

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

LOCAL GOVERNMENT ACT 1995

CITY OF COCKBURN

WASTE AMENDMENT LOCAL LAW 2026

WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

LOCAL GOVERNMENT ACT 1995

CITY OF COCKBURN

Waste Amendment Local Law 2026

Under the powers conferred on it by the *Waste Avoidance and Resource Recovery 2007*, the *Local Government Act 1995* and under all other enabling powers, the Council of the City of Cockburn resolved on 12 May 2026 to make the following local law.

Part 1 - Preliminary

1. Short title

This is the *City of Cockburn Waste Amendment Local Law 2026*.

2. Commencement

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

3. Interpretation

In this local law –

Consolidated Local Laws means the *City of Cockburn (Local Government Act) Local Laws 2000*, published in the *Government Gazette* on 9 October 2000; and

Waste Local Law means the *City of Cockburn Waste Local Law 2020*, published in the *Government Gazette* on 19 June 2020.

Part 2 - Consolidated Local Laws amended

4. Local law amended

This Part amends the Consolidated Local Laws.

5. Part V Division 6 deleted

In Part V delete Division 6.

6. Part VII amended

In Part VII delete clause 7.1 and clause 7.26.

Part 3 - Waste Local Law amended

7. Local law amended

This Part amends the Waste Local Law.

8. Clause 1.5 amended

In clause 1.5:

- (a) delete the heading and insert:

Interpretation

- (b) delete the definition of **occupier** and insert:

occupier has the meaning given to it in the LG Act;

- (c) delete the definition of **authorised person** and insert:

- (d) **authorised person** means a person appointed by the CEO under section 9.10(2) of the LG Act to perform any of the functions of an authorised person under this local law;

- (e) insert in alphabetical order:

approved means approved by the local government;

carriageway has the meaning in the *Road Traffic Code 2000*;

CEO means the Chief Executive Officer of the local government;

nuisance means —

- (a) an activity or condition which is harmful or annoying and which constitutes a reasonable basis for legal liability in the tort of public or private nuisance;
- (b) an unreasonable interference with the use and enjoyment of a person of their ownership or occupation of land; or
- (c) an interference which causes material damage to land or other property on the land affected by the interference;

thoroughfare has the meaning in the Act;

verge means that part of a thoroughfare that is between the carriageway and a lot which abuts the thoroughfare and includes a nature strip;

- (f) delete subclause (2) and insert:

- (2) Where in this local law, a duty or liability is imposed on an **owner or occupier** the duty or liability is taken to be imposed jointly and severally on each of the owners or occupiers.

- (3) If, under this local law in relation to any land, an act is required to be done or is prohibited, the owner or occupier of the land has, unless the contrary intention appears, the duty of causing to be done the act required to be done, or of preventing from being done the prohibited act, as the case may be.

9. Clause 1.6 replaced

Delete clause 1.6 and insert:

1.6 Local public notice of determinations

- (1) Where, under this local law, the local government has a power to determine a matter –
- (a) local public notice, under section 1.7 of the LG Act, must be given of the matter determined;
 - (b) the determination becomes effective only after local public notice has been given;
 - (c) the determination remains in force until it is amended or revoked under this clause; and
 - (d) the determination (including any amendment or revocation) must be recorded in a publicly accessible register of determinations that must be maintained by the local government.
- (2) A determination may be amended or revoked by giving local public notice of the amendment or revocation under section 1.7 of the LG Act.
- (3) The amendment or revocation becomes effective only after local public notice has been given.

10. Clause 2.1(2)(b) amended

In clause 2.1(2)(b) delete “Local Law” and insert:

local law

11. Clause 2.6(1) amended

In clause 2.6(1) delete “The local government or an authorised person” and insert:

An authorised person

12. Clause 2.7(b) amended

In clause 2.7(b) delete “or an authorised person”.

13. Clause 2.8 amended

- (1) In clause 2.8(2) delete “or an authorised person”.
- (2) In clause 2.8(3)(c) delete “or the authorised person”.

14. Clause 2.9(b) amended

In clause 2.9(b) delete “or an authorised person”.

