(4).

2.46 Clause 52 ('When use of jetty is prohibited') amended

In clause 52:

- (a) replace the word 'shall' with 'must';
- (b) delete ':' after 'which is' and add a space before '-'; and
- (c) replace the word 'City' with 'local government'.

2.47 Clause 53 ('Method of mooring boat') amended

In clause 53, replace the word 'shall' with 'must'.

2.48 Clause 54 ('When boat may remain moored') amended

In clause 54:

- (a) replace the word 'shall' with 'must';
- (b) delete ':' after 'unless' and add a space before '-'; and
- (c) replace the word 'City' with 'local government' in subclauses (b) and (c).

2.49 Clause 55 ('Authorised person may order removal of boat') amended

In clause 55, replace the word 'shall' with 'must'.

2.50 Clause 56 ('Restrictions on launching') amended

In clause 56:

- (a) replace the word 'shall' with 'must';
- (b) replace the words 'she or he' with 'that person'; and
- (c) replace the word 'City' with 'local government' in subclauses (b) and (c).

2.51 Clause 57 ('Polluting surrounding area') amended

In clause 57, replace the word 'shall' with 'must'.

2.52 Clause 58 ('Limitations on fishing') amended

In clause 58:

- (a) replace the word 'shall' with 'must'; and
- (b) delete ':' after 'not' and add a space before '-'.

2.53 Clause 59 ('Application of Division 1, Part 9 of the Act') amended

In clause 59:

- (a) replace the word 'City' with 'local government'; and
- (b) delete ':' after 'will' and add a space before '-'.

2.54 Clause 60 ('Authorised person to be obeyed') amended

In clause 60:

- (a) replace the word 'shall' with 'must'; and
- (b) replace the words 'her or his duties' with 'their functions'.

2.55 Clause 61 ('Persons may be directed to leave local government property') amended

In clause 61, replace the words 'she or he' with 'the attendant or authorised person'.

2.56 Clause 62 ('Disposal of lost property') amended

In clause 62:

- (a) replace 'two (2)' with '2'; and
- (b) replace the word 'City' with 'local government' subclauses (1) and (2).

2.57 Clause 63 ('Liability for damage to local government property') amended

(1) In clause 63(1):

- (a) replace the word 'City' with 'local government'; and
- (b) delete ':' after 'costs of' and add a space before '-'.

(2) In clause 63(2), replace the word 'City' with 'local government'.

2.58 Clause 64 ('Offence to fail to comply with notice') amended

In clause 64, replace the word 'City' with 'local government'.

2.59 Clause 65 ('City may undertake requirements of notice') amended

In clause 65, replace the word 'City' with 'local government'.

Note: The heading to amended clause 65 is to read:

Local government may undertake requirements of notice

2.60 Clause 67 ('Prescribed offences') amended

Delete the word 'First' before 'Schedule' in clauses 67(1) and 67(2).

2.61 First Schedule replaced

Replace the First Schedule with the following:

Schedule –Modified Penalties [Clause 67]

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	12	Failure to comply with a determination	200
2	22	Failure to comply with conditions of permit	500
3	29	Failure to obtain permit	500
4	30(3)(a)	Failure to obtain permit to camp on local government property	200
5	30(3)(b)	Failure to obtain permit to erect any tent, hut or similar structure on local government property	200
6	30(3)(c)	Failure to obtain permit to bring any material, man-made or natural, to construct a hut or similar structure on local government property	200
7	31(1)	Failure to obtain permit for liquor	350
8	32	Failure of permit holder to comply with responsibilities	350
9	33(a)	Behaviour which is likely to interfere with the enjoyment of a person who might use local government property	500
10	33(b)	Behaviour which interferes with the enjoyment of a person using the local government property	100
11	34(1)	Behaviour detrimental to property	100
12	35(1)	Take, injure, disturb, feed, kill or attempt to take, injure, disturb, feed or kill any fauna which is on or above any local government property	300
13	36(1)	Take, damage, or attempt to take or damage any flora which is on or above any local government property	300
14	37	Under the influence of liquor or a prohibited drug	100
15	39	Smoking or vaping on local government property	100

