

14.1.2 ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW

Ward	All Wards
Disclosure of Interest	Nil
Business Unit	Governance
Authorised Officer	Executive Manager Governance
Voting Requirements	Absolute Majority

KEY ISSUES

- At its meeting held on 13 December 2017, Council endorsed, as part of a future review of its local laws, the deconsolidation of the *Consolidated Local Law 2005*. This draft Activities in Thoroughfares and Public Places and Trading Local Law forms part of this deconsolidation process.
- The transitional provisions introduced by the *Local Government Amendment Act 2024* as it pertains to local laws, require the City of Swan to review its local laws by no later than 5 December 2026.

BACKGROUND

The *Local Government Act 1995* on 6 December 2024 was amended with the assent of the *Local Government Amendment Act 2024* which among many other reforms, has changed the review period for local laws from being every eight (8) years to being every 15 years. A two-year transition period is in effect from 6 December 2024 concluding on 5 December 2026.

At its meeting held on 13 December 2017, Council endorsed the deconsolidation of the *Consolidated Local Law 2005* as part of a future review of the local laws. On reviewing the *Consolidated Local Law 2005* for deconsolidation, four local laws were identified to be made, namely the:

1. Activities in Thoroughfares and Public Places and Trading Local Law
2. Waste Local Law
3. Animals, Nuisance and Environment Local Law
4. Trading in Public Places Local Law

During the process of the deconsolidation, and subsequent creation of new local laws, relevant elements of the *Health Local Law 2002* and *Consolidated Local Law 2005* will be incorporated into these new local laws and at the end of the period, the *Health Local Law 2002* and *Consolidated Local Law 2005* will be repealed.

DETAILS

The recent updates to the Activities in Thoroughfares and Public Places and Trading Local Law (Activities and Trading Local Law) reflect several significant changes that streamline processes and introduce new guidelines. One of the most notable updates is the removal of the licensing requirement under Parts 3, 4, 6, and 7 of the *Consolidated Local Law 2005* pertaining to Reserves and Foreshores, City Property, Public Swimming Pools and Recreation Facilities, Verges and Crossings and Advertising Signs in Thoroughfares respectively.

This effect of this is to streamline the process and eliminate administrative barriers by removing the need for the formal licence application process and requirement for CEO approval and sign-off for activities to be undertaken as provided for in the Activities Local Law. The need for licences has been removed from

Parts 3, 4, 6 and 7 and has been replaced with the requirement for approval from the City before proceeding with activities. For example, Part 3 of the Consolidated Local Law pertaining to Reserves and Foreshores, previously required a licence for activities such as organising, holding, conducting or addressing a public gathering or meeting of persons on any reserve or foreshore. The revised Activities and Trading Local Law sees a change in the requirement for a licence to the requirement for approval. This allows an authorised officer of the City to provide approval for activities in line with local laws.

In addition, the removal of licence application forms listed as schedules to the Activities and Trading Local Law has a similar effect, streamlining the process for alterations. Removing schedules from the Activities and Trading Local Law allows administrative amendments or alterations to schedules more frequently and efficiently without the need for a full review of the entire local law. A full review of a local law can take 12 to 18 months given the need for multiple reviews and approvals at various stages by Council, City staff, the CEO and members of the public.

Consideration has been given to Part 8 – Trading, of the Activities and Trading Local Law (Previously Part 6 – Trading in Thoroughfares) to ensure that these activities are properly regulated and managed in public spaces. Activities outlined under Part 8 require a licence before proceeding.

Several other sections have been revised or removed to simplify and clarify their application. For instance, clause 3.9, which previously dealt with the parking of vehicles on thoroughfares and public spaces, has been removed and included in clause 3.5. The update also introduces new guidelines in clauses 6.6 and 6.7, which address Hazardous Plants and Verge Notices, offering clearer direction on how these areas should be managed.

Overall, these changes aim to make the Activities and Trading Local Law more efficient to administer and responsive to community needs, while ensuring that activities in public areas are properly regulated.

