CONSOLIDATED LOCAL LAW

TOWN OF PORT HEDLAND

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2016

(Principle Local Law)
Gazette No. 61 Special of 13 April 2016

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022

Gazette No. 43 of 2022 (LG401), of 23 March 2022

PLEASE NOTE:
This version of the Town of Port Hedland Public Places and Local Government Property Local Law 2016 combines the:

- **Principle:**
  - **Public Places and Local Government Property Local Law 2016**
- **Amendment:**
  - **Public Places and Local Government Property Amendment Local Law 2022**

LOCAL GOVERNMENT ACT 1995

TOWN OF PORT HEDLAND

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2016

TABLE OF CONTENTS

PART 1—PRELIMINARY

1.1 Citation
1.2 Purpose and effect
1.3 Commencement
1.4 Repeal
1.5 Application
1.6 Definitions
1.7 Types of licences
1.8 Transitional Provisions
1.9 Assistance animals

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

2.1 Determinations as to use of local government property
2.2 Procedure for making a determination
2.3 Discretion to erect sign
2.4 Determination to be complied with
2.5 Register of determinations
2.6 Amendment or revocation of determination

Division 2—Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property
2.8 Activities which may be prohibited on specified local government property
2.9 Signs under repealed local law taken to be determination

PART 3—ACTIVITIES ON LOCAL GOVERNMENT PROPERTY REQUIRING A LICENCE

3.1 Activities requiring a licence
3.2 Licence required to camp outside a facility
3.3 Licence required for possession and consumption of liquor

PART 4—USE OF LOCAL GOVERNMENT PROPERTY

Division 1—Behaviour and interference with local government property

4.1 Behaviour which interferes with others
4.2 Behaviour detrimental to property
4.3 Taking or injuring any fauna
4.4 Intoxicated persons not to enter local government property
4.5 No prohibited drugs

Division 2—Signs

4.6 Signs

Division 3—Miscellaneous

4.7 Persons may be directed to leave local government property
4.8 Direction of authorised person to be obeyed
4.9 Disposal of lost property
4.10 Liability for damage to local government roperty
4.11 Refusal of entry to local government property

PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1—Swimming pool areas

5.1 Directions of Manager and attendant must be observed
5.2 Swimming carnivals
5.3 Responsibilities of swimming pool users

Division 2—Fenced or closed property

5.4 No entry to fenced or closed local government property

Division 3—Toilet block and change rooms

5.5 Only specified gender to use entry of toilet block or change room
5.6 No unauthorised entry to function

Division 4—Port Hedland International Airport

5.7 Definitions
5.8 Rights of aircraft owners
5.9 Closure of Airport
5.10 Protection of Airspace
5.11 General

PART 6—ACTIVITIES IN THOROUGHFARES

Division 1—General

6.1 General prohibitions
6.2 Activities allowed with a licence
6.3 No possession and consumption of liquor on thoroughfare

Division 2—Vehicle crossings

6.4 Temporary crossings

Division 3—Verge treatments

6.5 Removal of redundant crossing
6.6 Permissible verge treatments
6.7 Only permissible verge treatments to be installed
6.8 Obligations of owner or occupier
6.9 Notice to owner or occupier
6.10 Transitional provisions
6.11 Power to carry out public works on verge

Division 4—Property numbers

6.12 Assignment and display of numbers

Division 5—Fencing

6.13 Public place—Item 4(1) of Division 1, Schedule 3.1 of the Act

Division 6—Signs erected by local government

6.14 Signs
6.15 Transitional

Division 7—Driving on closed thoroughfare

6.16 No driving on closed thoroughfare

Division 8—Miscellaneous

6.17 Notice to redirect or repair sprinkler
6.18 Hazardous plants
6.19 Notice to repair damage to thoroughfare
6.20 Notice to remove thing unlawfully placed on thoroughfare

PART 7—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Division 1—Animals and vehicles

7.1 Leaving animal or vehicle in public place
7.2 Prohibitions relating to animals

Division 2—Shopping trolleys

7.3 Shopping trolley to be marked
7.4 Person not to leave shopping trolleys in public place
7.5 Retailer to remove abandoned shopping trolley

PART 8—TRADING ON THOROUGHFARES AND LOCAL GOVERNMENT PROPERTY

8.1 Offence to trade without a licence

PART 9—MARKETS ON THOROUGHFARES AND LOCAL GOVERNMENT PROPERTY

9.1 Offence to conduct a market without a licence

PART 10—ENTERTAINMENT ON THOROUGHFARES AND LOCAL GOVERNMENT PROPERTY

10.1 Offence to entertain without a licence

PART 11—FOOD SALES ON THOROUGHFARES AND LOCAL GOVERNMENT PROPERTY

11.1 Offence to sell food without a licence

PART 12—LICENSING

12.1 Who may apply for a licence
12.2 Application for licence
12.3 Information required for application
12.4 Further information relevant to application
12.5 Additional information required for trading licence application
12.6 Additional information required for market licence application
12.7 Additional information required for entertainment licence application
12.8 Additional information required for food sales licence application
12.9 Power of local government to grant licence
12.10 General restrictions on grant of licence
12.11 Conditions applying to certain licence
12.12 Other conditions
12.13 Conditions of every trading licence
12.14 Conditions of every market licence
12.15 Conditions of every entertainment licence
12.16 Conditions of every food sales licence
12.17 Contravention of conditions
12.18 Duration of licence
12.19 Application for renewal of licence
12.20 Restrictions on renewal of licence
12.21 Renewal of licence
12.22 Suspension of licence
12.23 Proposed suspension
12.24 Revocation of suspension
12.25 Cancellation of licence
12.26 Surrender of licence
12.27 Licence not transferable
12.28 Amendment of licence
12.29 Licence document
12.30 Production of licence document for amendment
12.31 Return of licence document if licence no longer in effect
12.32 Advertising

PART 13—OFFENCES AND PENALTIES

13.1 Offences
13.2 Infringement and infringement withdrawal notices
13.3 Offence description and modified penalty
13.4 Prosecution for offences
13.5 Offence to fail to comply with notice
13.6 Local government may undertake requirements of notice

PART 14—OBJECTION AND REVIEW

14.1 Objection and review

Schedule 1
ACCEPTABLE MATERIAL

Schedule 2
CONDITIONS ON EVERY TRADING LICENCE

Schedule 3
CONDITIONS ON EVERY MARKET LICENCE

Schedule 4
CONDITIONS ON EVERY ENTERTAINMENT LICENCE

Schedule 5
CONDITIONS ON EVERY FOOD SALES LICENCE

Schedule 6
AIRPORT LAND

Schedule 7
PRESCRIBED OFFENCES

LOCAL GOVERNMENT ACT 1995

TOWN OF PORT HEDLAND

PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Port Hedland resolved on 24 February 2016 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Town of Port Hedland Public Places and Local Government Property Local Law 2016*.

1.2 Purpose and effect

(1) The purpose of this local law is to provide for the regulation, control and management of activities in public places and thoroughfares, and the regulation, control and management of activities and facilities on local government property within the district.

(2) The effect of this local law is the control of the use of local government property and activities and trading in thoroughfares and public places. Some activities are permitted only under a licence or under a determination and some activities are restricted or prohibited. Offences are created for inappropriate behaviour in or on local government property.

1.3 Commencement

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

1.4 Repeal

The following local laws are repealed—

(a) *Town of Port Hedland Local Law (Aquatic and Recreation Centres)*, as published in the *Government Gazette* on 8 June 1999;

(b) *Town of Port Hedland Local Law (Reserves and Foreshores)*, as published in the *Government Gazette* on 8 June 1999;

(c) *Local Law—Town of Port Hedland International Airport* as published in the *Government Gazette* on 17 September 1999;

(d) *Town of Port Hedland Local Law—Trading in Public Places*, as published in the *Government Gazette* on 1 September 2000; and

(e) *Town of Port Hedland Local Law—General Provisions*, as published in the *Government Gazette* on 1 December 2000.

1.5 Application

This local law applies throughout the district.