Item No	Clause No	Nature of Offence	Modified Penalty \$
16	40(2)	Failure to comply with a sign on local government property	100
17	42	Consuming food and drink in prohibited area	100
18	43	Unauthorised entry to fenced off or closed local government property	100
19	45	Store in any locker any firearm or offensive weapon or any article or substance	100
20	49(1)	Unauthorised entry to function on local government property	100
21	52	Unauthorised use of any part of a jetty which is closed or under repair or construction	100
22	53	Mooring of boat in unauthorised manner	100
23	54	Unauthorised mooring of a boat to jetty	100
24	55	Failure to remove moored boat on direction of authorised person	100
25	56	Launching a boat from jetty without consent	100
26	57	Tip or deposit anything on to a jetty so as to pollute surrounding area	200
27	58	Fishing from jetty or bridge so as to obstruct a boat or another person	100
28	60	Failure to comply with direction of an attendant or authorised person or obstruction or hindering an authorised person or attendant in the execution of duties	100
29	64	Failure to comply with notice	200
30		Other offences not specified	100

2.62 Numbering amended

Amend the numbering throughout to move the number of each clause to the front of the clause heading.

PART 3 – THOROUGHFARES AND PUBLIC PLACES LOCAL LAW

3.1 Clause 1.6 ('Terms used') amended

In clause 1.6:

- (a) in the definition of **authorised person**, replace the words 'local government' with 'CEO';
- (b) in the definition of **Council**, replace the word 'Council' with 'council';
- (c) add the following definitions in their alphabetically ordered position:

electric rideable device has the meaning given in the *Road Traffic Code 2000*;

sign permit means a permit to display a sign;

- (d) replace the definition of **electronic personal transporter** with:

electronic personal transporter has the meaning given in the *Road Traffic Code 2000*;

- (e) in the definition of **hand held sign**, add the words '(including where the sign is attached to or suspended from the person),' after 'person';
- (f) in the definition of **liquor**, replace the word 'Licencing' with 'Control';
- (g) in the definition of **local government**, delete the words 'local government of the';
- (h) replace the definition of **local government property** with:

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,

and includes a Rest Centre and a public amenity facility;

- (i) in the definition of **nuisance**, replace the word 'shall' with 'will';
- (j) in the definition of **portable sign**, add the word '**direction**' before '**sign**';
- (k) in the definition of **premises**, replace "**public place**" with '**public place**';

(l) delete the definitions of **real estate sign**, **receptacle** and **wheeled toy**;

(m) replace the definition of **vehicle** with:

vehicle has the meaning given in the *Road Traffic Code 2000*.

(n) in the definition of **verge**, add the word ‘and’ after ‘footpath;’; and

(o) replace the definition of **wheeled recreational device** with:

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

3.2 Clause 2.1 (‘General prohibitions’) amended

In clause 2.1:

(a) replace the word ‘shall’ with ‘must’;

(b) add the words ‘, electric rideable device’ after ‘bicycle’ in subclauses (l) and (m);

(c) delete the word ‘and’ after ‘*Tobacco Products Control Act 2006*’;

(d) add a new subclause (p) after subclause (o), as follows:

(p) use electronic cigarettes (e-cigarettes) or other personal vaporisers for delivery of nicotine or other substances within any mall reserve or outdoor eating area as defined by the *Tobacco Products Control Act 2006*; and

(e) renumber subclause (p).

3.3 Clause 2.2 (‘Activities allowed with a permit’) amended

In clause 2.2(1):

(a) replace the word ‘shall’ with ‘must’;

(b) delete subclause (b) and renumber the subsequent subclauses;

(c) delete the word ‘and’ after ‘place;’ in subclause (p);

(d) add the word ‘or’ after ‘place;’ in subclause (q); and

(e) add a new subclause (q) as follows:

(q) erect or place bunting on any street, hoarding, wall, building, fence or structure on a public place.

3.4 Clause 2.3 ('No possession and consumption of liquor on thoroughfare') amended

In clause 2.3(1), replace the word 'shall' with 'must'.

3.5 Clause 2.4 ('Discharging in public places') amended

In clause 2.4, replace 'public place or local government property' with 'thoroughfare or public place'.

3.6 Clause 2.5 ('Temporary crossings – permit required') amended

Replace the word 'shall' with 'must' in clauses 2.5(1) and 2.5(3).

3.7 Clause 2.6 ('Removal of redundant crossing') amended

In clause 2.6(2)(b), replace the word 'shall' with 'must'.