15. Clause 2.10 replaced

Delete clause 2.10 and insert:

2.10 Verge collections

- (1) This clause applies in respect of a verge waste collection (such as a green waste, or a bulk waste, verge collection) that the local government —
 - (a) has advertised for all or part of its district; or
 - (b) has arranged for one or more specified properties.
- (2) Unless with and in accordance with the approval of the local government, a person —
 - (a) must deposit waste only during the period of time, and in accordance with other terms and conditions specified in the advertisement or the arrangement made by the local government in relation to that verge waste collection; and
 - (b) must otherwise comply with those terms and conditions.
- (3) Where waste has been deposited on a verge for a verge waste collection, a person must not remove any of that waste for a commercial purpose but may remove it for any other purpose.
- (4) Except where waste is lawfully removed from a verge under this clause, a person must not disassemble, or tamper with any waste deposited on a verge for a verge waste collection so as to increase the risk of harm to any person.
- (5) Clause 2.10(3) does not apply to the local government or a person engaged or contracted by the local government in relation to the verge waste collection.

16. Clause 3.1 replaced

Delete clause 3.1 and insert:

3.1 Duties of an owner or occupier

- (1) In this clause —

bin includes a receptacle.
- (2) An owner or occupier of premises must —
 - (a) take reasonable steps to ensure that —
 - (i) a sufficient number of bins are provided to contain all waste which accumulates or may accumulate in or from the premises; and
 - (ii) all waste that accumulates on the premises is placed in the bins;
 - (b) ensure that —
 - (i) each bin is kept clean and in good condition and repair; and

- (ii) unless it is a receptacle (waste from which is collected and removed from the premises by the local government or its contractor), each bin is emptied regularly;
- (c) take all reasonable steps to —
 - (i) prevent fly breeding and keep each bin free of flies, maggots, cockroaches, rodents and other vectors of disease; and
 - (ii) prevent the emission of offensive or noxious odours from each bin;
- (d) ensure that each bin does not cause a nuisance to an occupier of adjoining premises; and
- (e) whenever directed to do so by an authorised person, thoroughly clean, disinfect, deodorise and apply a residual insecticide to each bin.

17. Clause 3.1A inserted

After clause 3.1 insert:

3.1A Suitable enclosure

- (1) In this clause —

suitable enclosure means an enclosure —

- (a) of sufficient size to accommodate all bins used on the premises but, in any event, having a floor area not less than the size approved by the local government;
- (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other smooth and impervious material of suitable thickness approved by the local government;
- (c) having a width of at least 2m, with walls not less than 1.8m high and an access way not less than 1m wide and fitted with a self-closing gate; and
- (d) containing a smooth and impervious floor that —
 - (i) is not less than 75mm thick; and
 - (ii) is evenly graded to an approved liquid refuse disposal system.

- (2) An owner or occupier of premises that —

- (a) consist of more than 5 dwellings; or
- (b) are used for commercial or industrial purposes,

must, if required by the local government —

- (c) provide a suitable enclosure for the storage and cleaning of all bins used on the premises; and

install in the enclosure a tap connected to an adequate supply of water.

- (3) An owner or occupier of premises required to provide a suitable enclosure under this clause must keep the enclosure thoroughly clean and disinfected.

18. Clause 3.2 amended

- (1) In clause 3.2(1)(c) delete “or an authorised person”.
- (2) In clause 3.2(2)(a) delete “or an authorised person”.

19. Clause 3.3 amended

In clause 3.3 delete “or an authorised person”.

20. Clause 3.4 inserted

After clause 3.3 insert:

3.4 Building and development sites

- (1) In this clause —

building site means any land in respect of which a building permit issued under the *Building Act 2011* is current and on which commenced work has commenced; and

development site includes any land in respect of which there is a current development or subdivision approval, and any land on which construction work, earthworks, clearing of scrub, trees or overgrowth or any other site works are taking or have taken place, whether or not the works are subject to a development or subdivision approval.

- (2) The owner or occupier of a building site or development site must, at all times, provide and maintain one or more bins, available for use on the site, that are designed —
 - (a) to contain any waste likely to be produced on the site; and
 - (b) to prevent waste being blown from the bin by wind.
- (3) From the commencement until the completion of works on a building site or development site, the owner or occupier must take reasonable steps —
 - (a) to ensure that all waste on the land is placed and contained in the bin and prevented from being blown from the site by wind;
 - (b) keep the site as free as is reasonably practicable from any waste;
 - (c) maintain the verge immediately adjacent to the site free of waste from the site; and
 - (d) ensure that the bin is emptied when full.
- (4) The owner or occupier of a building site or development site must ensure that, within 2 days of the completion of works on the site —

- (a) the site and the verge immediately adjacent to it are cleared of all waste; and
- (b) all bins are removed from the site.