A comprehensive list of changes can be found below:

Changes to Consolidated Local Laws (2005) as in the Activities and Trading Local Law

Consolidated Laws (2005)	Activities and Trading Local Law	Rationale
Schedules	Removed - Applications for licences removed to allow modification of application forms without requiring local law update process (circa 12-18 months).	Gives the City flexibility to change application forms without the need to change the local law.
Part 2, Division 2 – Licences 2.3 Licences	Part 2, Division 2 – Licences 2.3 Approval obtained by way of an application for a Licence	Where an approval is required under this Local Law, approval may be obtained by way of an application for a licence in the approved form. Approval means an approval granted by the Council or the local government by way of an issue of a licence or a booking confirmation from the local government or written approval.

Consolidated Laws (2005)	Activities and Trading Local Law	Rationale
		This gives the City flexibility to give approval by way of a licence, booking confirmation or by written approval. Approved form means the form determined or approved by the local government or the CEO.
Part 2, Division 3 – Licensing 2.11 Development Approval	Removal of Development Approval	Removal of section as it allowed for Development Approvals (DA) to provide exemption to components of this local law.
	Part 2 Division 3 – Licensing 2.5 Exemption for a Licence Included a section regarding situations where a licence is not required.	If certain criteria(s) are satisfied, an exemption for a licence may be granted.
NA	Part 3, Division 2 – Prohibitions and activities requiring consent 3.4 Prohibited Activities (10) Inclusion of section regarding the launch of personal watercraft or boats other than in accordance with the City's signs.	To prevent damage to foreshore vegetation.
Part 3, Division 2 – Prohibitions and activities requiring consent 3.5 Activities Requiring Licence	Part 3, Division 2 – Prohibitions and activities requiring consent Change of terms from Licence to Approval. 3.5 Activities Requiring Approval Removal of (a) sell, expose for sale or invite any offer to buy any goods, wares, food, refreshment, fruit or other merchandise or things	This is regulated under other legislation.

Consolidated Laws (2005)	Activities and Trading Local Law	Rationale
	(whether of a like kind as the foregoing or not), except in an area set apart for that purpose; Inclusion of (16) regarding camping, lodging or occupying local government property.	
Part 3, Division 2 – Prohibitions and activities requiring consent 3.6 Activities Subject to Signs	Part 3, Division 2 – Prohibitions and activities requiring consent 3.6 Activities Subject to Signs Updating subclause (5) and new subclause (6) to include fishing.	Additions to cover for where signage is implemented to prohibit rideable powered recreational vehicles such as e-scooters and fishing on reserves and foreshores.
Part 3, Division 2 – Prohibitions and activities requiring consent 3.7 Conduct of Functions	Part 3, Division 2 – Prohibitions and activities requiring consent 3.7 Conduct of Functions Removal of (2) The Council may grant a licence to a person to hold or organize a function on a foreshore or reserve subject to such conditions, if any, as it may deem fit and may authorise a charge to be made for admission to the function.	To align with approval modification.
3.8 Children’s Play Areas	NA	Removed to align with inclusion principles.
Part 3, Division 3 – Vehicles	NA	Removed as own section and added to clause 3.5
Part 4, Division 2 – Hiring of City Property 4.3 Applications	Part 4, Division 2 – Hiring of City Property 4.2 Booking Applications Inclusion of (3) Booking confirmation regarding details City is to provide on confirmation of booking.	To align with approval modification.