3.8 Clause 2.8 ('Alternative verge treatments to be installed') amended

Replace the word 'shall' with 'must' in clauses 2.8(1) and 2.8(2).

3.9 Clause 2.9 ('Obligations of owner or occupier') amended

In clause 2.9, replace the word 'shall' with 'must'.

3.10 Clause 2.12 ('Power to carry out public works on verge') amended

In clause 2.12, renumber subclauses '(1)', '(2)', '(3)', '(a)' and '(b)' to '(a)', '(b)', '(c)', '(i)' and '(ii)' respectively.

3.11 Clause 2.14 ('Fencing adjoining public places – Item 4(1) of Division 1, Schedule 3.1 of Act') amended

In clause 2.14, renumber subclauses '(1)' and '(2)' to '(a)' and '(b)' respectively.

3.12 Clause 2.15 ('Signs erected by the local government') amended

In clause 2.15(2), replace the word 'shall' with 'must'.

3.13 Clause 2.16 ('Transitional provisions relating to signs') amended

In clause 2.16, renumber subclauses '(1)' and '(2)' to '(a)' and '(b)' respectively.

3.14 Clause 2.17 ('Advertising signs and portable direction signs') replaced

Replace clause 2.17 with:

2.17 Advertising signs

- (1) Subject to subclause (2), a person must not display an advertising sign on a thoroughfare unless that person is the holder of a valid sign permit.
- (2) Notwithstanding subclause (1), a sign permit is not required to display an advertising sign on a thoroughfare if the advertising sign -
 - (a) is exempt from development approval;
 - (b) does not exceed 500mm in height nor 0.5m² in area, on any side; and
 - (c) is not illuminated and does not incorporate reflective or fluorescent materials;provided that -
 - (d) no more than one advertising sign shall be erected in relation to the one building or business without a sign permit; and
 - (e) a person requiring more than one advertising sign per building or business must obtain a sign permit for each additional advertising sign.
- (3) The local government may grant approval for the erection or display of an advertising sign for the duration of the period specified in the sign permit.
- (4) No clause of this local law will be taken to grant the permanent display of an advertising sign on a thoroughfare.

3.15 Clause 2.18 ('Portable signs') replaced

Replace clause 2.18 with:

2.18 Portable direction signs

- (1) Subject to subclause (2), a person must not, without a sign permit erect or place a portable direction sign on a thoroughfare
- (2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which -
 - (a) is exempt from development approval;
 - (b) does not exceed 750mm in height nor 0.5sqm in area, on any side; and

- (b) placed or erected on a thoroughfare on an infrequent or occasional basis and only to direct attention to a place, activity or event during the hours of that activity or event;

provided that -

- (d) no more than one portable direction sign may be erected in relation to the one building or business without a sign permit; and
- (e) a person requiring more than one portable direction sign per building or business must obtain a sign permit for each additional portable direction sign.

3.16 Clause 2.19 ('Bunting') deleted

Delete clause 2.19.

3.17 New clause 2.19 ('Location, maintenance and design of an advertising or portable direction sign') added

After clause 2.18, add a new clause 2.19, as follows:

2.19 Location, maintenance and design of an advertising sign or portable direction sign

- (1) Notwithstanding any provision of this local law, a person must not erect or place an advertising sign or portable direction sign –
 - (a) over any footpath where the resulting vertical clearance between the sign and footpath is less than 2,700 mm;
 - (b) on or within 600 mm of a carriageway;
 - (c) in any other location where, in the opinion of the local government or an authorised person, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
 - (d) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.
- (2) A person erecting or placing an advertising sign or portable direction sign on a thoroughfare must -
 - (a) maintain the sign in a safe and serviceable condition at all times and remove the sign upon it ceasing to be serviceable;

- (b) ensure that the sign is of a stable design and is not readily moved by the wind, and does not by the nature of its design or anything else cause any hazard or danger to any person using the thoroughfare;
- (c) ensure the free passage at all times of persons using the thoroughfare; and
- (d) If it relates to a business or event, be removed each day at the close of the business or event to which it relates and not be erected again until the business or event next opens for trading.

3.18 Clause 2.20 ('Hand held signs') amended

In clause 2.20, replace the word 'shall' with 'must'.

3.19 Clause 2.21 ('No driving on closed thoroughfare') amended

In clause 2.21(1), replace the word 'shall' with 'must'.