1.6 Definitions

In this local law unless the context otherwise requires— ***acceptable material*** has the meaning given to it in Schedule 1; ***Act*** means the *Local Government Act 1995*; ***animal*** means any living thing that is not a human being or plant; ***applicant*** means a person who applies for a licence; ***application*** means an application for a licence; ***application fee*** means the fee payable upon lodgement of an application for a licence and which relates to the lodgement, assessment and determination of the application but does not include the licence fee;

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 pool premises, or other recreational facility;

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; ***boat*** means any structure or vessel, excluding personal watercraft, whether motorised or not and made or used to travel or float on water or travel under water;

building means a structure, hall, room, corridor, stairway or annex, and includes all plumbing, electrical installations, fixtures, fittings, furniture and other contents, owned or under the care, control and management of the local government;

building permit means a permit granted under section 20 of the *Building Act 2011*; ***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;

camp has the same meaning as defined in the *Caravan Parks and Camping Grounds Act 1995*; ***caravan*** has the same meaning as defined in the *Caravan Parks and Camping Grounds Act 1995*;

CEO means the chief executive officer of the local government; ***Code*** means the *Road Traffic Code 2000*; ***commencement day*** means the day on which this local law comes into operation; ***commercial activity*** means an activity referred to in clause 8.1, clause 9.1, clause 10.1 or clause 11.1;

Council means the council of the local government; ***determination*** means a determination made under clause 2.1; ***district*** means the district of the local government; ***entertain*** means conduct any form of theatrical, artistic, musical, audio or visual performance and includes busk;

entertainment licence means a licence of the kind referred to in clause 1.7(c); ***firework*** means a device like a Catherine wheel, roman candle, or rocket made from combustible materials, which may be ignited to produce coloured flames, smoke or a loud 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;

food has the same meaning as is given to it in section 9 of the *Food Act 2008*; ***food***

sales licence means a licence of the kind referred to in clause 1.7(d); ***function***

means an event or activity characterised by all or any of the following–

(a) formal organisation and preparation;

(b) its occurrence is generally advertised or notified in writing to particular persons;

(c) organisation by or on behalf of a club;

(d) payment of a fee to attend it; and

(e) systematic recurrence in relation to the day, time and place; ***garden*** means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants, and includes street trees and soft landscaping;

General Regulations means the *Local Government (Functions and General) Regulations 1996*; ***hire*** includes offer to hire and expose for hire; ***intersection*** has the meaning give to it in the Code*;* ***kerb*** includes the edge of a carriageway; ***lawn*** means any part of a thoroughfare which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

licence means a licence under this local law; ***licence fee*** means the fee payable upon the issue of a licence; ***licence document*** means a licence document issued under this local law; ***licensee*** means a person who holds a licence; ***liquor*** has the same meaning as is given to it in section 3 of the *Liquor Control Act 1988*; ***local government*** means the Town of Port Hedland*;* ***local government property*** means anything which belongs to, is owned by or is under the care control and management of the local government, other than a thoroughfare;

local public notice has the same meaning as in section 1.7 of the Act; ***lot*** has the meaning given to it in the *Planning and Development Act 2005*; ***manager*** means the person for the time being employed by the local government to manage a facility that is local government property and includes any assistant or deputy;

market means a collection of stalls, stands or displays erected for the purpose of selling or hiring goods, wares, merchandise or services or carrying out any other transaction; ***market licence*** means a licence of the kind referred to in clause 1.7(b);

nuisance means—

(a) any activity, thing, condition, circumstance, or state of affairs caused or contributed to by a person which is injurious or dangerous to the health of another person of normal susceptibility, or which has a disturbing effect on the state of reasonable physical, mental or social well-being of another person.

(b) anything a person does or permits or causes to be done which interferes with or is likely to interfere with the enjoyment or safe use by another person of any public place; or

(c) anything a person does on public or private land which unreasonably detracts from or interferes with the enjoyment or value of land owned by another person, provided that anything done in accordance with the law or a legal right or which is consistent with the standard of behaviour in the relevant locality shall not be unreasonable for the purpose of this local law; ***owner or occupier*** in relation to land does not include the local government; ***permissible verge treatment*** means any one of the 3 treatments described in clause 6.6(2), and includes any reticulation pipes and sprinklers;

person does not include the local government; ***place*** means anywhere at all, and includes anywhere in or on something that is moving or can move;

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

***proprietor*—**

(a) includes the owner, the occupier and any person having the management or control of any eating house; or

(b) the holder of a licence granted under the *Liquor Control Act 1988* where the premises in question is the subject of a hotel licence, a limited hotel licence, special facility licence or a restaurant licence granted under that Act; ***prohibited drug*** has the meaning given to it in the *Misuse of Drugs Act 1981*; ***public place*** means any thoroughfare or local government property or any place to which the public have access;

registered food business means premises which are registered as a registered food business under the *Food Act 2008* or which are the subject of a hotel, tavern or small bar licence, a special facility licence or a restaurant licence under the *Liquor Control Act 1988*;

repealed local law means the local law repealed under clause 1.4; ***retailer*** means a proprietor of a shop which provides shopping trolleys for the use of customers of the shop;

schedule means a schedule in this local law; ***sell*** includes—

(a) offer or attempt to sell;

(b) display for sale;

(c) send, forward or deliver for sale or on sale;

(d) barter or exchange;

(e) dispose, by lot or chance or by auction;

(f) supply, or offer, agree or attempt to supply—

(i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or

(ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or

(g) authorise, direct, cause or permit to be done any act referred to in this definition; ***shopping trolley*** means a container or receptacle on wheels provided by a retailer for customers to transport goods;

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

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

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

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

thoroughfare means any street, way or place that is designed and used for the passage of vehicles and includes the shoulders and embayment's at the side or centre of the carriageway used for the parking of vehicles;

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

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

UAV has the same meaning as is given to it in the *Civil Aviation Safety Regulations 1998 (Cth)*; ***vehicle*** includes—

(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

(b) an animal being ridden or driven;

but excludes

(c) a wheel-chair or any device designed for use by a physically impaired person on a footpath;

vehicle crossing specification means the design details, measurements and materials, approved by the local government as the standard vehicle crossing, which when first constructed on any land in the district, will be eligible for a subsidy as determined by the local government; and

verge means that portion of land that lies between the front of a property and the edge of the thoroughfare and between imaginary lines extended at a 90 degree angle with the thoroughfare,

from the edge of the thoroughfare to meet the side boundaries at the front of the property.

1.7 Types of licences

For the purposes of this local law—

(a) a licence which authorises trading on any street or local government property is to be referred to as a trading licence;

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

(c) a licence which authorises entertainment on any street or local government property is to be referred to as an entertainment licence; and

(d) a licence which authorises the sale of food on any street or local government property is to be referred to as a food sales licence.

1.8 Transitional Provisions

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

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

1.9 Assistance animals

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

PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

Division 1—Determinations

2.1 Determinations as to use of local government property

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

(a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;

(b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 in or on specified local government property;

(c) as to the matters in clause 2.7(2) and 2.8(2); and

(d) as to any matter ancillary or necessary to give effect to a determination.

2.2 Procedure for making a determination

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

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

(a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;

(b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and

(c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.

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

(a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;

(b) amend the proposed determination, in which case subclause (5) is to apply; or (c) not continue with the proposed determination.

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

(a) consider those submissions; and

(b) decide—

(i) whether or not to amend the proposed determination; or (ii) not to continue with the proposed determination.

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

(a) of the effect of the amendments; and

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

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

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

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

2.3 Discretion to erect sign

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

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

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

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

2.6 Amendment or revocation of determination

(1) The local government may amend or revoke a determination.

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

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

Division 2—Activities which may be pursued or prohibited under a determination

2.7 Activities which may be pursued on specified local government property

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

(a) bring, ride or drive an animal;

(b) take, ride or drive a vehicle, or a particular class of vehicle;

(c) fly or use a motorised model aeroplane or UAV;

(d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;

(e) launch, beach or leave a boat;

(f) take or use a boat, or a particular class of boat;

(g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;

(h) play or practice—

(i) golf or archery; or

(ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or

(iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government, may cause injury or damage to a person or property;

(i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and

(j) wear no clothing.