Consolidated Laws (2005)	Activities and Trading Local Law	Rationale
Part 4, Division 2 – Hiring of City Property 4.4 Conflicting Applications	Removed	To allow City discretion.
Part 6, Division 2 – Alfresco Dining 6.3 Approval Required	Part 8, Division 2 – Outdoor Dining 8.2 Approval Required Inclusion of (2) regarding exempt situations and (3) regarding the exemption for the requirement of a licence.	This is for the purpose of ensuring that the outdoor furniture are not placed in an obstructive way, it is not for the purpose of assessing the quality of the furniture.
Part 6, Division 2 – Alfresco Dining 6.4 Licence Restrictions	Part 8, Division 2 – Outdoor Dining 8.3 Licence Restriction Inclusion of (3) regarding situations where an outdoor dining licence may be issued.	To align with the general exemption clause 2.5
Part 6, Division 2 – Alfresco Dining 6.5 Licence Application	Part 8, Division 2 – Outdoor Dining 8.3 Licence restrictions Removal of (a) application fee and licence fee for first year and (d) any information the City deems necessary. 8.4 Licence application Inclusion of (b) a colour photograph/s of furniture.	Fees are set through the City's Fees and Charges. Easier for application process.
Part 6, Division 2 – Alfresco Dining 6.6 Alfresco Dining Licence	Part 8, Division 2 – Outdoor Dining 8.5 Outdoor Dining Licence Inclusion of operating hours and other terms and conditions imposed on licence.	Requirement for the City to include minimum information on the licence.

Consolidated Laws (2005)	Activities and Trading Local Law	Rationale
Part 6, Division 2 – Alfresco Dining 6.7 Responsibilities of Licencee	Part 8, Division 2 – Outdoor Dining 8.6 Responsibilities of Licencee Inclusion of (5), (6), and (7) in revised edition.	Including standard responsibilities of a licensee.
Part 6, Division 3 – Street Trading 6.8 Approval Required	Part 8, Division 3 – Street Trading 8.11 Approval Required Inclusion of (2) regarding situations where subclause 8.11 (1) does not apply.	To remove unnecessary approvals.
Part 6, Division 3 – Street Trading 6.13 Licence Application	Part 8, Division 3 – Street Trading 8.12 Licence Application Removal of need for details of type of sign being used to display licence name and number.	Removed requirement for unnecessary information.
Part 6, Division 3 – Street Markets 6.11 Responsibilities of Licencee	Part 8, Division 3 – Street Trading 8.14 Responsibilities of Licencee Removal of (2)(f) erect, place or display or permit to be erected, placed or displayed more than two advertisement signs showing the traders name and details on or about the location specified in the licence if the stall is located within a Rural Zone and providing that each advertisement sign does not exceed one square metre in area and is constructed from frangible material and is stabilised.	To remove unnecessary limitations.

Consolidated Laws (2005)	Activities and Trading Local Law	Rationale
Part 6, Division 5 – Street Entertainment 6.20 Street entertainment licence	Part 8, Division 4 – Street Entertainment 8.19 Street entertainment Licence Inclusion of the need for other terms and conditions on street entertainment licence.	To provide consistency across the City when issuing licences.
Part 6, Division 5 – Street Entertainment 6.21 Responsibilities of Licencee	Part 8, Division 5 – Street Entertainment 8.20 Responsibilities of Licencee Inclusion of (a) does not extend beyond the specified portion of the street or public place approved in the licence. Inclusion of (g) complies at all times with Environmental Protection (Noise) Regulations 1997. Removal of (2) (d) and (3) (d) regarding restrictions on performers remaining in one location.	Subclause (a) and (g) all standard conditions. Removal of unnecessary restrictions.
Part 7, Division 3 – Verge Treatments 7.3 Varieties of permissible Verge Treatments	Part 6, Division 3 – Verge Treatments 6.3 Varieties of permissible Verge Treatments Inclusion of (2) A person who establishes or maintains a verge treatment other than a permissible verge treatment in accordance with subclause 6.3(1) commits an offence.	Prescribes an offence. Under the previous local law there was no offence for maintaining a non-permitted verge. i.e. an offence was only committed in establishing the verge, requiring the City to prove the neighbouring property had established it.
Part 7, Division 3 – Verge Treatments 7.4 Licence to Install a Verge	Part 6, Division 3 – Verge Treatments 6.4 Requirement for approval to Install a Verge	To allow for approval from the City