3.20 Clause 2.22 ('No entry into a closed or locked mall reserve') amended

In clause 2.22, replace the word 'shall' with 'must'.

3.21 Part 3 heading amended

In the heading to Part 3, replace '**VEHICLES, SHOPPING TROLLEYS OR RECEPTACLES**' with '**VEHICLES OR SHOPPING TROLLEYS**'.

3.22 Clause 3.1 ('Leaving animals or vehicles in a public place or on local government property') amended

In clause 3.1(1), replace the word 'shall' with 'must'.

3.23 Clause 3.2 ('Prohibitions relating to animals') amended

(1) In clause 3.1(1), replace "owner" with '**owner**'.

(2) In clauses 3.2(2) and 3.2(3), replace the word 'shall' with 'must'.

3.24 Clause 3.3 ('Shopping trolley to be marked') amended

In clauses 3.3, replace the word 'shall' with 'must'.

3.25 Clause 3.4 ('Person not to leave shopping trolley in public place') amended

In clauses 3.4, replace the word 'shall' with 'must'.

3.26 Clause 3.5 ('Retailer to remove abandoned shopping trolley') amended

In clauses 3.5(2), replace the word 'shall' with 'must'.

3.27 Clause 3.6 ('Waste receptacles') deleted

Delete clause 3.6.

3.28 New Part 4A ('CONSTRUCTION MANAGEMENT PLANS') added

Add new Part 4A as follows:

PART 4A – CONSTRUCTION MANAGEMENT PLANS

4A.1 Terms used

In this Part, unless the context requires otherwise –

approved and approval means approved in writing by the local government;

building includes a part of a building and the whole or any part of a structure, temporary building or structure, fence, gate, wall, pavement light, outbuilding, service installation, mast, pole and other appurtenance of a building;

building works includes works, activities, events and practices for or in connection with the construction, alteration, demolition or removal of a building for which a building permit is required under the Building Act 2011;

construction management plan means a description of the proposed strategy to be implemented in relation to the building works to ensure -

- (a) public amenity and safety are maintained;
- (b) local government and community assets are protected;
- (c) the impact on green infrastructure is minimised;
- (d) nuisances are controlled and prevented;
- (e) compliance with the provisions of the Health Act;
- (f) disruptions to traffic are minimised;
- (g) waste is managed appropriately; and
- (h) appropriate environmental controls are in place;

crossover means a crossing for vehicles over a footpath between the road edge and property for the purposes of enabling access to be gained to property;

green infrastructure means -

- (a) plants, including street and community gardens;
- (b) plants contained within a pot or container which may be on the ground or suspended from or connected to a building or structure;
- (c) composting facilities;
- (d) any item or thing attached to a tree; or
- (e) any other infrastructure that supports greening in the district as specified by the local government;

minor building work means building work valued at less than 7,500 but excludes demolition and removal of buildings and structures (regardless of value);

nuisance includes -

- (a) any building works that emit dust, odour, waste, noxious gases or other wind-blown refuse beyond the construction site;
- (b) the leaving of open and unguarded pits, excavations or basements on a building site which may constitute a risk to public safety or property;
- (c) any temporary structure, material, condition or practice constituting a fire hazard or impairing the extinguishing of any fire;
- (d) any building works that exceed the designated sound level prescribed by the local government; and
- (e) any vibrations exceeding the level prescribed by the local government;

tree includes the trunk, branches, canopy and root system of the tree.

4A.2 Prior to commencement of building works

- (1) A person must not commence to carry out building works (other than minor building works) unless the person gives 48 hours

written notice to the local government of their intention to do so.

- (2) A notice under subclause (1) must be in the form prescribed by the local government and, if requested, include a construction management plan which must be approved by the local government prior to the commencement of building works.
- (3) A construction management plan may be modified with the written approval of the local government.
- (4) A person involved in the carrying out of building works must comply with a construction management plan approved under subclause (2) or modified under subclause (3).
- (5) An obstruction permit must be obtained under this local law where an area on public place is required by the person who proposed to carry out the building works, unless otherwise agreed in writing by the local government.
- (6) Hoarding, gantry and scaffold systems must be erected to provide protection to the public. Where a hoarding, gantry and scaffold are to be erected on a thoroughfare, a permit will be required subject to an approved construction management plan, unless otherwise agreed in writing by the local government.
- (7) A person involved in the carrying out of building works must ensure that a thoroughfare is not used by construction vehicles except in accordance with any conditions that may be imposed by the local government under the *City of Parking Local law 2017*.
- (8) Temporary and permanent crossover approval is required to be obtained prior to installation, unless otherwise agreed in writing by the local government.