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

(a) the days and times during which the activity may be pursued;

(b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;

(c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;

(d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;

(e) may specify that the activity can be pursued by a class of persons or all persons; and (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

(1) In this clause ***premises*** means a building, stadium, or similar structure which is local government property, but not an open space such as a park or a playing field.

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

(a) smoking on premises;

(b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;

(c) taking, riding or driving a vehicle on the property or a particular class of vehicle;

(d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;

(e) taking or using a boat, or a particular class of boat;

(f) the playing or practice of—

(i) golf, archery, pistol shooting or rifle shooting; or

(ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government, may cause injury or damage to a person or property;

(g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and

(h) the traversing of land which, in the opinion of the local government, has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

(3) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (2) and, in particular—

(a) the days and times during which the activity is prohibited;

(b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;

(c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;

(d) that an activity is prohibited in respect of a class of persons or all persons; and

(e) (e) may distinguish between different classes of the activity.

2.9 Signs under repealed local law taken to be determination

(1) Where a sign erected on local government property has been erected under a repealed local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

PART 3—ACTIVITIES ON LOCAL GOVERNMENT PROPERTY REQUIRING A LICENCE

3.1 Activities requiring a licence

(1) A person must not, without a licence—

(a) subject to subclause (3), hire local government property;

(b) advertise anything by any means on local government property;

(c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;

(d) teach, coach or train, for profit, any person in any facility which is local government property;

(e) plant any plant or sow any seeds on local government property;

(f) carry on any trading on local government property unless the trading is conducted—

(i) with the consent of a person who holds a licence to conduct a function, and where the trading is carried on, under and in accordance with the licence; or

(ii) by a person who has a licence or permit to carry on trading on local government property under any written law;

(g) unless an employee of the local government in the course of his or her duties or on an area set aside for that purpose—

(i) drive or ride or take any vehicle on to local government property; or

(ii) park or stop any vehicle on local government property;

(h) conduct a function on local government property;

(i) charge any person for entry to local government property, unless the charge is for entry to land or a building by a voluntary non-profit organisation;

(j) light a fire on local government property except in a facility provided for that purpose;

(k) light or set off any firework or conduct a fireworks display on local government property;
(l) parachute, hang glide, abseil or base jump from or onto local government property;
(m) erect a building or a refuelling site on local government property;
(n) make any excavation on or erect or remove any fence on local government property;
(o) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
(p) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; or
(q) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly; or
(r) erect any rope, string or wire between poles, trees or vehicles for use as a clothes airing apparatus that may cause a nuisance.

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

(3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.2 Licence required to camp outside a facility

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

(2) This clause does not apply to a facility operated by the local government.

(3) A person must not, without a licence—

(a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
(b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
(c) park a vehicle on local government property, thoroughfare or public place for the purpose of sleeping in the vehicle.

(4) The maximum period for which the local government may approve an application for a licence in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997.*

(5) Any tent, camp, hut or similar structure erected in contravention of paragraph (b) of subclause (3) and associated goods may, subject to Regulation 29 of the General Regulations, be impounded.

(6) A vehicle parked in contravention of paragraph (c) of subclause (3) may, subject to the provisions of Regulation 29 of the General Regulations, be impounded by immobilising the vehicle by the use of a wheel clamping device.

(7) An authorised person who impounds a vehicle under subclause (6) shall attach a notice to a vehicle advising the owner of the vehicle that the vehicle will be released upon payment of the costs of impounding and the place where and hours during which the costs can be paid.

(8) The notice attached to the impounded vehicle under subclause (7) shall also advise the owner that if the impounding costs are not paid within 24 hours the vehicle may be removed to the local government pound.

(9) Notices issued under this clause shall be in the form determined by the CEO.

3.3 Licence required for possession and consumption of liquor

(1) A person on local government property must not consume any liquor or have in his or her possession or under his or her control any liquor, unless— (a) that is permitted under the *Liquor Control Act 1988*; and (b) a licence has been obtained for that purpose.

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

PART 4—USE OF LOCAL GOVERNMENT PROPERTY

Division 1—Behaviour and interference with local government property

4.1 Behaviour which interferes with others

A person must not, in or on any local government property behave in a manner which—

(a) is likely to interfere with the enjoyment of a person who might use the property; or
(b) interferes with the enjoyment of a person using the property.

4.2 Behaviour detrimental to property

(4) In this clause ***detrimental to the property*** includes—

(a) removing any thing from the local government property including a rock, a plant or a seat provided for the use of any person; and

(b) destroying, defacing or damaging any thing on the local government property, including a plant, a seat provided for the use of any person or a building.

(5) A person must not behave, in or on local government property, in a way which is or might be detrimental to the property.

4.3 Taking or injuring any fauna

(1) 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) A person must not take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

4.4 Intoxicated persons not to enter local government property

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

4.5 No prohibited drugs

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

Division 2—Signs

4.6 Signs

(1) A local government may erect a sign on local government property specifying any conditions of use which applies to that property.

(2) A person must comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is—

(a) not to be inconsistent with any provision of this local law or any determination; and

(b) to be for the purpose of giving notice of the effect of a provision of this local law.

Division 3—Miscellaneous

4.7 Persons may be directed to leave local government property

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

4.8 Direction of authorised person to be obeyed

(1) A person on or in local government property that is given a lawful direction by an authorised person shall comply with that direction.

(2) A person shall not obstruct or hinder an authorised person in the performance of that person's duties.

4.9 Disposal of lost property

An article left on any local government property, and not claimed within a period of 2 months, may be disposed of by the local government in any manner it thinks fit.

4.10 Liability for damage to local government property

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

(a) reinstating the property to the state it was in prior to the occurrence of the damage; or

(b) replacing that property.

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

4.11 Refusal of entry to local government property

(1) An authorised person may refuse to allow entry, or suspend admission, to a specific venue of local government property except for the venue where local government council meetings are held, by any person who he or she believes has behaved in a manner contrary to the provisions of this Part.

(2) This refusal or suspension can be for any period of up to 12 months as decided by that authorised person.

PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

Division 1—Swimming pool areas

5.1 Directions of Manager and attendant must be observed

(1) Every person at a pool on local government property shall at all times observe any reasonable direction given by the Manager, attendant or authorised person.

(2) The Manager, attendant, or authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area, any person who—

(a) in his or her opinion is—

(i) under the age of 12 years and who is unaccompanied by a responsible person over the age of 18 years;

(ii) under the age of 6 years amd who is unaccompanied by a responsible person over the age of 18 years; or

(iii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or

(iv) under the influence of liquor or a prohibited drug;

(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.

(c) is using electronic recording devices or camers unless approved by the local government.

(3) At the discretion of the Manager, a pool area or any part thereof, may at any time be set aside for the use of certain persons to the exclusion of others.

5.2 Swimming carnivals

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

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

5.3 Responsibilities of swimming pool users

(1) A person while in the swimming pool area shall not—

(a) consume foodstuffs or drinks in any specific area in which food consumption is prohibited by a sign;

(b) climb up or upon any roof, fence, wall or partition on the pool premises; or

(c) whilst suffering from a contagious, infectious or cutaneous disease or whilst in an unclean condition, enter or use or attempt to enter or use the swimming pool, spa or pool premises.

Division 2—Fenced or closed property

5.4 No entry to fenced or closed local government property

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

Division 3—Toilet block and change rooms

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

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

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

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

(2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is—

(a) under the age of 6 years; or

(b) otherwise permitted by an authorised person to use the relevant entry.

5.6 No unauthorised entry to function

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

(a) through the proper entrance for that purpose; and

(b) on payment of the fee chargeable for admission at the time.