21. Clause 4.3(3) amended

- (1) In clause 4.3(3) delete “The local government or an authorised person” and insert:
An authorised person
- (2) In clause 4.3(3) delete “the local government or the authorised person” and insert:
an authorised person

22. Clause 4.4(1) amended

In clause 4.4(1) delete “the local government or”.

23. Heading to Part 5 amended

Delete the heading to Part 5 and insert:

PART 5 – OBJECTION AND REVIEW RIGHTS

24. Heading to clause 5.1 amended

Delete the heading to clause 5.1 and insert:

5.1 Objection and review

25. Clause 5.1 amended

- (1) In clause 5.1(c) delete “approval” and insert:
authorisation
- (2) In clause 5.1(d) delete “clause 2.10(1)” and insert:
clause 2.10(2)
- (3) In clause 5.1(f) delete “clause 3.2(2)” and insert:
clause 3.2(2)(a)

26. Clauses 5.2 to 5.5 deleted

Delete clauses 5.2 to 5.5.

27. Part 6 inserted

After clause 5.1 insert:

PART 6 – ENFORCEMENT

6.1 False or misleading statement

A person must not make a false or misleading statement in connection with an application in respect of an approval, exemption or authorisation.

6.2 Legal proceedings and evidence

Provisions relating to legal proceedings and evidence are contained in Subdivisions 3 and 4 of Division 2 of Part 9 of the LG Act.

6.3 Offences and general penalty

- (1) A person who —
 - (a) fails to do anything required or directed to be done under this local law;
or
 - (b) does an act or omits to do an act contrary to this local law,
commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction —
 - (a) to a penalty not exceeding \$5,000; and
 - (b) if the offence is a continuing offence, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

6.4 Prescribed offences and modified penalties

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of the LG Act section 9.16(1).
- (2) In accordance with section 9.16 of the LG Act, an authorised person who has reason to believe that a person has committed an offence against this local law may, within 28 days after the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.
- (3) In accordance with section 9.17 of the LG Act, a person who does not contest an allegation that they have committed the offence against this local law may, within the time specified in an infringement notice or within such further time as may, in any particular case, be allowed by the CEO, pay the modified penalty for that offence which, in accordance with section 9.21 of the LG Act, has the effect of preventing the local government from commencing a prosecution for the alleged offence.
- (4) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 2 —
 - (a) in the case of a first offence the modified penalty will be that prescribed in column 4 of that Schedule; and
 - (b) in the case of a subsequent offence the modified penalty will be that prescribed in column 5 of that Schedule.

- (5) Provisions relating to modified penalties in general are contained in Subdivision 2 of Division 2 of Part 9 of the LG Act.

6.5 Other costs and expenses

- (1) A person who is convicted of an offence under this local law is to be liable, in addition to any penalty imposed under clause 6.3, to pay to the local government the costs and expenses incurred by the local government in taking remedial action such as —
- (a) removing and lawfully disposing of toxic, hazardous or poisonous waste; or
 - (b) making good any damage caused to a waste facility.
- (2) The costs and expenses incurred by the local government are to be recoverable, as a debt due to the local government, in a court of competent jurisdiction.

6.6 Form of notices

- (1) Where a vehicle is involved in the commission of an offence, the form of the notice referred to section 9.13 of the LG Act is that of Form 1 in Schedule 1 of the LG Regulations.
- (2) The form of the infringement notice given under section 9.16 of the LG Act is that of Form 2 in Schedule 1 of the LG Regulations.
- (3) The form of the infringement withdrawal notice given under section 9.20 of the LG Act is that of Form 3 in Schedule 1 of the LG Regulations.

28. Schedule 2 replaced

Delete Schedule 2 and insert:

Item no.	Clause no.	Description	Modified penalty	Modified penalty - subsequent offence
1	2.1(2)(a)	Failing to pay fee or charge	\$250	\$500
2	2.1(2)(b)	Failing to ensure lawful use of receptacle	\$250	\$500
3	2.2(1)	Depositing non– collectable waste in a receptacle	\$250	\$500
4	2.2(2)	Depositing waste in another receptacle without consent	\$500	\$750
5	2.3(1)	Exceeding weight capacity of a general waste receptacle	\$250	\$500
6	2.3(2) and (3)	Depositing unauthorised waste in a general waste receptacle	\$250	\$500
7	2.4(a)	Depositing unauthorised waste in a recycling waste receptacle	\$250	\$500
8	2.4(b) and (c)	Exceeding weight capacity of a recycling waste receptacle	\$250	\$500
9	2.5(a)	Depositing unauthorised waste in an organic waste receptacle	\$250	\$500