4A.3 Wheels of vehicles to be kept clean

A person must not drive a vehicle onto any thoroughfare from premises on which any filling, excavation, landscaping, building works or demolition operation is being or has recently been carried out unless the wheels and undercarriage of the vehicle are clean.

4A.4 Nuisances

A person must not carry out building works or cause building works to be carried out so as to create a nuisance.

4A.5 Directions by an authorised person

An authorised person may, either orally or in writing, direct any person -

- (a) found carrying out or suspected of carrying out building works in contravention of this local law or a permit granted under this local law; or
- (b) apparently in charge of premises where building works are being or are suspected of being carried out in contravention of this local law or a permit granted under this local law,

to cease carrying out those building works immediately.

3.29 Clause 4.1 ('Application for permit') amended

In clauses 4.1(1) and 4.1(2), replace the word 'shall' with 'must'.

3.30 Clause 4.2 ('Decision on application for permit') amended

In clause 4.2(3)(b), add the word 'to' before 'inform'.

3.31 Clause 4.4 ('Security for restoration and reinstatement') amended

In clauses 4.4(3), replace the word 'shall' with 'must'.

3.32 Clause 4.5 ('Compliance with conditions') amended

In clauses 4.5, replace the word 'shall' with 'must'.

3.33 Clause 4.8 ('Renewal of permit') amended

In clauses 4.8(2)(b), replace the word 'shall' with 'are to'.

3.34 Clause 4.11 ('Cancellation of permit') amended

In clauses 4.11(4), replace the word 'shall' with 'must'.

3.35 New clause 6.5 ('Notice to pay costs of replacing a street tree') added

After clause 6.4, add new clause 6.5 as follows:

6.5 Notice to pay costs of replacing a street tree

- (1) Where a street tree or part of a street tree has been damaged or removed, the local government may, by notice to the person who caused the damage or removal, require that person within the time stated in the notice to pay the costs of repairing or replacing the street tree, as determined by the local government.
- (2) In this clause, the costs of replacing a street tree may include -

- (a) site rectification costs, including tree removal and stump grinding;
 - (b) the tree value (including amenity and ecological value) as determined by the local government;
 - (c) any other costs associated with replacement, such as tree supply and planting; and
 - (d) the cost of establishment of new trees.
- (3) In this clause, the costs of repairing a street tree may include -
- (a) site rectification costs;
 - (b) the acquisition of professional street rectification services;
 - (c) any other costs associated with repair; and
 - (d) the cost of ongoing support to ensure rectification of tree.
- (4) If a person fails 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 in a court of competent jurisdiction.

3.36 Clause 7.4 ('Infringement provisions and modified penalties') amended

In clauses 7.4(1) and 7.4(2), delete the word 'First' before 'Schedule'.

3.37 Clause 7.1 ('Offence to fail to comply with notice or direction') amended

In clause 7.1:

- (a) add the words 'or an authorised person gives a direction under this local law' after 'anything'; and
- (b) add the words 'or direction' after 'with the notice'.

Note: The heading to amended clause 7.1 is to read:

7.1 Offence to fail to comply with notice or direction

3.38 First Schedule replaced

Replace the First Schedule with the following:

**Schedule – Modified Penalties
[Clauses 7.3 and 7.4]**

Item No.	Offence Clauses	Nature of Offence	Modified Penalty \$
1	2.1(a)	Planting a plant other than lawn or prostrate ground covers with a maximum mature height of 100mm on a thoroughfare so that the plant is within 6 metres of an intersection	125
2	2.1(b)	Planting a plant other than lawn or prostrate ground covers with a maximum mature height of 100mm on a thoroughfare so that it is within 2 metres of a carriageway	125
3	2.1(c)	Damaging a lawn or a garden or removing any plant or part of a plant from a lawn or garden	250
4	2.1(d)	Damaging a street tree or removing a street tree or part of a street tree	500
5	2.1(e)	Installing anything within the verge other than a permissible verge treatment	125
6	2.1(f)	Installing play equipment or structures within the verge	125
7	2.1(g)	Attaching or tying anything to a street tree	125
8	2.1(h)	Installing synthetic or artificial turf on the verge	125
9	2.1(i)	Placing fruit, fruit skins or other substance or fluid on a thoroughfare which may create a hazard	125
10	2.1(j)	Damaging, removing or interfering with any signpost, direction plate, guidepost, notice, shelter, shed, fence, street furniture, planter box, or any structure erected on a thoroughfare by the local government	350
11	2.1(k)	Playing or participating in any game or sport causing danger to any person or thing or impede the movement of vehicles or person on a thoroughfare	125
12	2.1(l)	Using or allowing the use of a bicycle, electric rideable device or wheeled recreational device on a thoroughfare causing a nuisance, endangering, obstructing, or hindering any other person or vehicle using the same area	125

Item No.	Offence Clauses	Nature of Offence	Modified Penalty \$
13	2.1(m)	Riding any bicycle, electric rideable device or wheeled recreational device within a mall, an arcade or verandah of a shopping centre	125
14	2.1(n)	Creating an nuisance on a public place	125
15	2.1(o)	Smoking within a mall reserve	100
16	2.1(p)	Using e-cigarettes or other personal vaporisers for delivery of nicotine or other substances within a mall reserve	100
17	2.1(q)	Leaving bags or baggage unattended in a mall reserve, thoroughfare or public place	125
18	2.2(1)(a)	Digging or creating a trench through or under a kerb or footpath without a permit	250
19	2.2(1)(b)	Causing an obstructing to a vehicle, a person or persons, by placing objects or personal property, sitting or laying on a thoroughfare or public place for an unauthorised event, works or other activities without a permit	250
20	2.2(1)(c)	Causing an obstruction to a water channel or water course in a thoroughfare without a permit	250
21	2.2(1)(d)	Throwing, placing or draining offensive, noxious, or dangerous fluid onto a thoroughfare without a permit	250
22	2.2(1)(e)	Damaging a thoroughfare without a permit	500
23	2.2(1)(f)	Lighting a fire or burning anything on a thoroughfare without a permit	350
24	2.2(1)(g)	Felling a tree onto a thoroughfare without a permit	125
25	2.2(1)(h)(i)	Laying pipes under or providing taps on a verge without a permit	250
26	2.2(1)(h)(ii)	Placing or installing a gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust without a permit	250

Item No.	Offence Clauses	Nature of Offence	Modified Penalty \$
27	2.2(1)(i)	Providing, erecting, installing or using in or on any building, structure or land abutting a thoroughfare any hoist, crane or other thing for use over the thoroughfare, or using a hoist or crane or other thing from a vehicle to any building, structure or land abutting a thoroughfare without a permit	500
28	2.2(1)(j)	Stopping and using any part of a thoroughfare for the delivery of materials to a building site adjoining the thoroughfare or, for the removal of materials from a building site to a vehicle or other thing on a thoroughfare without a permit	500
29	2.2(1)(k)	Placing or causing to be placed on a thoroughfare a bulk rubbish container, sea container, scaffolding, portable toilets or other materials associated with a building site or property adjoining the thoroughfare without a permit	250
30	2.2(1)(l)	Interfering with the soil of, or anything in a thoroughfare or taking anything from a thoroughfare without a permit	125
31	2.2(1)(m)	Installing a full or part road closure on any road or portion of road without a permit	500
32	2.2(1)(n)	Collecting money or distributing pamphlets on any part of a thoroughfare or public place without a permit	125
33	2.2(1)(o)	Using the local government's electricity in a thoroughfare or public place without a permit	125
34	2.2(1)(p)	Use a loud hailer or an amplified speaker system in a thoroughfare or public place without a permit	125
35	2.2(1)(q)	Erecting or placing bunting on any street, hoarding, wall, building, fence or structure on a public place without a permit	125
36	2.3(1)	Consuming or possessing liquor on a thoroughfare	125