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

Division 4—Port Hedland International Airport

5.7 Definitions

In this division— ***aircraft*** means any machine or craft that can derive support in the atmosphere from the reactions of the air;

Airport means the Port Hedland International Airport;

Airport Land means the land depicted in Schedule 6;

Airport Operator means the person or entity that has operational control of the Airport from time to time;

Airspace means the airspace above Obstacle Limitation Surface (OLS) or Procedures for Air Navigational Services—Aircraft Operations (PANS-OPS) surface at the Airport;

Air Navigation Laws means the *Air Navigation Act 1920 (Cth)*, the *Air Navigation Regulations (Cth)*, the *Air Navigation Act 1937* and other laws relating to air navigation that exist from time to time;

Controlled Activity means, in relation to the Airspace—

(a) construction of a building, or other structure, that intrudes into the Airspace;

(b) altering a building or other structure so as to cause the building or structure to intrude into the Airspace; and, other than in relation to the operation of an aircraft-

(c) operating a source of artificial light, where the light is capable of blinding or confusing pilots of the aircraft operating in the Airspace;

(d) an activity that results in air turbulence where the turbulence is capable of affecting the normal flight of aircraft operating in the Airspace;

(e) an activity that results in the emission of smoke, dust or other particulate matter where that smoke, dust or other matter is capable of affecting the ability of aircraft to operate in the Airspace in accordance with Visual Flight Rules; and

(f) an activity that results in the emission of steam or other gas, where that steam or gas is capable of affecting the ability of the aircraft to operate in the Airspace in accordance with the Visual Flight Rules; and

Visual Flight Rules means the visual flight rules set out in Annex 2 to the Chicago Convention on International Civil Aviation concluded at Chicago on 7 December 1944, as amended by the Protocols referred to in the Air Navigation Laws.

5.8 Rights of aircraft owners

Subject to clause 5.9, an owner of an aircraft may use the Airport for—

(a) the landing, servicing and departure of their aircraft; and

(b) the embarkment and disembarkment of passengers and freight on and from that aircraft, and must do so in accordance with the Air Navigation Laws and the requirements of any Airport Operator.

5.9 Closure of Airport

The Town, or an authorised person, may close all or part of the Airport if it is necessary to do so for safety or other operational reasons.

5.10 Protection of Airspace

A person must not, without the prior written approval of either the Town or an authorised person, undertake any Controlled Activity that may affect the Airspace.

5.11 General

The Airport Land is not local government property for the purposes of this local law.

PART 6—ACTIVITIES IN THOROUGHFARES

Division 1—General

6.1 General prohibitions

(1) A person must not—

(a) plant, or allow to remain, in a street a plant that by virtue of its height, position or density obstructs a reasonable sight line for a driver of any vehicle negotiating or using the street;

(b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or 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) damage a thoroughfare tree or remove a thoroughfare tree or part of a thoroughfare tree irrespective of whether the thoroughfare tree was planted by the owner or occupier of the lot abutting the thoroughfare or by the local government, unless—

(i) the removal of the thoroughfare tree is authorised by the local government in writing; or

(ii) the person is acting under authority of written law;

(d) without the approval of the local government, place on any footpath or verge any structure, building material, car body, boat, earth, concrete or metal products, waste disposal container, shipping container, or other substance or fluid (but not water) which may create a hazard for any person using the footpath or verge;

(e) without the approval 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; or

(f) ride any bicycle, skateboard, roller-blades or similar device, 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.

6.2 Activities allowed with a licence

(1) A person must not, without a licence—

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

(b) throw, place, store or deposit any thing 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 or verge;

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

(f) damage a thoroughfare;

(g) fell or damage any thoroughfare tree;

(h) fell any tree onto a thoroughfare;

(i) unless installing, or in order to maintain, a permissible verge treatment—

(i) lay pipes under or provide taps on any verge; or

(ii) place or install any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;

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

(k) on a thoroughfare use anything or do anything so as to create a nuisance; (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or

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

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

6.3 No possession and consumption of liquor on thoroughfare

(1) A person must not consume any liquor or have in his or her possession or under his or her 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 licence.

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

Division 2—Vehicle crossings

6.4 Temporary crossings

(1) In this clause the ***person responsible for the works*** is taken to be—

(a) the builder 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.

(2) 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 must obtain a licence for the construction of a temporary crossing to protect the existing carriageway, kerb, drains, footpath, existing materials and thoroughfare trees, where— (a) a crossing does not exist; or

(b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.

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

Division 3—Verge treatments

6.5 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, footpath, 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 him or her to—

(a) remove any part of or all of a crossing which does not give access to the lot; and

(b) reinstate the kerb, drain, footpath, verge and any other part of the 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 must comply with that notice.

6.6 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 his or her land, install a permissible verge treatment.

(2) The permissible verge treatments are— (a) the planting and maintenance of 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) the garden is reticulated through a connection to the owner or occupiers' water supply; and

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

(c) the installation of no more than a 3 metre wide section of the area of the verge (excluding any approved footpath and/or vehicle crossing) of an acceptable material, 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).

6.7 Only permissible verge treatments to be installed

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

(2) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 6.6.

6.8 Obligations of owner or occupier

(1) An owner or occupier who installs or maintains a permissible verge treatment must—

(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 footpath on the verge and a carriageway adjoining the verge is not obstructed by the verge treatment;

(b) not place any obstruction on or around the verge treatment; and (c) not disturb a footpath on the verge.

6.9 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 Part.

6.10 Transitional provisions

(1) In this clause ***former provisions*** means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

(2) A verge treatment which—

(a) was installed prior to the commencement day; and

(b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,

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

6.11 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) may replace or restore any—

(i) verge treatment and, in particular, any plant or any lawn, street tree or other hard surface; or

(ii) sprinklers, pipes or other reticulation equipment.

Division 4—Property numbers

6.12 Assignment and display of numbers

(1) 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.

(2) For each lot that has been assigned a number by the local government, the owner or occupier of the lot must mark the lot with the assigned number.

(3) The number must be—

(a) at least 75mm in height for lots within a townsite;

(b) at least 150mm in height for lots outside a townsite;

(c) of a colour which clearly contrasts with the background upon which it is placed;

(d) positioned on the lot no further than 0.5 metres inside the front boundary line and immediately adjacent to the primary point of vehicular access to the lot.

(e) placed in such a position as to be easily read at all times, at a distance of 5 metres;

Division 5—Fencing

6.13 Public place—Item 4(1) of Division 1, Schedule 3.1 of the 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 1.6.

Division 6—Signs erected by local government

6.14 Signs

(1) A local government may erect a sign in a thoroughfare specifying any conditions of use which apply to that thoroughfare.

(2) A person must comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

6.15 Transitional

Where a sign erected in a thoroughfare has been erected under a repealed local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 6.14 if—

(a) the sign specifies a condition of use relating to the thoroughfare 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 closed thoroughfare

6.16 No driving on closed thoroughfare

(1) In this clause ***closed thoroughfare*** means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act

(2) A person must 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 licence.

Division 8—Miscellaneous

6.17 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 occupier or both to move or alter the direction of the sprinkler or other watering equipment.

6.18 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 the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard. (2) Subclause (1) does not apply where the plant was planted by the local government.

6.19 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.

6.20 Notice to remove thing unlawfully placed on thoroughfare

Where any thing 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 any other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

PART 7—OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

Division 1—Animals and vehicles

7.1 Leaving animal or vehicle in public place

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

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

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

7.2 Prohibitions relating to animals

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

(a) an owner of it;

(b) a person in possession of it;

(c) a person who has control of it; and

(d) a person who ordinarily occupies the premises where the animal is permitted to stay.

(2) An owner of an animal must not—

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

(b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or

(c) train or race the animal in a public place.

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

Division 2—Shopping trolleys

7.3 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

7.4 Person not to leave shopping trolleys in public place

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

7.5 Retailer to remove abandoned shopping 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) If notice is given under subclause (1) a retailer must remove a shopping trolley within 24 hours of being so advised.

(3) If the shopping trolley is not removed within 24 hours pursuant to subclause (2) or no notice is issued under subclause (1), the shopping trolley may be impounded in accordance with Part 3, Division 3, Subdivision 4 of the Act.