Consolidated Laws (2005)	Activities and Trading Local Law	Rationale
	Removal for the need for a licence.	
NA	Part 6, Division 3 – Verge Treatments 6.6 Hazardous Plants Inclusion regarding prohibition of hazardous plants on verge.	Allows for removal of verge landscaping that has thorns, spear like leaves or plants that are known to be toxic, or landscaping that impedes sightlines and public access.
NA	Part 6, Division 3 – Verge Treatments 6.7 Verge Notice Inclusion regarding notice to owners or occupiers relating to the verge abutting their property.	To allow notices to be issued to residents to rectify non-complying verges.
Part 9, Division 2 – Licences 9.3 Licence	Part 7, Division 2 – Signage 7.3 Signage on Local Government Property Replaces licence requirement with approval. Includes removal of 9.4 Period of Licence, 9.5 Expiry of Licence, 9.6 Control, 9.7 Site Specific Signage all in relation to licensing of signage.	Wording changed from licence to approval.
Part 9, Division 4 – Property Number Signs 9.9 Property Number Signs	Part 7, Division 4 – Property Number Signs 7.5 Property Number Signs Removal of 3-6 from consolidated Local Laws. Amendment to (2) regarding dimensions and positioning of signage.	Simplification to the local law to allow more options.

Consolidated Laws (2005)	Activities and Trading Local Law	Rationale
Part 9, Division 5 – Offences	Removed for inclusion in the Offences section of revised edition.	Appropriate structure of local law
NA	Part 8, Division 5 – Street Entertainment 8.16 Exemptions from Requirement to Obtain Approval Inclusion of clause 8.20 regarding exemptions from approval.	Gives the City flexibility to grant exemptions.
Part 13, Division 1 – Preliminary 13.1 General Powers of Authorized Persons	Part 9, Division 1 – Preliminary 9.1 General Powers of Authorised Persons Inclusion of (3), (4)	To allow prohibition notices, infringement notices and modified penalties to be issued.
NA	Part 9, Division 1 – Preliminary 9.7 Penalties Inclusion of penalties for those guilty of an offence.	Appropriate structure of local law
NA	Part 9, Division 1 – Preliminary 9.7 Penalty Inclusion of notices pertaining to infringements. Removal of subclause (2)	To allow prohibition notices, infringement notices and modified penalties to be issued.
NA	Part 9 Schedule 9.1 Inclusion of schedule noting infringement notice penalties.	Appropriate structure of local law
13.8 Application	Division 4 – Penalty, Prescribed Offences and Modified Penalties 9.9 Forms and Notices	Aligns the form of infringement notices to the requirements of <i>Local Government (Functions and General) Regulations 1996</i>

Consolidated Laws (2005)	Activities and Trading Local Law	Rationale
1.3.9 Infringement Notice Offences 13.11 Unauthorised Signs 13.12 Liability for Damage to City Property 13.13 Conditions	13.8, 13.9, 13.113.12 and 13.13 removed	
Part 14 – Objections and reviews and miscellaneous	Part 10 – Objections and Appeals 10.1 Rights of Objection and appeal amended	General update to align with the <i>Local Government Act 1995</i> .

CONSULTATION

A Council Member Briefing Session was held on 19 November 2025. Council Members were provided with an opportunity to submit feedback, and one submission was received.

The following feedback was received:

Clause	Feedback Received	Response
4.13 Refusal of Admission and Removal from Local Government property	It was suggested the word “undesirable” be replaced with more specific terminology such as, verbally abusive, argumentative or threatening behaviour	Feedback considered and incorporated.
4.14 Person to Comply with Directions	Consideration given to replacing the word ‘obey’ with ‘comply’	Feedback considered and incorporated.
6.3 Varieties of Permissible Verge Treatments	Clarification was requested on how the Street Trees provided by the City are considered under this section	Assessment of requests for street trees take into account location, available space, suitable species, existing themes, local character, local conditions, soil conditions, and customer’s requirements.
6.3 (1)(c) Varieties of Permissible Verge Treatments	Clarification requested if this also includes edible plants such fruit and vegetables to a maximum height of 05.metres	https://www.swan.wa.gov.au/awcontent/Web/Documents/Info-Sheets-Checklists/verge-guidelines.pdf Edible Gardens