Item no.	Clause no.	Description	Modified penalty	Modified penalty - subsequent offence
10	2.5(b) and (c)	Exceeding weight capacity of an organic waste receptacle	\$250	\$500
11	2.6(3)	Failing to comply with a direction concerning placement or removal of a receptacle	\$250	\$500
12	2.7(a)	Failing to keep a receptacle in the required location	\$250	\$500
13	2.7(b)	Failing to place a receptacle for collection in a lawful position	\$250	\$500
14	2.7 (c)	Failing to provide a sufficient number of receptacles	\$250	\$500
15	2.7(d)	Failing to notify of a lost, stolen, damaged or defective receptacle	\$250	\$500
16	2.9(a)	Damaging, destroying or interfering with a receptacle	\$500	\$750
17	2.9(b)	Removing a receptacle from premises	\$500	\$750
18	2.10(2)	Failing to comply with a term or condition of verge waste collection	\$250	\$500
19	2.10(3)	Removing waste for commercial purposes	\$250	\$500
20	2.10(4)	Disassembling or tampering with deposited for collection	\$250	\$500
21	3.1(2)(a)(i)	Failing to provide a sufficient number of bins	\$250	\$500
22	3.1(2)(b)(i)	Failing to keep a bin clean and in a good condition and repair	\$250	\$500
23	3.1(2)(b)(ii)	Failing to empty a bin regularly	\$250	\$500
24	3.1(2)(c)(i)	Failing to prevent fly breeding and vectors of disease in a bin	\$250	\$500
25	3.1(2)(c)(ii)	Failing to prevent the emission of offensive odours from a bin	\$250	\$500
26	3.1(2)(d)	Allowing a bin to cause a nuisance	\$500	\$750
27	3.1(2)(e)	Failing to comply with a direction to clean, disinfect or deodorise a bin	\$250	\$500
28	3.1A(2)	Failure to comply with suitable enclosure requirements	\$500	\$750
29	3.1A(3)	Failure to keep enclosure clean and disinfected	\$500	\$750
30	3.2(1)	Unauthorised removal of waste from premises	\$250	\$500
31	3.2(2)	Removing waste from a receptacle without approval	\$250	\$500
32	3.3(a)	Depositing unauthorised waste into waste receptacle provided for use of the general public	\$500	\$750
33	3.3(b)	Removing waste from waste receptacle provided for use of the general public	\$250	\$500
34	3.4(2)	Failing to provide and maintain required bins	\$500	\$750
35	3.4(3)(a)	Failing to ensure waste not blown from bins	\$500	\$750
36	3.4(3)(b)	Failing to keep site free of waste	\$500	\$750
37	3.4(3)(c)	Failing to maintain verge free of waste	\$500	\$750
38	3.4(3)(d)	Failing to ensure bin is emptied when full	\$500	\$750

Item no.	Clause no.	Description	Modified penalty	Modified penalty - subsequent offence
39	3.4(4)(a)	Failing to clear site of all waste	\$500	\$750
40	3.4(4)(b)	Failing to remove bins from site	\$500	\$750
41	4.3(2)	Failing to comply with a sign or direction	\$250	\$500
42	4.3(4)	Failing to comply with a direction to leave	\$250	\$500
43	4.4(1)	Disposing waste without payment of fee or charge	\$500	\$750
44	4.5(1)	Depositing waste contrary to sign or direction	\$250	\$500
45	4.6(1)(a)	Removing waste without authority in a waste facility	\$500	\$750
46	4.6(1)(b)	Depositing toxic, poisonous or hazardous waste at a waste facility	\$500	\$750
47	4.6(1)(c)	Lighting a fire in a waste facility	\$500	\$750
48	4.6(1)(d)	Removing or interfering with any flora in a waste facility	\$250	\$500
49	4.6(1)(e)	Removing or interfering with any fauna without approval in a waste facility	\$250	\$500
50	4.6(1)(f)	Damaging, defacing or destroying any building, equipment, plant or property within a waste facility	\$500	\$750
51	4.6(2)	Acting in an abusive or threatening manner	\$500	\$750

Dated: 25 August 2026.

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

.....
LOGAN K HOWLETT
MAYOR

.....
DANIEL SIMMS
CHIEF EXECUTIVE OFFICER