PART 8—TRADING ON THOROUGHFARES AND LOCAL GOVERNMENT PROPERTY

8.1 Offence to trade without a licence

A person must not carry on trading in or on any thoroughfare or local government property except under and in accordance with the licence authorising the trading at that thoroughfare or local government property.

PART 9—MARKETS ON THOROUGHFARES AND LOCAL GOVERNMENT PROPERTY

9.1 Offence to conduct a market without a licence

A person must not conduct or set up a market in or on any thoroughfare or local government property except under and in accordance with a licence authorising the conduct of a market at that thoroughfare or local government property.

PART 10—ENTERTAINMENT ON THOROUGHFARES AND LOCAL GOVERNMENT PROPERTY

10.1 Offence to entertain without a licence

A person must not entertain in or on any thoroughfare or local government property except under and in accordance with the licence authorising the entertainment at that thoroughfare or local government property.

PART 11—FOOD SALES ON THOROUGHFARES AND LOCAL GOVERNMENT PROPERTY

11.1 Offence to sell food without a licence

A person must not sell food in or on any thoroughfare or local government property except under and in accordance with a food sales licence authorising the sale of food at that thoroughfare or local government property.

PART 12—LICENSING

12.1 Who may apply for a licence

An application for a licence may only be made to the local government by an individual.

12.2 Application for licence

An application must be—

(a) in writing in a form approved by the local government;

(b) accompanied by any document or information that is required under this local law; and

(c) accompanied by the application fee.

12.3 Information required for application

The following documents and information are required to accompany an application—

(a) written statement of the details of the activity for which a licence is being requested;

(b) written particulars of arrangements made in respect of public liability insurance; and

(c) any other information the local government considers necessary in the circumstances of the case.

12.4 Further information relevant to application

(1) The local government may ask an applicant for any additional documents or information that the local government considers is or could be relevant to making a decision on the application.

(2) Without limiting subclause (1), for the purpose of deciding whether or not an individual applicant is a fit and proper person to be granted a licence, and whether or not the application should be granted, the local government—

(a) may ask the applicant to provide a reference or report specified by the local government; and

(b) may ask the applicant to provide evidence that the person has the necessary experience in relation to the type of commercial activity to which the application relates.

(3) If the local government makes a request under subclause (1) or (2), the local government does not have to consider the application, or consider it further, until the request is complied with.

(4) Any costs incurred in complying with the request under subclause (1) or (2) are to be paid by the applicant unless the local government determines otherwise.

12.5 Additional information required for trading licence application

(1) The following additional information and documents are required to accompany an application for a trading licence—

(a) the number of assistants to be employed in the trading at any one time;

(b) a plan of the proposed location;

(c) the proposed goods, wares, merchandise or services to be traded;

(d) a detailed and accurate plan and description of any proposed stall, stand, table, structure or vehicle to be used for trading; and

(e) the type of sign to be used to display the licence name and licence number.

12.6 Additional information required for market licence application

(1) The following additional information and documents are required to accompany an application for a market licence—

(f) a copy of the planning approval issued by the local government under a local planning scheme;

(g) a plan or plans to a scale of 1:50 showing—

(i) the location and dimensions of the proposed area to be used for the market;

(ii) the dimensions of the thoroughfare or local government property including any footpath and the location and nature of any thoroughfare furniture, trees, utilities, parking or service bays in the area; and

(iii) the position and dimensions of all proposed stalls;

(h) a management plan outlining the operation of the market including—

(i) the proposed days and times of operations;

(ii) the proposed type and form of any advertising devices to be used; and (iii) details of how the operational responsibilities of the licensee will be met; and (d) the nature and extent of any activity relating to entertainment.

12.7 Additional information required for entertainment licence application

The following additional information and documents are required to accompany an application for an entertainment licence—

(a) the nature of the proposed entertainment;

(b) any musical instrument or amplifier proposed to be used; and

(c) the number of people involved in the proposed entertainment.

12.8 Additional information required for food sales licence application

The following additional information and documents are required to accompany an application for a food sales licence—

(a) a plan and specification of the proposed area to be licensed on a scale of 1:50 showing—

(i) the location and dimensions of the proposed area and the means by which the area is to be separated from the balance of the public place; and

(ii) the position of all tables, chairs and other structures proposed to be provided in the area and which of the items, if any, are to be retained within the area at all times;

(b) a plan and specification on a scale of 1:200 showing the area and all improvements within 30 metres of the boundaries of the area including any public facility and parking restrictions;

(c) a colour photograph or photographs of the tables, chairs and other structures to be set up in the area;

(d) a written statement of the manner in which foodstuffs and other dining accessories are to be conveyed to and protected from contamination within the area; and

(e) written particulars of arrangements made in respect of public liability insurance.

12.9 Power of local government to grant licence

(1) In this clause ***specified*** means specified in the licence document.

(2) The local government may grant a licence to a person authorising the person to provide a specified type of commercial activity at one or more specified public places.

(3) A licence cannot be granted in respect of more than one type of commercial activity.

(4) A licence cannot be granted to 2 or more persons.

(5) A person may be granted 2 or more licences whether for the same type of commercial activity or for different types of commercial activity.

12.10 General restrictions on grant of licence

The local government must not grant a licence unless the local government is satisfied that—

(a) the provision of the activity to which the application relates would not constitute or give rise to an unacceptable risk to the safety of public;

(b) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the licence;

(c) the public place at which the activity is to be provided is suitable for that purpose;

(d) a licence or equivalent authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made;

(e) the applicant is a fit and proper person to carry on the activity;

(f) the needs of the public with respect to the activity are not adequately met by existing licences or existing businesses or others in the district;

(g) the amenity of the locality to which the application relates would not be unduly diminished by reason of the proposed activity or any structure, stall, vehicle, or other thing proposed to be used in connection with the activity;

(h) the activity would not have an unreasonable or unacceptable adverse impact on the owner or occupier of any nearby premises whether by reason of the nature of the activity, the duration, hours of operation or regularity of the activity or any structure, stall, vehicle or other thing proposed to be used in connection with the activity;

(i) the activity would not damage any part of the thoroughfare or local government property; and

(j) the public facilities which may be used as a result of the activity are adequate for that purpose.

12.11 Conditions applying to certain licence

It is a condition of every trading licence, market licence, entertainment licence and food sales licence that—

(a) at all times during the period for which the licence is issued, the licensee must effect and maintain a public risk policy of insurance with a reputable insurer with respect to the commercial activity authorised by the licence;

(b) the commercial activity can only be conducted at the public places specified in the licence; and

(c) unless otherwise stated on the licence, the expiration date of the licence is midnight on the 30th day of June of that year.

12.12 Other conditions

The local government may grant a licence subject to any conditions that the local government considers appropriate.

12.13 Conditions of every trading licence

Every trading licence is taken to be subject to the conditions set out in Schedule 2.

12.14 Conditions of every market licence

Every market licence is taken to be subject to the conditions set out in Schedule 3.

12.15 Conditions of every entertainment licence

Every entertainment licence is taken to be subject to the conditions set out in Schedule 4.

12.16 Conditions of every food sales licence

Every food sales licence is taken to be subject to the conditions set out in Schedule 5.

12.17 Contravention of conditions

A licensee who contravenes a condition of the licence commits an offence.

12.18 Duration of licence

(1) A licence has effect for the period specified in the licence document unless—

(a) it is suspended under clause 12.22; or

(b) it is cancelled under clause 12.25; or

(c) it is surrendered under clause 12.26.

(2) The period specified in the licence document must not exceed one year from the day on which the licence is granted or renewed.

12.19 Application for renewal of licence

(1) A licensee may apply to the local government for the renewal of a licence.

(2) An application for renewal must be—

(a) in writing in the form approved by the local government;

(b) lodged with the local government no later than 28 days prior to the expiry of the licence or any further time that the local government in a particular case allows;

(c) accompanied by any document or information that is required under this local law; and (d) accompanied by the prescribed fee.

(2) Clause 12.4 applies in relation to an application for renewal as if it were an application for a licence.