Item No.	Offence Clauses	Nature of Offence	Modified Penalty \$
37	2.4	Allowing any material including dust, wastewater, stormwater, waste, mud, concrete, paint, oil or chemicals to be blown, conveyed, deposited or discharged in, on or across a public place or local government property	125
38	2.5(1)	Failing to obtain a permit for the construction of a temporary crossing	250
39	2.6(1)	Failing to remove a redundant crossing and reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare affected by the removal	350
40	2.6(2)(a)	Failing to remove any part of or all of a crossing which does not give access to the lot	350
41	2.6(2)(b)	Failing to comply with notice to reinstate the kerb, drain, footpath, verge and any other part of the thoroughfare which may be affected by the removal within the period of time stated	350
42	2.8(1)	Installing a verge treatment other than a permissible verge treatment	250
43	2.9(1)	Failing to install the approved verge treatment	125
44	2.9(2)	Failing to keep the verge treatment in a good and tidy condition and ensure that a footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment	125
45	2.9(3)	Placing any obstruction on or around the verge treatment	125
46	2.9(4)	Disturbing a footpath on the verge	125
47	2.15(2)	Failing to comply with a sign erected by the local government	125
48	2.17(1)(a)	Displaying an advertising sign that requires a sign permit on a thoroughfare without a sign permit	100
49	2.18(1)	Erecting or placing a portable direction sign that requires a sign permit on a thoroughfare without a sign permit	100
50	2.19(1)	Placing or erecting an advertising sign or portable direction sign in a prohibited area	100

Item No.	Offence Clauses	Nature of Offence	Modified Penalty \$
51	2.19(2)(a)	Failing to maintain a sign in safe and serviceable condition at all times	100
52	2.19(2)(b)	Failing to ensure that a sign is of a safe and stable design	100
53	2.19(2)(c)	Failing to ensure the free passage of persons using footpath at all times	100
54	2.19(2)(d)	Failing to remove sign at close of business each day or end of event	100
55	2.20	Displaying a hand held sign on local government property or a public place without approval	100
56	2.21(1)(a)	Driving or taking a vehicle on a closed thoroughfare that is not in accordance with the limits or exceptions specified in an order made under section 3.50 of the Act	350
57	2.21(1)(b)	Driving or taking a vehicle on a closed thoroughfare without first obtaining a permit	350
58	2.22	Entering into a closed or locked mall reserve	250
59	3.1(1)	Leaving an animal or 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 without a permit	250
60	3.2(2)(a)	Allowing an animal to enter or remain on a thoroughfare that is not for the use of the thoroughfare as a thoroughfare and without it being led, ridden or driven	125
61	3.2(2)(b)	Allowing an animal to excrete in a public place or local government property	125
62	3.2(2)(c)	Allowing an animal which has a contagious or infectious disease to be led, ridden or driven in a public place	125
63	3.2(2)(d)	Training or racing an animal on a thoroughfare	125

Item No.	Offence Clauses	Nature of Offence	Modified Penalty \$
64	3.2(3)	Leading, riding or driving a horse on a thoroughfare in a built-up area	125
65	3.4	Leaving a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys	125
66	3.5(2)	Failing to remove a shopping trolley within 24 hours of being so advised	125
67	4A.2(1)	Carrying out building works without giving notice	250
68	4A.2(3)	Modifying a construction management plan without the approval of the local government	500
69	4A.2(4)	Carrying out building works that are not in compliance with an approved construction management plan	500
70	4A.2(5)	Failing to obtain an obstruction permit where required	500
71	4A.2(6)	Failing to erect a hoarding, gantry or scaffold system where required	500
72	4A.2(7)	Failing to obtain a permit for use of the road used for construction vehicles	350
73	4A.2(8)	Failing to obtain approval for temporary or permanent crossover	350
77	4A.3	Driving a vehicle from a premises upon which any filling, excavation, landscaping, building works or demolition operation is being or has recently been carried out without cleaning the wheels or undercarriage	500
78	4A.4	Carrying out building works creating a nuisance	500
79	4.1(1)	Failing to apply for a permit where required	250
80	4.5	Failing to comply with the conditions of a permit	500
81	4.10	Failing to produce a valid permit when required by an authorised person	125
82	7.1	Failing to comply with a notice or direction given under this local law	125

PART 4 – HEALTH LOCAL LAW

4.1 Part 4 ('WASTE FOOD AND REFUSE') deleted

Delete Part 4.

Dated this _____ day of _____ 2025.

The Common Seal of the }
City of Perth was affixed by }
authority of a resolution of the }
Council in the presence of: }

Basil Zempilas
Local Mayor

Michelle Reynolds
Chief Executive Officer