Clause	Feedback Received	Response
		Any verge treatment that seeks to improve the amenity of an area is encouraged in the City. Vegetable or fruit gardens, often referred to as edible gardens, are permissible but are subject to approval by the City. Applications can be made using the Application to Alter Verge Form. There are a few things to consider when planting an edible verge garden: 1. The garden will need to be maintained by the resident, with no rotting fruit or vegetables for health and biosecurity reasons. 2. By placing the garden on the verge you do not have sole access. Anyone can legally pick the fruit and vegetables (including people not residing in the street). 3. There may not be any structures on the verge (including raised planter boxes, walls, fences, etc.). 4. Trees must be 1.8 metres from the road. Please contact the City for approval prior to planting a tree on the verge that is not on the City's list of approved tree species (see the section on Street Trees for more information). 5. No shrubs are allowed within 500mm of the road. 6. If the garden becomes neglected or the City receives complaints about rotting fruit, the City reserves the right to remove the vegetation.
6.4 (1) Requirement for approval to Install a Verge	Clarification regarding if a person would be required to apply for approval for planter boxes on their verge to grow fruit and vegetables? If so what is the method?	There may not be any structures on the verge (including raised planter boxes, walls, fences, etc.). Landscaping that has thorns, spear like leaves or plants that are known to be toxic. Landscaping that impedes sightlines and public access
6.6 (1) Hazardous Plants	Clarification regarding who is responsible if an identified hazardous plant was not planted by the owner or occupier of the land, or the City, for eg it grew through self-	Landowner responsibility on a case-by-case basis.

Clause	Feedback Received	Response
	propagation, example Castor Oil Plant	
6.6 (2) Hazardous Plants	Clarification regarding why this doesn't apply to a plant that was planted by the local government? To provide an example of a Hazardous plant that the City maybe have planted and could potentially create a hazard?	This clause has been removed and subclause 6 (1) has been amended.

Public consultation will commence from the 19 February 2026 and will conclude on 11 April 2026.

ATTACHMENTS

1. Activities in Thoroughfares and Public Places and Trading Local Law [14.1.2.1 - 43 pages]

STRATEGIC IMPLICATIONS

Governance

G1 Empower and represent the community

G1.1 Involve, engage and inform our community

G1.2 Communicate effectively and provide a consistent, responsive customer experience

STATUTORY IMPLICATIONS

Local Government Act 1995

Section 3.12 – procedure for making local laws

FINANCIAL IMPLICATIONS

There is sufficient money available in the Members of Council – Advertising budget to promote this local law to the community for public submissions.

The proposed Activities in Thoroughfares and Public Places and Trading Local Law Schedule 9.1 addresses enforcement measures which would result in the ability for the City to issue infringement notices for non-compliance with the Activities in Thoroughfares and Public Places and Trading Local Law. This enforcement requires City resources to manage the identification, notification, application and collection of such infringements.

RECOMMENDATION

That Council resolve to:

1. Propose to make the attached City of Swan Activities and Trading in Thoroughfares and Public Places Local Law 2026 and advertise the Council's intention for a period not less than six (6) weeks, in accordance with section 3.12 of the *Local Government Act 1995*.

The Presiding Member to give Notice to the meeting by stating the following purpose and effect of the *City of Swan Activities in Thoroughfares and Public Places and Trading Local Law 2026* in accordance with section 3.12 of the *Local Government Act 1995*:

Purpose:	The purpose of this Local Law is to provide for the regulation, control and management of activities on local government property throughout the district.
Effect:	The effect of this Local Law is to establish the requirements with which any persons, using or on, thoroughfares or local government property, or wanting to trade on local government property within the district, must comply.