12.20 Restrictions on renewal of licence

The local government must not renew a licence if—

zthe local government is no longer satisfied as to any matter referred to in clause 12.10 that was relevant to the decision to grant the licence; or

(a) the local government is satisfied that the licensee has persistently or frequently contravened the provisions of this local law or a term or condition of the licence; or

(b) there are reasonable grounds for believing that the continued provision of the trading to which the application will constitute an unacceptable risk to the safety of the public.

12.21 Renewal of licence

If the local government renews a licence the local government may—

(a) renew it subject to any existing conditions; or

(b) impose any new conditions; or

(c) change or remove any existing condition (other than the conditions referred to in clauses 12.11, 12.13, 12.14, 12.15 and 12.16).

12.22 Suspension of licence

(1) The local government may, subject to clause 12.23, by written notice given to the licensee, suspend a licence if there are reasonable grounds for believing that—

(a) the licensee has contravened a term or condition of a licence; or

(b) the licensee has contravened a provision of this local law; or

(c) the continued provision of the activity constitutes or will constitute an unacceptable risk to the safety of the public.

(2) The suspension notice must—

(a) state the day, or the day and time, on or at which the suspension takes effect;

(b) state the reasons for the local government's decision to suspend the licence;

(c) where appropriate, indicate what steps need to be taken to ensure that there is compliance with the relevant provision, term or condition or that there is no longer a risk as described in subclause (1)(c); and

(d) inform the licensee that the licensee has a right to apply under the Act for a review of the local government's decision to suspend the licence.

(3) The suspension of a licence has effect on the day or the day and time, specified in the suspension notice until one of the following happens—

(a) the suspension is revoked under clause 12.24;

(b) the licence is cancelled under clause 12.25 or expired; (c) the licence is surrendered under clause 12.26.

12.23 Proposed suspension

(1) If the local government proposes to suspend a licence for the reason mentioned in clause 12.22 (1)(a) or (b), the local government must give written notice to the licensee of the proposed suspension.

(2) The notice must—

(a) state that the local government proposes to suspend the licence;

(b) state the reasons for the proposed suspension; and

(c) inform the licensee that the licensee is entitled to make representation to the local government in respect of the proposed suspension within 7 days after the day on which the licensee is given the notice.

(3) In considering whether to suspend the licence, the local government must have regard to any representations made by the licensee within the period referred to in subclause (2)(c).

12.24 Revocation of suspension

(1) The local government must, by written notice given to the licensee, revoke the suspension of a licence if the local government is satisfied that the steps specified in the suspension notice have been taken.

(2) The local government may, by written notice given to the licensee, revoke the suspension of the licence if it is appropriate to do so in the circumstances of a particular case.

12.25 Cancellation of licence

(1) A licence may be cancelled, by giving written notice to the licensee, if—

(a) the licence was obtained improperly; or

(b) the local government can no longer be satisfied as to a matter referred to in clause 12.10 that was relevant to the decision to grant the licence; or

(c) the licensee has persistently or frequently contravened a term or condition of the licence or a provision of this local law, whether or not the licence is or has been suspended on the grounds of a contravention; or

(d) there are reasonable grounds for believing that the continued provision of the commercial activity constitutes or would constitute an unacceptable risk to the safety of the public whether or not the licence has been suspended on the grounds of that risk.

(2) The local government may cancel a licence under subclause (1) whether or not the licence has been previously suspended, or surrendered by the lcensee.

(3) The cancellation notice must—

(a) state the day, or the day and time, on or at which the cancellation takes effect;

(b) state the reasons for the local government's decision to cancel the licence;

(c) inform the licensee that the licensee has a right to apply under the Act for a review of the local government's decision to cancel the licence.

(4) The cancellation of a licence has effect on the day or the day and time, specified in the cancellation notice.

12.26 Surrender of licence

A licensee may at any time, by notice in writing to the local government, surrender the licence.

12.27 Licence not transferable A licence is not transferable.

12.28 Amendment of licence

(1) In this clause "amend" includes—

(a) to impose any new conditions; and

(b) to change or remove any existing condition (other than a condition referred to in clauses 12.11, 12.13, 12.14, 12.15 or 12.16).

(2) The local government may, by written notice given to the licensee, amend a licence.

(3) An amendment may be made on application made by the licensee or on the local government's initiative.

12.29 Licence document

If the local government grants a licence to a person the local government must issue to the person a licence document that contains the details required under this local law.

12.30 Production of licence document for amendment

If the local government amends or renews a licence, the licensee must, if required by the local government, produce the licence document to the local government for amendment or renewal, within the period specified by the local government.

12.31 Return of licence document if licence no longer in effect

If a licence—

(a) has expired or has not been renewed; or

(b) has been suspended or cancelled; or

(c) has been surrendered, the person who has the licence must, as soon as practicable after the expiry, suspension, cancellation or surrender, return the licence document to the local government.

12.32 Advertising

A person must not advertise, or otherwise hold out in any way, that the person conducts a commercial activity in any public place unless that person holds a licence authorising that commercial activity.

PART 13—OFFENCES AND PENALTIES

13.1 Offences

(1) A person who fails to do anything required or directed to be done under this local law, or who does

(2) anything which under this local law that person is prohibited from doing, commits an offence.

(3) An offence against a clause specified in Schedule 7 is a prescribed offence for the purposes of section 9.16 (1) of the Act.

(4) 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.

13.2 Infringement and infringement withdrawal notices

For the purpose of this local law—

(a) the form of the infringement notice referred to in section 9.17 of the Act is Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and

(b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

13.3 Offence description and modified penalty

The amount appearing in the final column of Schedule 7 directly opposite an offence described in that Schedule is the modified penalty for that offence.

13.4 Prosecution for offences

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

13.5 Offence to fail to comply with notice

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

13.6 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 13.5, 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.

PART 14—OBJECTION AND REVIEW

14.1 Objection and review

When the local government makes a decision as to whether it will—

(a) grant a person a licence under this local law; or

(b) renew, vary, suspend, or cancel a licence that a person has under this local law; the provisions of Division 1 of Part 9 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* shall apply to that decision.

Schedule 1

ACCEPTABLE MATERIAL

[clause 6.6]

1.0 General

All forms of compacted aggregate materials such as crushed stones, crushed brick and gravel are acceptable. The minimum depth of the material is to be no less than 100mm, and must be water bound and compacted to a smooth finish. The material must be contained within the verge area at all times.

2.0 Hardstands

The verge may be partly paved with brick paving, concrete or bitumen to form a hardstand. The maximum area that may be paved is 3 metres wide, measured from the back of the kerb and running parallel to the kerb in the verge abutting the owners or occupiers land.

Schedule 2

CONDITIONS ON EVERY TRADING LICENCE

[clause 12.13]

The licensee must—

(a) display a sign with letters and numerals not less than 5 centimetres in height in a conspicuous place in the licensed area indicating the name of the licensee and the licence number;

(b) ensure that the licensed area is attended by either the licensee or an assistant at all times when trading is being undertaken;

(c) keep any store, table, structure or vehicle specified in the licence in a clean and safe condition and in good repair;

(d) ensure a minimum width of 2 metres is kept clear for pedestrian access;

(e) keep the location specified in the licence free from refuse and rubbish;

(f) have the licence available at operation times and produce the licence to any authorised person or any Police Officer when requested; and

(g) remove any store, merchandise and signs from the location to which the licence applies and leave the location clean and vacant—

(i) at the conclusion of the permitted hours of operation specified in the licence; and

(ii) whenever the trading is not taking place on the location to which the licence applies.

(2) The licensee must not—

(a) engage in or permit any trading in any goods, wares, merchandise or services other than those specified in the licence;

(b) cause, permit or suffer any nuisance to exist, arise or continue on from the location to which the licence applies;

(c) cause, permit or store any goods, wares, merchandise on any thoroughfare or local government property, other than on the location to which the licence applies;

(d) obstruct the free passage of pedestrians on any footpath or pedestrian access way;

(e) use or display or permit to be used or displayed any advertisement, placard, poster, sign or sign board on or about the location specified in the licence other than price tickets or labels on the permitted place not exceeding a total of .25 metres squared, of the licensed area;

(f) erect and maintain signs so as to obscure any other signage on or adjacent to the licensed area;

(g) cry out, shout about or permit any other person to cry out or shout about any goods, wares, merchandise or services in any thoroughfare or local government property;

(h) use or permit to be used, any loud hailer, microphone, amplifier or other apparatus for making or transmitting sound, on or from the permitted place specified in the licence, unless approved by the local government;

(i) use or permit to be used, any record, tape, radio, bell, musical instrument or other instrument or device capable of being heard beyond the boundaries of the permitted place specified in the licence, unless approved by the local government;

(j) use or permit to be used, any flashing or intermittent lighting apparatus or device on or from the permitted place specified in the licence; or

(k) use or permit to be used, any apparatus or device including flap or shelf where the dimensions of the stall area are increased beyond that specified in the licence.

Schedule 3

CONDITIONS ON EVERY MARKET LICENCE

[clause 12.14]

(1) Prior to commencing operations of the market, the licensee must—

(a) obtain approval from the local government and the Western Australian Police Service for the closure of public thoroughfares to vehicular traffic, where the market is to be held and during the hours of operation of the market;

(b) lodge a copy of the approved plans of the market with the Fire and Rescue Service of WA;

(c) ensure adequate refuse collection arrangements have been made to the satisfaction of the local government;

(d) where appropriate, have the necessary local government approval in accordance with the *Health (Public Building) Regulations 1992,* including a maximum occupation certificate and electrical compliance certificate; and

(e) obtain approval from the local government in relation to entertainment aspects of the market.

(2) During the operation of the market, including setting up and dismantling times, the licensee must—

(a) maintain pedestrian access through and beyond the market area;

(b) maintain access to adjacent building entries;

(c) retain access to areas the subject of approved food sales licences;

(d) maintain adequate access for emergency vehicles through the thoroughfares of the licensed area;

(e) stabilize all structures and furniture provided and used in the operation of the market at all times and removal of such structures and furniture when not in use;

(f) maintain noise levels from any associated music announcements, and the like, in accordance with any licence condition, so as not to cause a nuisance; (g) maintain the area of the market clean and free from rubbish; and (h) provide separate sanitary facilities for food stall staff.

(3) At the conclusion of each market, the licensee must ensure that all structures and equipment used in the operation of the market are removed and the area returned to the condition it was before the commencement of the market and to the satisfaction of the local government.

Schedule 4

CONDITIONS ON EVERY ENTERTAINMENT LICENCE

[clause 12.15]

(1) The licensee must not permit the entertainment to extend beyond the specified portion of the thoroughfare or local government property approved in the licence.

(2) The licensee must ensure that the entertainment—

(a) does not prevent or impede pedestrian flow or access to and along footpaths, entries or exits to shops and other buildings;

(b) does not prevent or impede vehicular flow or access to and along any thoroughfare, entry or exit to any service delivery area;

(c) does not cause a nuisance to any other entertainment or activity approved by the local government;

(d) unless otherwise approved, does not include any person under the age of 14 years—

(i) during school hours, on school days; or

(ii) between 7pm and 6am;

(e) does not include, involve or permit—

(i) anything that is offensive or obscene;

(ii) any motorised machinery that omits a loud noise in its operation or is not suitable in the location;

(iii) any other activity, object or matter whatsoever that endangers the safety of the public or the performance; or

(iv) cruelty to any animal;

(f) does not include any amplification unless specifically approved and endorsed on the licence and in any event will not be permitted in any location between Monday to Saturday, 10pm to 7am and Sundays between 10pm and 9am; and

(g) complies at all times with the *Environmental Protection (Noise) Regulations 1997*.

(3) The licensee must—

(a) use the allocated space and location to perform during the days and times specified in the licence or vacate the location;

(b) produce the licence when requested to do so by an authorised person;

(c) ensure a valid licence number is visibly displayed during each performance;

(d) comply at all times with the direction of an authorised person; and

(e) must not perform at the same site for longer than 2 hours and must not return to the same site unless 2 hours after the previous performance of that day, unless otherwise approved.

(4) A licensee must not—

(a) reserve or attempt to reserve a location or leave equipment at a location for performances unless immediately before, during and immediately after a performance;

(b) sell any goods or services without written approval or licence issued for that purpose; or

(c) perform in any one location for more than 30 minutes unless specifically authorised by endorsement on the licence, or the performance is by a pavement or visual artist.

(5) A licensee who is performing pavement or visual art—

(a) must not use spray paint, crayons, textas or indelible materials; and

(b) must return the location, including the pavement surface, to its former condition.

Schedule 5

CONDITIONS ON EVERY FOOD SALES LICENCE

[clause 12.16]

(1) The licensee must not permit the operation of the food sales area to extend beyond the specified portion of the thoroughfare or local government property detailed in the plans approved as part of the licence.

(2) The licensee must—

(a) keep the area in a clean and tidy condition at all times;

(b) ensure a minimum width of 2 metres is kept clear for pedestrian access;

(c) maintain the chairs, tables and other structures set out on the area in good and serviceable condition at all times;

(d) be solely responsible for payment of all rates and taxes levied upon the land occupied by the area; and

(e) display the licence in a conspicuous place in the adjoining registered food business and when requested by an Environmental Health Officer to do so, must produce the licence to that officer.

Schedule 6

AIRPORT LAND

[clause 5.7]

The area extending to 817.8971 hectares, comprising—

(a) the whole of Lot 15 on Deposited Plan 161311, being 3.44 hectares;

(b) the whole of Lot 16 on Deposited Plan 163352, being 10.7 hectares;

(c) the whole of Lot 29 on Deposited Plan 168193, being 10.51 hectares;

(d) the whole of Lot 435 on Deposited Plan 404824, being 60 hectares;

(e) the whole of Lot 436 on Deposited Plan 402661, being 9.9966 hectares;

(f) the whole of Lot 437 on Deposited Plan 404824, being 3.3349 hectares

(g) the whole of Lot 438 on Deposited Plan 404824, being 3.3405 hectares

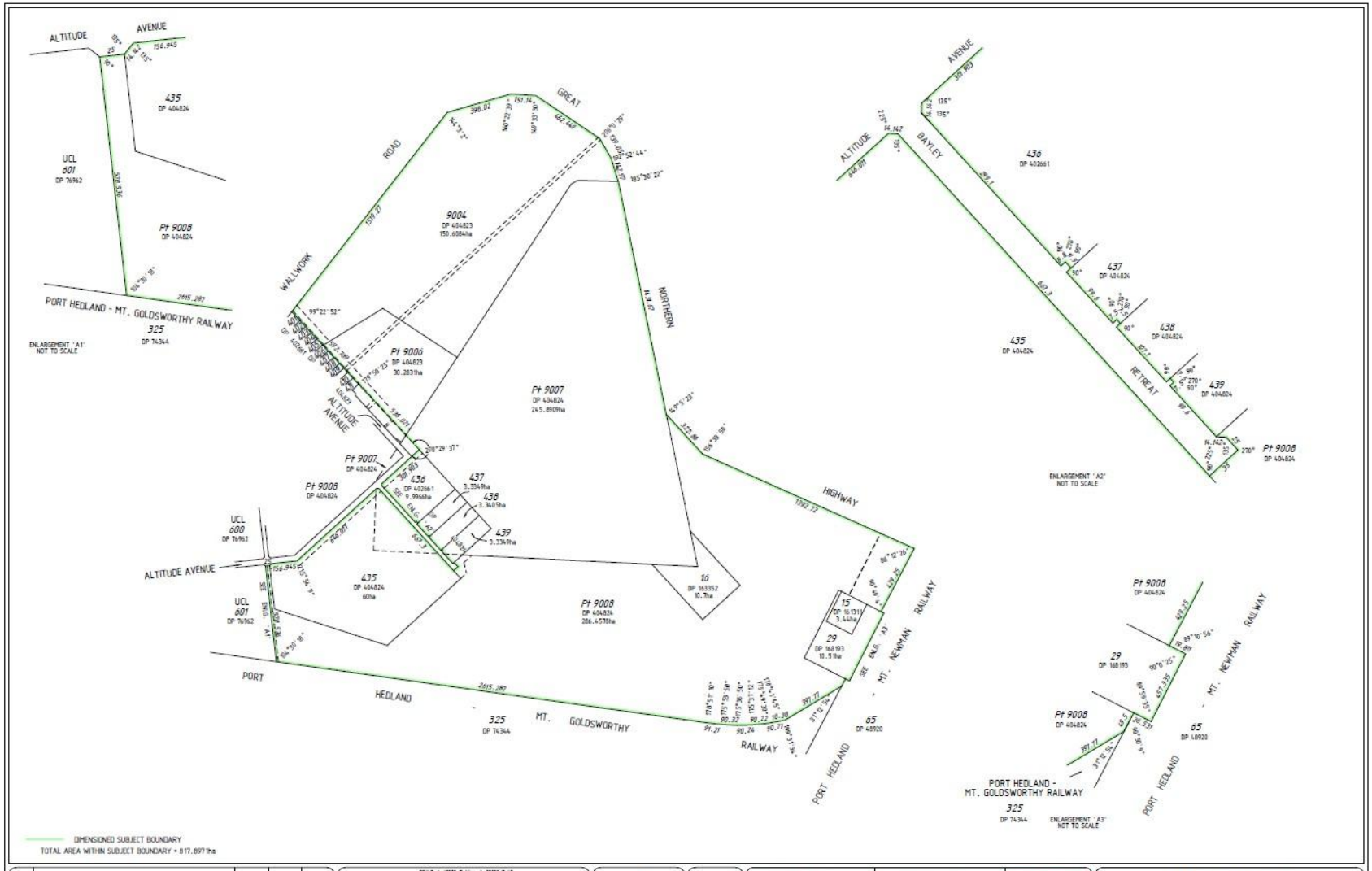
(h) the whole of Lot 439 on Deposited Plan 404824, being 3.3349 hectares

(i) the whole of Lot 9004 on Deposited Plan 404823, being 150.6084 hectares;

(j) part of Lot 9006 on Deposited Plan 404823, being 30.2831 hectares;

(k) part of Lot 9007 on Deposited Plan 404824, being 245.8909 hectares; and

(l) part of Lot 9008 on Deposited Plan 404824, being 286.4578 hectares, and shown outlined green on the plan below.



Ver.	Description	Drawn	Date	Checked
C	Update overall airport lease sketch to reflect latest tenure (DP406825 & 406826)	EB	15/09/2015	CJL
B	Amend Client to be Town of Port Hedland	SDW	08/07/2015	CJL
A	Initial Issue	APU	19/06/2015	SDW

SCALE 1 : 10000 @ A1 / 1 : 20000 @ A3

ALL DISTANCES ARE IN METRES

For a true to scale reproduction of this plan, plot it to A1 with the Paging Scaling set to None.

The contents of this plan are correct and current as of the date stated within the various panes. All consultants and persons adding to either this data should satisfy themselves of this plan's accuracy by contacting the Relative Main Group.

FILES
nap2000-
Control Register:-
File Name:- 96976mp-04c.dgn

PRECAL LEGEND
See below Lot Data table for further information
Stage Boundary
Vehicle Access Restriction
Potential Dwellings / Lot

N

PLANNER: S DESIGN SOURCE for Rev
Planner :-
Received date:
File name:

ENGINEER: S DESIGN SOURCE for Rev
Engineer :-
Received date:
Data purpose:

All areas and dimensions depicted on this plan are subject to survey and cadastre registration. All cadastral information external to the diagram which form the subject of this plan are not guaranteed and are supplied as a guide only.

MNG

MCMULLEN NOLAN GROUP
Level 1, 2 Salvia Crescent
Jandakot, W.A. 6164
PO Box 3026, Success
W.A. 6964, Australia
Offices in: Broome, Bunbury, Kununurra, Newman, Online, Port Hedland

Tel: (08) 9434 1000
Fax: (08) 9434 1010
info@mngsurveys.com.au
www.mngsurveys.com.au
ABN 60 008 883 511

CLIENT: Town of Port Hedland

TOWN OF PORT HEDLAND

PORT HEDLAND AIRPORT
LEASE PLAN
Port Hedland

Project Mngr	Matthew WEBB	Datum	PHDHL

Job Number: 96976 - Plan Number: 048 - Version: C

Schedule 7

PRESCRIBED OFFENCES

[clause 13.1(2)]

Item	Clause	Description	Modified Penalty
1	2.4	Failure to comply with determination	100
2	3.2	Failure to obtain licence to camp outside a facility	100
3	3.3(1)	Failure to obtain licence for liquor	200
4	4.2	Behaviour detrimental to property	300
5	4.3	Taking or injuring any fauna	200
6	4.4	Under influence of liquor or prohibited drug	200
7	4.6(2)	Failure to comply with sign on local government property	100
8	4.8	Failure to comply with direction of authorised person	100
9	5.4	Unauthorised entry to fenced or closed local government property	200
10	5.5	Gender not specified using entry of toilet block or change room	100
11	5.6	Unauthorised entry to function on local government property	200
12	6.1(a)	Plant creating a sightline hazard	100
13	6.1(b)	Damaging lawn or garden or remove a plant	200
14	6.1(c)	Remove or damage a thoroughfare tree	300
15	6.1(d)	Placing hazardous substance on footpath	100
16	6.1(e)	Damaging or interfering with signpost or structure on a thoroughfare	300
17	6.1(f)	Riding a bicycle, skateboard, roller-blades or similar device, playing or participating 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.	100
18	6.2(1)(a)	Digging a trench through a kerb or footpath without a licence	100
19	6.2(1)(b)	Throw, place, store or deposit anything on a verge without a licence	200
20	6.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a licence	100
21	6.2(1)(d)	Causing obstruction to water channel on thoroughfare or verge without a licence	200
22	6.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a licence	200
23	6.2(1)(f)	Damage a thoroughfare without a licence	300
24	6.2(1)(g)	Felling or damaging any thoroughfare tree without a licence	200
25	6.2(1)(h)	Felling tree onto thoroughfare without a licence	200
26	6.2(1)(i)	Installing pipes or stone on thoroughfare without a licence	100
27	6.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a licence	300
28	6.2(1)(k)	Creating a nuisance on a thoroughfare without a licence	200
29	6.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a licence	200

30	6.2(1)(m)	Interfering with anything on a thoroughfare without a licence	200
31	6.3(1)	Consumption of liquor on a thoroughfare without a licence	200
32	6.4	Failure to obtain licence for temporary crossing	200
33	6.5	Failure to comply with notice to remove crossing and reinstate kerb	300
34	6.7	Installation of verge treatment other than permissible verge treatment	200
35	6.8	Failure to maintain permissible verge treatment or placement of obstruction on verge	100
36	6.9	Failure to comply with notice to rectify default	300
37	6.14	Failure to comply with sign on public place	200
38	6.16	Driving or taking a vehicle on a closed thoroughfare	300
39	7.1(1)	Animal or vehicle obstructing a public place or local government property	200
Item	**Clause**	**Description**	**Modified Penalty**
40	7.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	200
41	7.2(2)(b)	Animal on public place with infectious disease	300
42	7.2(2)(c)	Training or racing animal on thoroughfare in built-up area	200
43	7.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	100
44	7.4	Person leaving shopping trolley in public place other than trolley bay	200
45	7.5(2)	Failure to remove shopping trolley upon being advised of location	200
46	8.1	Trading in a thoroughfare or local government property without a licence	100
47	9.1	Set up or conduct market without a licence	100
48	10.1	Set up or entertain without a licence	100
49	11.1	Set up or conduct food sales without a licence	100
50	12.17	Failing to comply with conditions of a licence	100
51		All other offences not specified	100

Dated 22 March 2016.

The Common Seal of the Town of Port Hedland was affixed by authority of a resolution of the Council in the presence of—

K. HOWLETT, Mayor.

M. OSBORNE, Chief Executive Officer.